

Policy Information

Series 4000 - Personnel

Non-Represented Employees

Policy # 4250

The Board recognizes the importance of employing qualified and competent personnel in all positions in the School District. The Board shall approve the employment, fix the compensation and establish terms and conditions for each person employed by the District. All employees not included in a negotiation unit and any employee who does not have an individual employment contract (hereinafter referred to as “non-represented employees”) shall be subject to this policy; provided, however, the provisions below may be added to or modified by existing or future supplemental terms and conditions agreements entered into between the District and a non-represented employee.

Non-represented employees shall be entitled to:

1. COMPENSATION AND EVALUATION

A. **SALARY:** The salaries and benefits of non-represented employees shall be determined annually by the Board of Education or otherwise from time to time based upon the management needs of the District, upon the recommendation of the Superintendent of Schools.

B. **EVALUATION:** An evaluation and performance review of each non-represented employee, based upon his/her job description and mutually selected objectives, shall be performed annually by the non-represented employee's immediate supervisor. The evaluation shall contain both positive and negative comments relative to the non-represented employee's performance and shall be presented to the non-represented employee on or before May 1st of each year. Informal reviews shall be performed as needed.

2. **WORK YEAR/WORK DAY:** The work year and work day of non-represented employees shall correspond to that of the Superintendent and his/her administrative staff.

3. LEAVES OF ABSENCE

A. **VACATION:** 25 days per year, accrued monthly at the rate of 2.083 days per month.

B. **PERSONAL LEAVE:** 5 days per year, accrued monthly at the rate of .417 day per month; unused personal leave is added to accumulated sick leave.

C. **SICK LEAVE:** 15 days per year, accrued monthly at the rate of 1.25 days per month; unused sick leave accumulates yearly.

D. **SICK BANK:** Eligible to participate in the ALA Sick Leave Bank.

E. **BEREAVEMENT LEAVE:** 5 days per year, accrued monthly at the rate of .417 days per month, for a death in the family. This leave is not accumulative.

F. **WORKERS' COMPENSATION:** Non-represented employees are covered by the provisions of the Workers' Compensation laws. Non-represented employees who are absent from work because of occupational injury or disease as defined by the Workers' Compensation Law may, at the District's discretion, pending adjudication of their case, be granted leave with full pay and such leave shall not be charged against sick leave, provided that the non-represented employee pays to the District the workers compensation benefit received for such absence.

G. **JURY DUTY:** If required to perform jury duty, the employee shall receive full pay from the District and shall waive the pay for jury duty service.

4. INSURANCE BENEFITS

A. **MEDICAL BENEFITS:** Hospitalization/Major Medical Health Insurance for the eligible non-represented employee and their dependents, with the non-represented employee contributing 20% of the annual premium.

The non-represented employee may participate in the District's Section 125 Internal Revenue Code Flexible Benefits Plan.

B. **DENTAL/WELFARE BENEFITS:** The Board shall provide funds for a dental health program and a welfare fund program at an annual rate not less than the amount provided for bargaining unit employees in the LFT bargaining unit.

C. **MEDICAL BENEFITS AT THE TIME OF RETIREMENT:** Non-represented employees with 10 or more years of District service immediately preceding retirement in order to receive retirement benefits from the New York State Teachers' Retirement System or the New York State Local and Employees' Retirement System shall be entitled to District contributions towards the cost of health insurance premiums in retirement as follows:

60% towards the cost of family coverage

75% towards the cost of individual coverage

In no event shall the retired non-represented employee contribute less than 40% towards the cost of family coverage and 25% towards the cost of individual coverage under the District's plan or an H.M.O. made available through the District. The District's funding obligation towards the premium costs of any H.M.O. shall not exceed its dollar contribution level towards premiums in the District's health plan.

Dental/Welfare benefits will be available at the retired non-represented employee's expense.

D. **LIFE INSURANCE:** Non-represented employees are provided with term life insurance in the amount of twice the non-represented employee's annual salary rounded up to the next thousand dollars.

E. **UNEMPLOYMENT INSURANCE:** Non-represented employees are provided with unemployment insurance benefits on a non-contributory basis with eligibility and benefits determined by the New York State Department of Labor, Unemployment Insurance Division.

5. RETIREMENT

The Board of Education provides retirement benefits for the non-represented employees through the New York State Teachers' Retirement System and the New York State Local and Employees' Retirements System. Provisions are the same as those of the certified and classified bargaining units of the District.

Non-represented employees are covered by Social Security.

6. MISCELLANEOUS

A. **MILEAGE AND EXPENSES:** Non-represented employees are reimbursed for necessary expenses incurred in the performance of their duties. The prevailing IRS mileage rate is used for approved school business travel.

B. **ANNUAL PHYSICAL EXAMINATION:** Non-represented employees are reimbursed for that portion of the cost of an optional complete annual physical examination which is not covered by the non-represented employee's health insurance benefits from any source.

7. RECOGNITION

The following positions, listed with current titles, are not represented by a bargaining unit:

Executive Group:

- Assistant Superintendent for Instruction
- Assistant Superintendent for Business and Finance
- Assistant Superintendent for Human Resources
- Assistant Superintendent for Pupil Personnel Services

Staff/Supervisory Group:

- Secretary to the Superintendent of Schools
- District Treasurer
- Confidential Secretary to the Assistant Superintendent for Business

This policy contains the salary, benefits and conditions of employment for non-represented employees, except for those salaries, benefits and conditions of employment that may otherwise be set forth in a non-durational terms and conditions agreement executed on an individual basis with members of the Executive Group.

Adoption Date: 1/22/2015
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Equal Opportunity/Nondiscrimination

Policy # 4110

The Board of Education reaffirms its commitment to nondiscrimination and equal educational and employment opportunities in all of its decisions, programs and activities, as follows:

The Board of Education, its officers, employees and agents, shall not discriminate in its programs and activities on the basis of race, color, national origin, creed, religion (including but not limited to anti-Semitism), marital status, military status, political affiliation, sexual orientation, predisposing genetic characteristics, gender, age, disability, domestic violence victim status, criminal arrest or conviction record or any other basis prohibited by state or federal nondiscrimination laws in its educational programs or employment practices.

This policy of nondiscrimination includes, but is not limited to: access by students to educational programs, counseling services, course offerings and student activities; recruit and appointment of employees, as well as their compensation, benefits, opportunities for advancement and/or termination.

This policy applies equally to discrimination or harassment of a student or employee by a student, employee, Board member or any individual who foreseeably may come in contact with such individual on

school grounds or at school activities.

The Board of Education, its officers and employees, shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

Any student or employee who believes that he or she has been the subject of discrimination or harassment or who knows or has reason to believe that another student or employee is or has been subject to discrimination or harassment is required to inform the appropriate official designated by the School District to hear such complaints of alleged discrimination. The designated official shall provide complainant with information regarding the School District's policy prohibiting discrimination and the grievance/complaint procedures available to such individual.

All complainants and those who participate in the investigation of a complaint in accordance with law and Board policies, who have acted reasonable and in good faith, have the right to be free from retaliation of any kind.

The following individuals are designated as compliance officers to hear complaints of alleged discrimination:

Title IX Officer - Gender/Sexual Orientation - Students –Assistant Superintendent for Instruction and Director of Guidance

Title VII Officer - Gender/Sexual Orientation - Employees – Assistant Superintendent for Instruction and Director of Guidance

Title VI Officer - Race, Color, National Origin, Creed, Religion – Assistant Superintendent for Instruction

Section 504/Title II ADA Responsible Person - Disability – Assistant Superintendent for Pupil Personnel Services

EEO Officer - All Other Discrimination – Superintendent of Schools

In the event that the specific compliance officer is the alleged offender, a complaint shall be directed to another compliance officer or the Superintendent of Schools.

At the beginning of each school year, the District shall publish a notice of the established grievance procedures for resolving complaints of discrimination and harassment to parents/guardians, employees, students and the community. This notice shall:

- Inform parents, students and the community that educational programs are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (including gender identity and expression);
- include the names, addresses and telephone numbers of the individuals responsible for handling complaints and grievances regarding discrimination.

This notice will be included in announcements, bulletins, and applications made available by the District.

Nothing in this Policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

The Superintendent of Schools is authorized to establish such rules, regulations and procedures necessary to implement this policy.

Policy References:

Ref:

Title VI, Civil Rights Act of 1964

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

Title IX, Education Amendments of 1972

Rehabilitation Act of 1973, §504

Individual with Disabilities Education Act (IDEA)

Americans with Disabilities Act (ADA)

Age Discrimination in Employment Act of 1967(ADEA)

Genetic Information Nondiscrimination Act of 2008 (GINA)

EEOC Guidelines (29 CFR Part 1609.1 and 1609.2)

New York State Human Rights Law (Executive Law, Article 15)

The Dignity for All Students Act (Education Law, Article 2)

Civil Rights Law Section 40-c

Civil Service Law Section 75-B

Corrections Law Sections 752-754

Military Law Sections 242 and 243

Policy Cross References:

» 5110 - Equal Opportunity/Nondiscrimination

Adoption Date: 1/17/2002, Revised: 3/19/2015; 11/18/2004, 12/04/2003, 8/10/2006/06/14/2012
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Appointment

Policy # 4112

The goal of the Board of Education is to employ the best qualified people available in all positions regardless of race, color, national origin, creed, religion, marital status, military status, political affiliation, sexual orientation, predisposing genetic characteristics, gender, age, disability, domestic violence victim status, criminal arrest or conviction record or any other basis prohibited by state or federal nondiscrimination laws*. Appointments shall be made by the Board of Education upon the recommendation of the Superintendent.

All persons appointed shall be notified by the Superintendent or designee. The Superintendent shall also be responsible for the maintenance of accurate records of all employees and their service.

Notwithstanding the above, the Superintendent shall be authorized to place individuals on the payroll and utilize their services on a temporary basis, to fill an essential position (e.g., an aide for a special education student, classroom teacher), subject to Board approval at its next meeting. All individuals whose services are utilized on a temporary basis shall have been interviewed and satisfactorily completed the District's hiring process.

Policy References:

Ref:

Title VI, Civil Rights Act of 1964

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

Title IX, Education Amendments of 1972

Rehabilitation Act of 1973, §504

Individual with Disabilities Education Act (IDEA)

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Genetic Information Nondiscrimination Act of 2008 (GINA)
EEOC Guidelines (29 CFR Part 1609.1 and 1609.2)
New York State Human Rights Law (Executive Law, Article 15)
The Dignity for All Students Act (Education Law, Article 2)
Civil Rights Law Section 40-c
Civil Service Law Section 75-B
Corrections Law Sections 752-754
Military Law Sections 242 and 243

Adoption Date: 2/13/1975, Revised: 3/19/2015; 10/08/1992,12/17/1999, 04/05/2001, 12/04/2003
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Background Checks of New Hires

Policy # 4112.1

In accordance with law all employees of the District hired on or after July 1, 2001 must receive clearance from the New York State Education Department prior to commencing employment in the District. Full clearance is based upon the New York State Division of Criminal Justice Services reviewing and reporting on the individual's criminal background to the State Education Department and the same process being implemented by the Federal Bureau of Investigation. Conditionally cleared employees are those that have been cleared by the State system but have not yet been cleared by the Federal system. Conditional appointments are valid for 45 days unless the State Education Department issues a new conditional clearance within the 45 day period.

An emergency conditional appointment may be made, upon the recommendation of the Superintendent, and is based upon an unforeseen emergency vacancy that occurs less than ten (10) business days before the start of any school session or mid-session when there is insufficient notice to allow for clearance or conditional clearance or, where the District has made good faith efforts to fill such vacancy in a manner that would have allowed sufficient time for clearance or conditional clearance of a prospective employee and the District has been unable to secure such clearance. Emergency conditional appointments are valid for no more than twenty (20) business days from the date of emergency conditional appointment.

For the safety and security of students, it is the policy of the District to exercise heightened administrative supervision at the building level over conditionally cleared prospective employees until full clearance is reported by the Commissioner of Education.

Upon receipt of a final determination from the State Education Department following the required criminal background check, the conditional nature of the appointment shall be converted into a regular appointment without further action by the Board of Education. If final clearance for employment is not granted by the State Education Department, the Board of Education shall terminate the conditional appointment immediately

Adoption Date: 2/17/2000, Revised: 3/19/2015
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School Safety

Policy # 4113

The Board of Education believes that the safety of students and staff while in the School District's buildings is paramount. As part of the School District's safety program, all employees of the School District are required to wear a District-issued Identification Badge during the instructional day and for after-school activities.

The School District will issue an Identification Badge to each employee at the start of each school year. If the Identification Badge is damaged, destroyed or lost, the School District will replace the ID Badge once during a school year. Any further replacements will be at the employee's cost and expense.

Ten and eleven month employees must return their Identification Badges to the school where he or she works at the end of each school year.

Policy References:

Cross-Ref: Policy 1250, Visits to the Schools

Adoption Date: 10/18/2007
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Policy Information**Series 4000 - Personnel****Health Examination**

Policy # 4114.1

At the discretion of the Board of Education, an employee may be required to have a medical examination by the District's Chief Medical Officer and/or other physicians of the District's choosing to determine his or her physical or mental fitness to perform his or her duties. The cost of the examination shall be borne by the District.

In cases where, in the opinion of the District's Chief Medical Officer, the employee has a contagious disease or other condition which would in any way endanger pupils or other personnel, or is physically or mentally unable to perform his or her duties, the Superintendent shall make a recommendation to the Board of Education as to the appropriate disposition of the case.

Policy References:

§913, Education Law

Adoption Date: 12/3/1964, Revised: 12/17/1990; 02/13/1975, 10/08/1992 Reviewed: 03/16/2015
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Policy Information**Series 4000 - Personnel****Health - HIV-Related Illness**

Policy # 4114.2

The Board of Education is mindful of the concern expressed by the public over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus Infection (HIV). The Board also recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the school setting.

The Board acknowledges the rights of those students diagnosed as having AIDS or HIV infection to continue their education, the rights and interest of those employees diagnosed as having AIDS or HIV infection to continue their employment, as well as the rights and interests of all students and employees in

the School District to learn and work without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations, the disclosure of confidential AIDS and/or HIV-related information must be strictly limited.

Therefore, it is the policy of the Board:

- a) To ensure, insofar as feasible, that each student attending school in the Lakeland Central School District and each employee of the District is in a state of physical health which does not endanger the student's or employee's own health or the health of others; and
- b) That no student shall be denied the opportunity to attend school, continue his/her education or participate in school-related activities solely on the basis of being diagnosed as having AIDS or HIV infection; and
- c) That no employee shall be prevented from continuing his/her employment solely on the basis of being diagnosed as having AIDS or HIV infection; and
- d) To prevent any student or employee from being subjected to discriminatory treatment or stigma solely because he or she has been diagnosed as having AIDS or HIV infection.

The Superintendent of Schools is directed to develop and maintain an updated District-wide exposure control plan which includes:

- a) Routine sanitary hygiene procedures for dealing with all spills of blood and other body fluids in or on school premises and grounds. The Superintendent shall consult with the school physician and/or public health officials, as appropriate, for the most current methods and information regarding these procedures; and
- b) In-service education and training for school personnel concerning AIDS and HIV infection and the routine sanitary hygiene procedures to be followed in the case of spills of blood and other bodily fluids; and
- c) Confidentiality of HIV-related information.

An educational program regarding AIDS and HIV infection will be provided for employees on an annual basis.

Policy References:

Public Health Law, Article 27-F
Executive Law, § 296
§ 504 of the Rehabilitation Act
29 CFR 1910.1030

Policy Cross References:

» 5141.2 - Health -- HIV-Related Illness

Adoption Date: 8/18/1988, Revised: 11/19/2009; 10/08/1992, 12/17/1999, Reviewed: 03/16/2015, Reviewed: 11/23/2015
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Drug/Alcohol Policy

Policy # 4115

The Board of Education of the Lakeland Central School District is committed to the prevention of

alcohol, tobacco products and/or other substance use/abuse. This policy describes the philosophy of the District and the program elements the Board of Education will use to promote healthy lifestyles for its students and staff and to prevent the use/abuse of alcohol, tobacco products and other substances on School District premises.

No person may use, possess, sell or distribute alcohol, tobacco products or other substances, as specified herein, nor may s/he use or possess drug paraphernalia on School District premises, in school vehicles or at school-sponsored events, whether on or off school premises, except medications as prescribed by a physician. The terms "alcohol and other substances, including but not limited to alcohol, tobacco products, 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, any person who has consumed or used or is in possession of or under the influence of any of the aforementioned substances shall be prohibited from entering or remaining upon School District premises or at school-sponsored events, whether on or off of school premises.

PHILOSOPHY

The District shall use the following principals as guides for the development of its substance use/abuse prevention policy and for any disciplinary measures related to alcohol and other substances:

- Alcohol, tobacco products and other substance use/abuse is preventable and treatable.
- Alcohol, tobacco products and other substance use/abuse inhibits the Board of Education from carrying out its central mission of educating students.
- The behavior of the Board of Education, the administration and all school staff should model the behavior asked of students.
- While the Board of Education will assume a leadership role in alcohol, tobacco products and other substance use/abuse prevention, this goal may be accomplished only through coordinated, collaborative efforts with parents, students, staff, and the community as a whole.

PRIMARY PREVENTION

The intent of primary prevention is to prevent the use of alcohol, tobacco products and other substance use/abuse by students. The components of this programming shall include:

1. A sequential K-12 prevention curriculum that provides for:
 - Accurate and age-appropriate information about alcohol, tobacco products and other substances, including the physical, psychological and social consequences of their use/abuse.
 - Information about the relationship of alcohol and other substance use/abuse to other health compromising situations such as AIDS, child abuse, suicide and dropping out of school.
 - Helping students develop appropriate life skills to resist the use of alcohol, tobacco products and other substances and to promote healthy lifestyles.
 - Helping students identify personal risk factors from alcohol, tobacco products and other substance use/abuse and the steps needed for risk reduction.
 - Helping students develop a positive self-concept.
 - Helping students identify when they are under stress and how to manage or reduce stress through non-chemical means.
1. Provide opportunity for parents and guardians to gain information necessary to reinforce the components of this policy in the home and community, thereby providing a consistent message to School District youth.
2. Positive alternatives to alcohol, tobacco products and other substance use/abuse, such as peer leadership programs, service projects and extra-curricular activities. Such activities will be planned collaboratively with students, parents and community members.

INTERVENTIONS

Students

The intent of intervention programming is to attempt to eliminate any existing use/abuse of alcohol, tobacco products and other substances, and to identify and provide supportive services to kindergarten through 12th grade students at high risk for such use/abuse. The components of such programming shall include:

1. Providing limited alcohol, tobacco products and other substance use/abuse assessment and counseling services for students.
2. Developing a referral process between the School District and community providers.
3. Attempt to identify and refer students to appropriate agencies, cessation programs and services when their use/abuse of alcohol, tobacco products and/or controlled substances requires counseling and/or treatment.
4. Assist in coordinating the communications between student, family, school and therapist/agency, relative to the treatment process.
5. Providing short term services to students in or returning from treatment to assist in the process of recovery initiated in the treatment program.
6. Providing educational opportunities for parents on when and how to access the District's intervention services.
7. Confidentiality: The intent of the Board of Education is to work with parents to maintain the health and safety of their children. Therefore, parents will be informed of use/abuse of alcohol, tobacco products and/or other substances of their children, unless prohibited by law.

Employees

The District shall provide information to employees about available drug, tobacco products and alcohol counseling, rehabilitation and re-entry programs.

STAFF DEVELOPMENT

The Board of Education recognizes that if the administrative and instructional staff are to be responsible for implementing and modeling this policy during the school day, they should be encouraged to gain an understanding of an effective alcohol, tobacco products and other substance prevention program. Staff training should be an on-going process. The Board of Education will encourage the administrative and instructional staff to develop skills appropriate to the implementation of this policy.

IMPLEMENTATION, DISSEMINATION AND MONITORING

The Board of Education charges the Superintendent with the responsibility to coordinate School District staff, parents, students and community members in developing the specific programs and strategies necessary to implement this policy.

Upon adoption, copies of this policy will be made available to all District staff, students and parents.

The Superintendent is responsible for providing the Board with periodic reviews of this policy and his/her recommendation for revisions in this policy.

DISCIPLINARY ACTION

Students

Students found to be in violation of this Policy shall be subject to disciplinary action in accordance with the policies of the Board of Education, the regulations of the District and the Code of Conduct. The student's disciplinary records will note the cause and duration of any disciplinary action resulting from a violation of this Policy. Students who are disciplined for violation of this Policy will also be referred to the intervention services established by this policy.

Employees

Employees found to be in violation of this Policy shall be subject to disciplinary action, up to and including termination from employment and referral for prosecution, in accordance with law and applicable collectively negotiated agreements.

Policy Cross References:

» 5131.6 - Drug/Alcohol Policy

Adoption Date: 9/13/1990, Revised: 6/9/2016; 09/20/2001, 12/15/1992, 02/11/93, 12/16/1999, 02/17/2000
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Policy Information**Series 4000 - Personnel****Alcohol and Drug Testing of Employees in Safety-sensitive Positions**

Policy # 4115.1

Recognizing the dangers inherent in alcohol and drug use by employees, especially those in safety-sensitive positions, and to ensure the safety of its students and staff, the Board, in accordance with Federal Law and Regulations, hereby requires alcohol and drug testing of all employees in safety-sensitive positions.

The District shall implement and conduct a program to provide alcohol and drug testing of employees in safety-sensitive positions.

Drug tests shall be conducted at the time of employment and drug and/or alcohol tests shall be conducted at the time of transfer to a safety-sensitive position. Thereafter, drug and/or alcohol tests shall be conducted randomly throughout the school year, as recommended by the Federal Highway Authority. In addition, testing will be ordered if the supervisor or other appropriately trained school official has a "reasonable suspicion" that the employee has engaged in prohibited drug or alcohol use (including but not limited to frequent absences, tardiness, mood swings, failure to follow directions, appearance, behavior, speech or body odors characteristic of controlled substance or alcohol use or misuse), after a determination by the superintendent that the "reasonable suspicion" standard has been met. All employee drug and alcohol testing records shall be kept confidential.

An employee in a safety-sensitive position will not be permitted to perform safety-sensitive functions, including driving, if:

- The employee possesses alcohol or uses alcohol or drugs while on duty;
- The employee uses alcohol within four (4) hours of driving duty;
- The employee has an alcohol concentration of .04 or higher or tests positive for drugs;
- The employee uses alcohol within eight (8) hours after being involved in an accident in which there was a fatality or in which the bus driver received a moving violation and there either was an injury treated away from the scene or a disabled vehicle was towed from the scene;
- There is a reasonable suspicion that the employee has engaged in prohibited alcohol or drug use; or
- The employee refuses to take a required alcohol or drug test.

If the employee has a small amount of alcohol in his/her system (.02 or greater, but less than .04), s/he will not be permitted to perform the safety-sensitive function (such as driving) until the start of the employee's next regularly scheduled duty period, but no less than 24 hours following administration of the test.

If an employee in a safety-sensitive position has engaged in prohibited alcohol use (.04 or greater) or drug use, s/he may not return to duty unless s/he has been evaluated by a substance abuse professional; has

complied with any recommended treatment program; and has satisfactorily passed required alcohol and/or drug tests. Thereafter, s/he will be subject to unannounced follow-up testing.

Notwithstanding the above, it shall be the policy of the Board to discipline all employees who violate this policy, in accordance with law, District Policy and any applicable collectively negotiated agreement.

This policy and any implementing regulations, the testing requirements of the Federal Regulations and information on alcohol and drug abuse and treatment resources shall be provided to all employees in safety-sensitive positions at the start of each school year or upon hire or transfer to a safety-sensitive position. Such employees shall also be advised of the consequences of a positive alcohol and/or drug test and the individual to contact within the District from whom to seek further information and/or assistance.

The Transportation Supervisor shall maintain records of alcohol and substance abuse prevention and training programs annually, on a calendar year basis. Such records will be made available, upon request, for submission to the federal government by March 15th.

For transportation services which are contracted for, the District shall audit the contractor's drug and alcohol abuse testing program.

The Superintendent shall establish regulations to implement this policy.

Policy References:

Omnibus Transportation Employee Testing Act of 1991

49 USC §521(b)

49 CFR Part 382, Part 40 and §395.20

Adoption Date: 12/13/1994, Revised: 12/17/1999; Reviewed: 03/16/2015
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Drug Sniffing Dogs

Policy # 4115.2

It is the policy of the Lakeland School District to apply a "Zero Tolerance" standard regarding persons, including students, who bring illegal drugs or any other substance that is illegal for them to possess in the school buildings, at other school district facilities, and on transportation vehicles. The District's Code of Conduct shall be strictly enforced with respect to any violations of the anti-drug provisions.

One method which may assist the District in the effective implementation of the District's "Zero Tolerance" standard is the use of drug-sniffing dogs. The District may arrange for drug-sniffing dogs to conduct searches of lockers (including student lockers), hallways, classrooms, closets, common areas and transportation vehicles.

The Superintendent of Schools is hereby authorized to establish administrative regulations for implementing searches carried out by drug-sniffing dogs, consistent with this policy and constitutional law standards.

Policy Cross References:

» 5144.5 - Drug-Sniffing Dogs

Adoption Date: 11/15/2001, Revised: 6/9/2016
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Drug Sniffing Dogs

Regulation Info 4115.2R

Whenever a building administrator or transportation supervisor seeks to conduct a search by the utilization of drug-sniffing dogs, prior to police contact, the approval of the Superintendent of Schools shall be required. The procedures for the search shall be as follows:

1. Prior to the first utilization of drug-sniffing dogs each school year, the building administration will provide 24-hour notice to students and staff that drug-sniffing dogs will be on the premises.
2. No student shall be present in the area where a dog will be sniffing and there shall be no sniffing of students or other persons.
3. The dog will be walked up and down the hallways, in the classrooms, common areas, other facilities or transportation vehicle to be searched.
4. If the dog stops at a specific locker, desk, closet or other location two or more times, the same shall be opened by an administrator.
5. If there is contraband (in the nature of drugs in plain sight), the same may be removed by the administrator.
6. If no contraband is in plain sight, prior to searching the contents of an enclosing article, the dog's qualifications as a reliable informant for a particular form of contraband shall be determined (e.g., training, success record in locating similar types of drug contraband).
7. If the dog's reliability cannot be determined while on-site, the search shall be deemed concluded.
8. If the dog's reliability is established:
 - In the case of a locker, desk or closet search, the occupant, where ascertainable, shall be brought to the location and asked to voluntarily go through the contents of the article, including pockets of jackets, compartments in backpacks, in the presence of the administrator while the dog and police are not in the area. Voluntary participation shall be sought by asking questions such as: "would you please empty the pockets of your jacket?"; "would you please empty the compartments of your backpack?"; "would you please empty the contents of your pocketbook?".
 - If the individual refuses to cooperate with the administration, in the case of a student, the next step shall be to contact the parent to come to school to attempt to secure the student's cooperation or to do so through telephone communications.
 - If there is a refusal to cooperate after the efforts described above, then the administrator may go through the contents of any article that was not in plain view in reliance upon the reliability of the dog's qualification. In the case of a student, the parent should be given an opportunity, if practicable, to be present at the time of an involuntary search.
9. If contraband is discovered during the search, the individual shall be questioned to be given an opportunity to admit the nature of the substance.
10. If the individual does not make an admission, the contraband shall be given to the police in order to preserve the chain of custody and the same shall be sent out for testing to determine the nature of the substance found.

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Title IX/Title VII/Section 504/Title II ADA

Policy # 4116.11

Grievance Procedure — Title IX Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973. Title VII of the Civil Rights Act and Title IT of the Americans with Disabilities Act

The Board of Education of the Lakeland School District of Shrub Oak in compliance with Section 86.8(b) or the Regulations implementing Title IX of the Education Amendments of 1972, Section 84.7 of the Regulations implementing Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act and Title II of the Americans with Disabilities Act, which laws and regulations require the adoption and publication of a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by Title IX, Section 504, Title VII or Title II/ADA, does hereby adopt the following procedure for the resolution of such complaints.

I. DEFINITIONS

1. Grievant shall mean a student, his or her parent, guardian or an employee who alleges that there has been a violation as to him or her of the following statutes or regulations promulgated thereunder: Title IX, Section 504, Title VII or Title II/ADA.
2. Grievance shall mean any alleged violation of Title IX, Section 504, Title VII or Title II/ADA or the regulations promulgated under such statutes.
3. Compliance Officer(s) shall mean the employee(s) designated by the Board to coordinate its efforts to comply with and carry out its responsibilities under Title IX, Section 504, Title VII or Title II/ADA, or the Regulations promulgated under such statutes.
4. Chief Executive Officer shall mean the Superintendent.
5. Representative shall mean any person designated by the grievant as his or her counsel or to act in his or her behalf.

II. BASIC PRINCIPLES

1. It is the intent of this procedure to provide for the prompt and equitable resolution of student and employee complaints alleging that as to them, there has been an action prohibited by Title IX, Section 504, Title VII or Title II/ADA, or the Regulations promulgated thereunder.
2. A student, his or her parents or guardian, or an employee shall have the right to present grievances in accordance with this procedure free from coercion, interference, restraint, discrimination or reprisal.
3. A grievant shall have the right to be represented at any stage of the procedure by a person or persons of his or her own choice.
4. It shall be the responsibility of the Chief Executive Officer to take such steps as may be necessary to give force and effect to this procedure.

III. STAGES**A. Stage I-Compliance Officer**

1. Within thirty (30) days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the appropriate Compliance Officer on a form to be provided by him or her. The Compliance Officer may informally discuss the grievance with the grievant. He or she shall promptly, impartially and comprehensively investigate the complaint. All employees of the School District shall cooperate with the Compliance Officer in such investigation.
2. Within twenty (20) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX, Section 504, Title VII or Title II/ADA, or that the findings are inconclusive. In the event that the Compliance Officer finds that there has been a violation, he or she shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant may, within fifteen (15) days after he or she has received the report of the Compliance Officer, file with the Chief Executive Officer or his or her designee, a written request for review by the Chief Executive Officer or his or her designee.

B. Stage II-Chief Executive Officer

1. The Chief Executive Officer may request that the grievant, the Compliance Officer, any member of the School District staff or any other person with relevant information, present a written statement to him or her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The Chief Executive Officer or his or her designee shall notify all parties concerned in the case of the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within fifteen (15) days of the receipt of the appeal by the Chief Executive Officer or his or her designee.
3. Within fifteen (15) days of the hearing, the Chief Executive Officer or his or her designee shall tender his or her determination in writing. Such determination shall include a finding that there has or has not been a violation of Title IX, Section 504, Title VII or Title II/ADA or that the findings are inconclusive and, if there has been a violation of Title IX, Section 504, Title VII or Title II/ADA, a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Chief Executive Officer or his or her designee, the grievant may, within fifteen (15) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III-Board of Education

1. When a request for review by the Board has been made, the Chief Executive Officer or his or her designee shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within fifteen (15) days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within fifteen (15) days after the hearing has been concluded.

IV. AMENDMENTS

This procedure may be amended at any time by the Board of Education.

V. DISTRIBUTION OF GRIEVANCE PROCEDURE

A copy of this procedure shall be distributed to all employees and to all students and their parents/guardian. A copy of this procedure shall be available for public inspection at reasonable times with the Clerk of the Board or at the office of the appropriate Compliance Officer,

Title IX and Title VII grievances shall be filed with the Title IX/Title VII Compliance Officer, the Director of Personnel, Lakeland Central School District, Shrub Oak, New York 10588.

Policy Cross References:

» 5145 - Title IX/Title VII/Section 504/Title II ADA

Adoption Date: 1/13/1983, Revised: 12/17/1999; 10/08/1992
4000 - Personnel

Policy Information

Series 4000 - Personnel

Tobacco Prohibition

Policy # 4116

Due to the health hazards associated with the use of tobacco products (defined to include but not be

limited to any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, electronic cigarette, spit/spitless tobacco and any other smoking or tobacco product (such as smokeless, dip, chew, snus and/or snuff) in any form as well as any nicotine delivery system (such as hookah, vaporizer), and in accordance with Federal and State law, the Board of Education prohibits smoking or other tobacco use in all school buildings, on school property, in school vehicles and at school-sponsored activities, whether on or off school property. School grounds shall include areas within 100 feet of the entrances, exits or outdoor areas of any elementary or secondary school, but shall not include smoking in a residence or within the real property boundary lines of such residential real property.

Employees in violation of this policy may be subject to discipline in accordance with law and applicable collectively negotiated agreements.

Students in violation of this policy will be subject to discipline in accordance with the Student Code of Conduct.

The District's tobacco prohibition policy shall be prominently posted in each building. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals who are smoking or using tobacco products, that they are in violation of Article 13-E of the Public Health Law and/or Federal Pro-Children Act of 1994.

The Board also prohibits tobacco promotional items (e.g., brand names, logos and other identifiers) on school grounds, in school vehicles, at school-sponsored events, whether on or off campus, in school publications, on school equipment, uniforms and school supplies. In addition, tobacco advertising is also prohibited in all school sponsored publications and at all school sponsored events, whether on or off campus. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

Policy References:

District Code of Conduct

Policy Cross References:

- » 1315 - Tobacco Prohibition
- » 5131.7 - Tobacco Prohibition

Adoption Date: 4/14/1993, Revised: 11/18/2013; 12/13/1994, 12/17/1999, 11/19/2009
4000 - Personnel

Policy Information**Series 4000 - Personnel****Training of Committee on Special Education and the Committee on Pre-School Special Education**

Policy # 4116.4

Recommendations for appointments as members and chairpersons of the Committee on Special Education and the Committee on Pre-School Special Education and their subcommittees shall be made by the Superintendent to the Board of Education. All such appointments shall be reviewed and approved annually by the Board of Education.

The chairperson and members of the Committee on Special Education, the Committee on Pre-School Special Education and their subcommittees will be given training in fulfilling their responsibilities to serve on such Committees and/or subcommittees. This training will be offered through the Lakeland Central School District Department of Special Education and/or in conjunction with BOCES/SETRC offerings.

Adoption Date: 12/10/1987, Revised: 12/17/1999; 10/04/1990, 11/12/1992
4000 - Personnel

Policy Information

Series 4000 - Personnel

Confidentiality and Access to IEP *

Policy # 4117

The Board of Education recognizes the importance of ensuring the confidentiality of personally identifiable information pertaining to a student with a disability. Personally identifiable information includes but is not limited to:

- name and address of student, student's parent or other family members;
- a personal identifier (e.g., social security number, student number or biometric record);
- other direct identifiers (e.g., student's date of birth, place of birth, mother's maiden name), other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or
- information requested by a person who the school district reasonably knows the identity of the student to whom the education record relates.

Personally identifiable information will not be disclosed by any school district employee or member of a Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) to any person (other than the parent of such student), organization, or agency unless the child's parent/guardian provides written consent, there is a valid court order for such information, or disclosure is permitted by law.

The Board of Education, while acknowledging the confidentiality requirement, believes that in order for each student with disabilities to receive the full benefit of his/her Individualized Education Program (IEP), Individualized Education Services Program (IESP) or Service Plan (SP), individuals responsible for implementing the program or plan must, prior to implementation, fully understand the scope of their responsibility and the specific accommodations, modifications and supports to be provided. To this end, the Board shall provide access to a copy of each student's IEP, IESP or SP to those persons having both direct contact with such student and a responsibility to provide a service, accommodation or program modification for the student in accordance with that student's IEP, IESP or SP. Each regular education teacher, special education teacher, related service provider and/or other service providers responsible for implementing a student's IEP, IESP or SP (e.g., teacher aide, teaching assistant) shall receive access to a copy of the student's IEP, IESP or SP prior to its implementation by the District.

In addition, each Committee on Special Education Chairperson of the District shall designate a professional with knowledge of a student's disabilities and program to inform each teacher, assistant, related service provider and support staff person of his or her responsibilities related to implementation of the student's IEP, as well as the modifications and supports provided under such program. This individual shall obtain the signature of each person covered by this policy indicating that he or she:

- has received either a copy of the student's IEP, IESP or SP or the opportunity to review the document prior to its implementation as required under state law and regulation;
- has been informed of their responsibilities for implementation;
- has knowledge of where the IEP, IESP or SP is to be maintained; and
- has an understanding of the confidentiality requirements.

All copies of a student's IEP, IESP or SP provided or made accessible under this Policy must remain confidential and shall not be redisclosed to any other person, except in accordance with existing confidentiality laws, including the Individuals with Disabilities in Education Act and the Family

Educational Rights and Privacy Act. To ensure such confidentiality, the CSE/CPSE Chairperson shall include with each IEP, IESP or SP copy provided or made accessible under this Policy, a copy of the Board Policy on student records. All IEP, IESP or SP copies must remain in a secure location on school grounds at all times. If IEP copies are transmitted and/or provided electronically, security systems (e.g., password protect a file or folder) must be implemented to prevent unauthorized internal and external access to such documents.

At the end of the school year or whenever the IEP has been revised, the CSE/CPSE Chairperson shall collect all IEP copies provided under this Policy and destroy them.

* Replaces #4117 – Dissemination of Individualized Education Program Information

Policy References:

Ref: Chapter 408 Laws of 2002

8 NYCRR 200.2; 200.16

Individuals with Disabilities Education Act (IDEA), 20 USC §1400 et seq

Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g; 34 CFR Part 99

Education Law, §4407(7)

Adoption Date: 12/2/2002, Revised: 7/12/2012
4000 - Personnel

Dissemination of Individualized Education Program Information - Regulation

Regulation Info 4117R

In accordance with Board of Education policy, a copy of each student's Individualized Education Program (IEP) shall, prior to its implementation, be issued to each regular education teacher, special education teacher, related service provider and other service provider (e.g., teacher aide, teaching assistant) who is responsible for the implementation of the student's IEP.

The copy shall be given as a print copy or an electronic copy that is readily accessible to the educational service and related service providers with receipt confirmed electronically, if received in that format.

The CSE Chair shall designate himself/herself or a professional member of the students' CSE to be responsible for informing each regular education teacher, special education teacher, teaching assistant, related service provider and support staff (e.g., teacher aide, cafeteria workers, bus driver, bus monitor) of his or her responsibility relating to the implementation of the IEP and the specific accommodations (including seating, behavioral, etc.), modifications and supports relevant to their contact with the student. Such information shall be given in writing, may reference parts of the student's IEP and shall specify the responsibility of each such individual with reference to the goals and objectives for which each is responsible and the specific accommodations modifications and supports for which each is responsible. The information may also be given in electronic format with the same receipt acknowledgements requirement for electronic transmittal of the IEP.

Educators and related service providers shall be prohibited from making a redisclosure of IEP information to any other party except for other educators and related service providers who have a role to perform in delivering the requirements of the student's IEP, as well as to persons present at CSE/CPSE sub-committee meetings regarding such student.

INSTRUCTIONS TO PERSONNEL REQUIRED TO RECEIVE COPIES OF IEPs

TO:

FROM: CSE CHAIRPERSON/DESIGNEE

RE: [STUDENT'S NAME]- IEP IMPLEMENTATION INFORMATION

DATE:

Prior to implementing IEP services for the above-named student, it is your responsibility to review a copy of the student's Individualized Education Program (IEP) as provided to you by the District pursuant to Board Policy and Regulation.

You are to review those parts of the IEP that describe the present levels of performance, learning characteristics and how the student's disability affects involvement and progress in the general curriculum as applicable to your role.

You must review the nature and frequency of services that you are called upon to provide to the student in your discipline as set forth in the IEP.

You must review the goals and objectives set forth in the student's IEP and record the student's progress in achieving the goals and objectives for which you are responsible through progress reports and other reports as required.

You must familiarize yourself with the accommodations, modifications and supports, if any, provided for the student in the IEP.

If the student has a behavior intervention plan, you must be familiar with the environmental conditions that lead to the objectionable behaviors and with the positive behavioral strategies relating to such behaviors.

INSTRUCTIONS TO SUPPORT PERSONNEL NOT REQUIRED TO RECEIVE COPIES OF IEPS

TO:

FROM: CSE CHAIRPERSON/DESIGNEE

RE: [STUDENT NAME] - IEP IMPLEMENTATION INFORMATION

As a Support Services provider you have the following responsibility(s) to the above-named student:

Behavior Intervention Plan	G Yes	G No
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If yes, a copy of that plan is attached to this document. You must be familiar with the environmental and/or other conditions that lead to the objectionable behaviors and with the positive behavioral strategies relating to such behaviors. You shall also give input in reporting behaviors that are relevant to the behavior intervention plan.

This student is to receive special transportation accommodation	G Yes	G No
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a. Special seating on the bus	G Yes	G No
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b. Door-to-door transportation	G Yes	G No
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c. Bus Monitor	G Yes	G No
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d.

Other: _____

Policy Information

Series 4000 - Personnel

Private Practice and Tutorial Work

Policy # 4118

It is expected that teachers, school psychologists, social workers, guidance counselors and other professional staff of the Lakeland Central School District might engage in private tutorial, private counseling or other activities and services during non-work hours as the same could be of benefit to children and an opportunity for individual professional growth on the part of the teacher and other professional staff.

In accordance with Policy No. 4116.14, school district employees shall not engage in personal enterprise or activities for private gain during working hours or at any time use School District property, facilities or personnel for such purposes. Therefore, the Board prohibits teachers, school psychologists, social workers, guidance counselors and other staff members from soliciting private tutorial work, private counseling services, or other such activities and services, and making recommendations of specific individuals to parents/guardians of students for private tutors, private counselors or other such activities and services during working hours or on School District property.

Teachers

Understanding the special relationship which exists between teachers and students, particularly those in the teacher's classes, and recognizing the potential for conflict between the teacher's responsibilities and obligations to the District and to District students who are tutored outside of school, it is the policy of the District that teachers not engage in private tutorial work for compensation with students who are currently educated within the teacher's classes.

School Psychologists, Social Workers, Guidance Counselors and Other Professional Staff

Recognizing the special relationship which exists between school psychologists, social workers, guidance counselors and other professional staff and students in the District and the potential for conflict between a professional staff member's responsibilities and obligations to the District and to District students who receive private services outside of school, it is the policy of the District that school psychologists, social workers, guidance counselors and other professional staff not engage in private counseling services or other such activities for compensation with students who are educated in the District.

Notwithstanding the above, upon the recommendation of the Director of Pupil Personnel Services, and the approval of the Superintendent, the following professional relationships may be permitted:

- where a District student is a prior patient/client of the professional staff member and is returning to treatment; or
- where a professional staff member is new to the District and a District student is a prior patient/client of such individual

It is also the policy of the District that teachers, school psychologists, social workers, guidance counselors and other professional staff not invite District students into their homes or provide tutoring, counseling services or other such activities to students in the student's home when no other responsible adult is present.

Staff members are expected to exercise good professional judgment in all situations in order to avoid any appearance of impropriety or a conflict of interest with regard to the students and other staff

members. Staff members are also expected to work cooperatively with the District staff in order to avoid situations that are adversarial and inconsistent with the District's philosophy and pedagogy.

Adoption Date: 10/17/2001, Revised: 6/13/2013; 03/21/2002, 02/12/2004 (re-numbered from 4116.15 to 4118)
4000 - Personnel

Policy Information

Series 4000 - Personnel

Anti-Nepotism

Policy # 4119

In order to promote efficiency and harmony in the public service rendered by the employees of the School District, no spouse, domestic partner close family relative (e.g., parent, child, sibling, grandparent, in-law), significant other or person in a close personal relationship, or person residing within the same household shall be in a supervisory relationship to such relative or household resident. For the protection of both the supervisor and supervisee, the relationship should be reported to the Building Principal and District Human Resources Office.

In the event a situation exists or occurs whereby a supervisory employee is or would be placed in the position of supervising such other relative, person in a close personal relationship or household resident, in accordance with applicable work rules one of the following shall occur:

1. The supervisee shall be supervised by another employee designated by the Superintendent who has higher supervisory authority than the supervisor, including but not limited to conducting observations/evaluations, preparing schedules, assigning overtime or any other financial or other employment advantage; or
2. The supervisor or supervisee shall be transferred to a position in a different supervisory group; or
3. Where a transfer cannot be implemented as a result of contractual and/or statutory requirements, the Superintendent and Board of Education shall take those actions necessary, including the commencement of due process administrative proceedings, if applicable, to enforce the provisions of this policy.

Policy Cross References:

- » 4225 - Whistleblower Protection
- » 8255 - Whistleblower Protection

Adoption Date: 4/5/2001, Revised: 3/17/2016
4000 - Personnel

Policy Information

Series 4000 - Personnel

Sexual Harassment

Policy # 4120

The Board of Education is committed to safeguarding the right of all students within the school district to learn in an environment that is free from all forms of sexual harassment. Therefore, the Board, consistent with State and Federal law, condemns all unwelcome and/or unwarranted behavior of a sexual nature which may impose a requirement of sexual cooperation as a condition of academic advancement, or

which has the purpose or effect of creating an intimidating, hostile or offensive learning environment. The Board specifically prohibits all student-employee relationships of a sexual or quasi-sexual nature, whether or not consensual.

Generally, sexual harassment is defined as unwelcome and/or unwarranted 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 condition for evaluating the student's academic progress or the student's successful completion of any course of study, educational or extra-curricular activity, including the acceptance into or rejection from such course or activity;
2. Submission to or rejection of such conduct by a student is used as the basis for academic or extra-curricular decisions affecting such student, including the acceptance into or rejection from a course or activity;
3. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance, evaluation of a student's academic progress or participation in an educational or extra-curricular activity, or creating an intimidating, hostile or offensive learning environment.
4. Conditions exist within the school environment that allow or foster harassing activities of a sexual nature, including but not limited to obscene pictures, lewd jokes, sexual comments and innuendo, sexual advances.

The Board recognizes that sexual harassment of students can originate from a person of either sex against a person of the opposite or same sex; from peers, employees, officers, agents or any individual who might foreseeably come into contact with students on school grounds or at school-sponsored activities.

The Board acknowledges that in determining whether sexual harassment has occurred, the perspective of the complainant and/or victim shall be considered. While the accused's conduct and/or intention may be considered, sexual harassment may be found even where the accused had no intent to sexually harass another individual.

Complaint Procedure:

Any student who believes that he or she has been subjected to sexual harassment or any person who believes that s/he has witnessed an incident(s) of sexual harassment shall report all incidents of such conduct to any staff member with whom the complainant feels comfortable (e.g., a teacher, the building principal, school nurse, guidance counselor or the District's designated Title IX Complaint Officer[s]).

The staff member to whom the complaint is made shall promptly report the complaint to the Title IX Complaint Officer(s), who shall make a determination as to who will investigate the complaint (e.g., building principal in the case of an elementary student, high school principal in the case of a high school student, outside investigator) through informal and/or formal complaint procedures developed by the District. Any staff member who fails to report a sexual harassment complaint may be subject to disciplinary action in accordance with law and any applicable collectively negotiated agreements.

All complaints of sexual harassment will be held in confidence to the extent practicable to enable the District to conduct a thorough investigation and as permitted by law. While the District respects the privacy and anonymity of all parties and witnesses to complaints brought under this policy, it cannot guarantee absolute confidentiality. At the conclusion of the investigation and at such time when the written report is issued and becomes a final agency determination (30 days after the issuance of the report if no appeal is made or after the issuance of the appeal determination), the report may become public.

If the District has knowledge of or reason to know of the occurrence of any alleged sexual harassment, the District shall, even in the absence of a complaint, cause a prompt and thorough investigation of any such incident to be made.

Upon receipt of any complaint of sexual harassment, the District will cause a thorough, prompt and impartial investigation of the charges to be conducted within 30 calendar days of receipt of a complaint. It is the policy of the District that all complaints of sexual harassment shall be taken seriously and that an investigation shall be conducted to the extent possible. The investigator shall prepare a written report of the investigation. The report shall be filed with the Title IX Complaint Officer(s). The outcome of any

investigation of a sexual harassment complaint shall be related to the student and his/her parent/guardian, as well as to the accused.

If the results of the District's investigation indicates that sexual harassment or other inappropriate behavior has occurred, immediate and appropriate corrective action will be taken. It is the policy of the District to appropriately discipline the offending individual in accordance with law, District policy and any applicable collectively negotiated agreements. If the alleged behavior constitutes or may constitute a crime, the police authorities or District Attorney's office shall be immediately notified.

If the student, or his/her parent or the accused is not satisfied with the results of the investigation, an appeal of the findings may be made to the Board of Education within 30 calendar days from receipt of the investigation report, for its review and action. Such review shall occur promptly, within 30 calendar days of the filing of the appeal.

The Board prohibits any retaliatory behavior directed against a complainant for the good faith reporting of an incident pursuant to this policy, as well as against any witness who testifies in a sexual harassment investigation. Follow-up inquiries by the Title IX Complaint Officer(s) shall be made to ensure that the complainant and/or witnesses have not suffered retaliation.

The District shall provide appropriate training to staff and students regarding awareness of and sensitivity to issues involving sexual harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment.

The Superintendent of Schools is directed to develop and implement specific procedures for reporting, investigating and resolving sexual harassment complaints.

A copy of this policy and its accompanying regulations shall be distributed to all personnel, students and parents/guardians and posted in appropriate places within the District.

Policy Cross References:

» 5148 - Sexual Harassment

Adoption Date: 2/17/2000
4000 - Personnel

Sexual Harassment - Regulation

Regulation Info 4120R

DISTRICT COMPLAINT PROCEDURES:

I. Complaint Officer(s)

The Board of Education shall appoint Title VII Complaint Officer(s) at its annual reorganization meeting, or as needed during the year. Reasonable attempts shall be made to appoint at least one male and one female Complaint Officer.

II. Reporting of Complaints

All complaints of sexual harassment must be reported to one of the Title VII Complaint Officers appointed by the Board of Education.

1. An employee who believes that s/he has been subjected to sexual harassment or who becomes aware of a possible incident of sexual harassment should immediately consult with their immediate supervisor, building principal, the Superintendent of Schools or a Title VII Complaint Officer.
2. Any individual, as referenced above, who is consulted with in accordance with paragraph "1", above, shall:
 - a. Provide a copy of the Employee Sexual Harassment Policy and Regulations to the complainant.

- b. Promptly report the complaint or inquiry to one of the Title VII Complaint Officers.
 - c. Maintain complete confidentiality and secrecy that a complaint or inquiry has been made.
 - d. NOT attempt to influence any further actions on the part of the employee.
3. Any individual, as referenced above, who fails to report a possible incident or complaint of sexual harassment may be subject to disciplinary action in accordance with law and any collectively negotiated agreement.

III. Investigation of a Complaint

1. Upon receipt of a complaint, the Title VII Complaint Officer shall:
 - a. Conduct a preliminary investigation to determine whether or proceed personally or to designate or request a different investigator.
 - b. Determine whether or not the complaint can be handled in an informal manner with the Title VII Complaint Officer acting as a mediator.
 - c. Discuss the above actions with the Superintendent, unless the Superintendent is the subject of the complaint, in which case the Title VII Complaint Officer should consult with the President of the Board of Education.
 - d. Report the incident to the police or other appropriate authorities if the behavior constitutes or may constitute a crime.
 - e. Ensure that any investigation or mediation is conducted within 30 calendar days from receipt of the complaint.
2. If, after consultation, the Title VII Complaint Officer determines that a more formal investigation is warranted, any investigation must adhere to the following:
 - a. During the investigation, the investigator must protect the confidentiality of the complainant, the victim, the accused and all witnesses to the extent practicable. The investigator shall inform all parties of the need for confidentiality.
 - b. The investigator must conduct a thorough, prompt and impartial investigation.
 - c. The investigator must seek out relevant documents.
 - d. The investigator must interview any and all witnesses, including the accused, the victim and the complainant.
 - e. The investigator must keep accurate documentation and records.
 - f. The complainant, victim and accused may bring their attorney or union representative (if applicable) to any meetings. Anyone who is under 18 years of age may also be accompanied by their parents/guardian.
 - g. The investigator must notify the accused that s/he is the subject of a sexual harassment complaint investigation when appropriate.
3. As soon as possible upon completion of any investigation, the investigator shall issue a written factual report containing:
 - a. A summary report for distribution to the parties and School District officials as needed. This report shall contain:
 - i. A summary of the complaint and findings
 - ii. A determination of whether or not the behavior constitutes sexual harassment. (The investigator may find that the evidence is inconclusive.)
 - iii. Recommended action, if any.
 - b. The investigative information shall be sealed and kept on file by a Title VII Complaint Officer so designated by the Superintendent to maintain such files, including:
 - i. Copies of all related written documents, including the summary report.
 - ii. Copies of any handwritten notes taken during the investigation and interviews.
 - iii. Any further written details deemed by the investigator to be informative or useful to a better understanding of his/her findings.
4. The following individuals shall be given a copy of the summary report:
 - a. The victim

b. The complainant (if applicable)

c. The accused

If any of the above individuals is a minor, the summary report shall be sent to their parents/guardian.

5. The Superintendent (or President of the Board of Education, if the Superintendent is the subject of the investigation) shall review the summary report and shall determine whether or not formal disciplinary action is needed. Formal discipline of students or staff shall be in accordance with law, District Policy and any applicable collectively negotiated agreement.

IV. Appeal Procedure

The victim and/or the accused may appeal the findings and/or recommendations of the investigation, as contained in the summary report.

- a. The appeal must be in writing.
- b. The appeal must be made within 30 calendar days from the date of receipt of the written results of the investigation.
- c. The appeal is made to the Board of Education, who shall review all relevant information within 30 calendar days of the date of the filing of the appeal.
- d. The determination of the Board of Education is final insofar as the District Policy is concerned.

V. District Training and Distribution of Policy

A. The Superintendent of Schools shall implement specific and continuing actions to notify students, parents/guardians, employees and prospective students and employees that the District does not discriminate on the basis of sex in the educational programs or activities which it operates, as required by Title VII. Such actions may include, but are not limited to:

1. Annual publication in local newspapers and School District publications.
2. Announcements in school sponsored publications.
3. Memoranda or other written communications distributed to students and employees.

B. The Superintendent shall provide for student and staff training in accordance with Policy.

C. The Superintendent shall insure that all students, parents/guardians and staff are informed of the name, office address and office telephone numbers of any and all Title VII Complaint Officers, and that such information is posted conspicuously and updated, as needed.

D. The District Policies on sexual harassment of students/employees shall always be distributed with a copy of the applicable regulations.

Policy Information

Series 4000 - Personnel

Teacher-Student Communications

Policy # 4122

It is expected that teachers and staff of the Lakeland Central School District, as part of their professional responsibilities, will communicate with students and/or parents/guardians regarding school-related

matters, as necessary, such as attendance, instructional issues and homework. Such communications may include written notices, telephone calls and electronic communications (e-mail, instant messages). All such communications shall be for professional purposes only, and may not be for personal or social reasons.

Any teacher or staff member who communicates with a student via electronic communications shall identify himself/herself by name and as a teacher in the Lakeland Central School District. Teachers and staff members are prohibited from joining in student chat room conversations for purposes that are not educational, professional or school-related.

Adoption Date: 2/12/2004
4000 - Personnel

Policy Information

Series 4000 - Personnel

Staff Participation in Political Activities

Policy # 4130

School District employees have the same constitutionally protected rights to speak and act on matters of public concern as any other citizens. However, these rights are not unlimited when the speech or action takes place during school time and/or on school grounds. In such cases, the Board of Education can impose reasonable restrictions on time, place and manner of the speech or action. The Board may even control the content of speech if it significantly threatens the efficient operations of the schools or if it conflicts with the educational mission of the District, as set forth by the Board.

It is the responsibility of the District to ensure that the focus of students while in the classroom and other instructional settings is upon learning within the parameters of the curriculum. Employees of the District may not use the classroom (or any other part of the school) as a forum for promoting their personal political views and their opinions on matters of public concern and may not exploit students for their own political advantage or that of a party, a candidate, a cause, etc. To that end, employees, while in the classroom or other instructional settings, shall restrict their comments to the curriculum and shall not express, through words, buttons, placards, signs or any other form, statements or messages which are not related to the curriculum being instructed or to associated job tasks.

Adoption Date: 5/18/2000
4000 - Personnel

Policy Information

Series 4000 - Personnel

Professional Growth

Policy # 4131

The Board of Education encourages participation by employees in job-related professional activity.

Subject to the approval of the Superintendent, employees may attend school-related conventions, school visitations, meetings or seminars without loss of pay or leave time.

Registration fees and travel expenses as permitted by Education Law and within budgetary guidelines will be reimbursed to the employee where attendance is approved in advance by the Superintendent.

Adoption Date: 2/28/1952, Revised: 11/12/1992; 07/5/1961, 07/10/1962, 02/13/75
4000 - Personnel

Policy Information

Series 4000 - Personnel

"Partner in Education" Recognition Program

Policy # 4131.2

A Lakeland "Partner in Education" Recognition Program is established by the Board of Education to recognize members of the Lakeland community for their special contributions in behalf of the District, its students or its residents.,

A Lakeland "Partner in Education" Recognition Committee comprised of the President of the Board of Education, the Superintendent of Schools, the President of the Association of Lakeland Administrators and Chairpersons, the President of the Lakeland Federation of Teachers and the President of the Civil Service Employees' Association and three members from the community at large appointed by the Board shall organize the program and make selections.

Recommendations for special recognition of a member of the Lakeland community can be made by any individual in writing and shall be directed to the committee in writing. Individuals selected shall be cited at appropriate ceremonies held by the Board of Education.

Adoption Date: 11/13/1969, Revised: 11/12/1992; 02/13/1975
4000 - Personnel

Policy Information

Series 4000 - Personnel

Tax Exempt Annuities

Policy # 4146.1

The Board of Education authorizes the purchase of annuities for employees in accordance with the provisions of Section 403 (b) of the Internal Revenue Code of 1954 as amended.

The Superintendent is authorized to approve, on behalf of the Board, applications from employees for agreements with the School District for reductions in contract salary, the amount of such reduction to be remitted to the company specified by the employee in the agreement for the purpose of purchasing a non-forfeitable annuity contract or annuity account qualifying for purposes of Section 403 (b).

Adoption Date: 6/22/1967, Revised: 2/13/1975
4000 - Personnel

Policy Information

Series 4000 - Personnel

Deferred Payment

Policy # 4148

The District offers an option through collectively negotiated agreements and to employees who are not covered by collectively negotiated agreements through policy, of twenty or twenty-four pays for ten-month employees. Those ten-month employees who opt for twenty-four pays are required, in accordance with the Internal Revenue Code, to make an election in writing prior to the beginning of the school year to indicate that they have chosen the deferred compensation of twenty-four pays. The election shall be made by submitting a signed form to the Business Office by no later than June 15 of the preceding school year or through an electronic form submission to the Business Office by the same date. The election shall be irrevocable for the school year and will remain in effect until the election is changed, in writing, prior to the start of a subsequent school year.

Adoption Date: 8/21/2008
4000 - Personnel

Policy Information

Series 4000 - Personnel

Offer to Health Insurance

Policy # 4150

Employees whose positions are covered by collectively negotiated agreements shall be offered health insurance coverage pursuant to the terms of the covering agreement. All other employees shall be offered health insurance pursuant to individual terms and conditions of employment agreements or, in the absence of such agreements or agreement, pursuant to the provisions set forth below.

Employees other than those referenced above and other than variable hour employees (such as per diem substitutes, coaches etc.), shall be offered health insurance coverage in the district health insurance plan immediately following the 90th day of employment for those full-time employees as defined by the provisions of the Affordable Care Act. For those employees who are hired as variable hour employees within the meaning of the Affordable Care Act, an offer of health insurance coverage shall be made on the first day of the first month following the administrative period that follows the conclusion of their first twelve (12) month period of employment. The offer to be made to full-time and variable hour employees pursuant to this paragraph shall be individual as well as dependent coverage, where applicable, with the health insurance premium cost being paid solely by the employee.

Adoption Date: 7/2/2015
4000 - Personnel

Policy Information

Series 4000 - Personnel

Attendance Policy for Staff

Policy # 4151

General

It shall be the joint responsibility of the individual employee, and the building principal or the department administrator, as appropriate, to track employee attendance. The employee will be held accountable for accurately reporting his/her absences and the employee's direct supervisor will be held responsible for ensuring the accuracy of such reporting and reconciling the employee attendance records. Failure to accurately report absences or to monitor and ensure the accuracy of attendance records, as set forth

herein, may lead to disciplinary consequences in accordance with law and applicable collectively negotiated agreement.

Employee Leave Days

Eligible certified and classified staff are granted a limited number of paid sick leave and personal leave days by the Board of Education so that they may receive regular pay while absent from their assignments due to personal illness or personal business that cannot be conducted other than during the regular school day.

Sick leave and personal leave are restricted purpose leaves. The Board of Education has an inherent right and responsibility to monitor employee use of such leaves in order to ascertain that employees are using the respective leaves for the purposes for which they are granted. Accordingly, the Board of Education directs the Superintendent of Schools to develop and implement regulations regarding the use of sick and personal leave days by certified and classified staff of the School District, consistent with applicable provisions of collectively negotiated agreements.

Employees Returning from Extended Sick Leave

Upon return from an extended absence for medical reasons, the Superintendent of Schools shall, in his or her discretion, require any certified or classified employee of the School District, including employees ineligible for compensated sick leave, to submit to a physical examination by the School District's designated Medical Examiner(s) before such employee may be allowed to return to his/her position in the School District. Necessary records shall be produced to the School District's designated Medical Examiner(s) by the employee on or before the day of the examination. The purpose of the examination shall be to determine or medically verify whether the employee is capable of resuming his/her position.

The Superintendent of Schools shall establish regulations to implement this policy.

Adoption Date: 8/8/1991, Revised: 10/18/2012; 02/01/1992, 11/17/2011
4000 - Personnel

SUPERINTENDENT'S REGULATIONS PURSUANT TO Board Of Education policy #4151 Regulation Info 4151R

Regulations for the Monitoring of Employee Use of Sick and Personal Leave

Sick and personal leaves are restrictive purpose leaves and the Board of Education has the inherent right and responsibility to monitor employee use of such leave. Accordingly, the Board of Education has directed the Superintendent of Schools to implement regulations pursuant to Board of Education Policy #4151.

I. Certified Professional Staff (State Education Department Certificated) and Classified Staff

Note: The following Superintendent's regulations pertain to all certified and classified staff, full or part-time who are eligible for paid sick and personal leave in accordance with the negotiated agreements between the Lakeland District and the Lakeland Federation of Teachers, Lakeland Federation of Nurses, Association of Lakeland Administrators, Confidential Management Association, and the Civil Service Employees Association. These regulations shall also pertain to employees who are not eligible for paid sick and personal leave and other contractual non-unit employees. Any absence is a costly inconvenience to the school district and sometimes an inconsiderate imposition on those who work in direct association with the absentee.

- 1a. In those instances where the employee's use of sick leave aggregates eight sick days during any school year, their immediate supervisor will be notified by Human Resources. They will schedule a conference to discuss

the absences and the supervisor shall report back to Assistant Superintendent as to the findings. If the supervisor determines there are concerns about the use of sick leave, they will issue this concern in a letter to the employee. If an employee who has received a letter accumulates twelve days of sick leave, they shall receive a letter from the Office of Human Resources to document his/her usage and a copy of the Board Policy regarding sick leave usage (Appendix A). Copies of this letter will be forwarded to the Building Principal/Supervisor and placed in the individual's medical personnel file.

b. In those instances where the employee uses one or more sick or personal day(s) immediately before or after a scheduled school recess or holiday, their immediate supervisor will be notified by Human Resources. They will schedule a conference to discuss the absence(s) and the supervisor shall report back to Assistant Superintendent as to the findings. If the supervisor determines there are concerns about the use of sick or personal leave, they will issue this concern in a letter to the employee. If an employee who has received a letter repeats the action, they shall receive a letter from the Office of Human Resources to document his/her usage and a copy of the Board Policy regarding sick leave usage (Appendix A). Copies of this letter will be forwarded to the Building Principal/Supervisor and placed in the individual's medical personnel file.

In each of the above situations (a & b), the staff member will be informed that such a use of sick or personal leave is subject to review by the Superintendent in accordance with these regulations, unless medical substantiation or some other acceptable form of evidence is presented to the Building Principal/Supervisor which explains the absence. Medical absences which are satisfactorily substantiated by proper medical documentation shall not count toward the eight days, nor will they be examined further. If no such substantiation or evidence is produced by the employee, the occurrence shall be reported to the Superintendent. The principal/supervisor will document his/her meeting with the employee.

c. The principal/supervisor will meet with any certified or classified staff member **ANYTIME** there is a suspicion or presumption of fraudulent use of sick or personal leave. The staff member will be informed that such use of sick or personal leave is subject to review by the Superintendent in accordance with these regulations, unless medical substantiation or some other acceptable form of evidence is presented to explain the absence. If no such substantiation or evidence is produced by the employee, the occurrence shall be reported to the Superintendent. The principal/supervisor will also document his/her meeting with the employee (Appendix D). At that time, the Superintendent, in consultation with the principal/supervisor, will determine if any further disciplinary action will be initiated.

2. In those instances where the employee's use of sick or personal leave continues without satisfactory substantiation either: (a) beyond eight or more days or; or (b) immediately before or after a scheduled school recess or a holiday; or (c) there is suspected/presumed fraudulent use, the principal/supervisor will meet with the employee (Appendix C) and request medical substantiation. The principal/supervisor shall document the results of this meeting (D); the results will be forwarded to Human Resources for inclusion in the employee's medical personnel file. In the event no adequate/satisfactory substantiation is received, the principal/supervisor will indicate this to the employee and state that the situation will be referred to the Superintendent's level (Appendix E).

3. In those instances where the employee's use of sick or personal leave without satisfactory substantiation has been referred to the Superintendent's level, a meeting with the Superintendent and/or his designee will be scheduled. If the Superintendent determines that the employee has not provided satisfactory substantiation for his/her absences, the Superintendent may pursue disciplinary action as follows:

i) Certified Probationary Employees: Education Law §913 with potential Education Law §3031 dismissal proceedings

ii) Certified Tenured Employees: Education Law §913 with potential Education Law §3020-a dismissal proceedings

iii) Classified Employees: pursuant to section 75 of the Civil Service Law dismissal proceedings or contractual proceedings, if applicable. Otherwise, the matter may be subject to Education Law Sec. 913 Procedures.

APPENDIX A

Policy Information

Series 4000 - Personnel

Attendance Policy for Staff

Policy # 4151

General

It shall be the joint responsibility of the individual employee, and the building principal or the department administrator, as appropriate, to track employee attendance. The employee will be held accountable for accurately reporting his/her absences and the employee's direct supervisor will be held responsible for ensuring the accuracy of such reporting and reconciling the employee attendance records. Failure to accurately report absences or to monitor and ensure the accuracy of attendance records, as set forth herein, may lead to disciplinary consequences in accordance with law and applicable collectively negotiated agreement.

Employee Leave Days

Eligible certified and classified staff are granted a limited number of paid sick leave and personal leave days by the Board of Education so that they may receive regular pay while absent from their assignments due to personal illness or personal business that cannot be conducted other than during the regular school day.

Sick leave and personal leave are restricted purpose leaves. The Board of Education has an inherent right and responsibility to monitor employee use of such leaves in order to ascertain that employees are using the respective leaves for the purposes for which they are granted. Accordingly, the Board of Education directs the Superintendent of Schools to develop and implement regulations regarding the use of sick and personal leave days by certified and classified staff of the School District, consistent with applicable provisions of collectively negotiated agreements.

Employees Returning from Extended Sick Leave

Upon return from an extended absence for medical reasons, the Superintendent of Schools shall, in his or her discretion, require any certified or classified employee of the School District, including employees ineligible for compensated sick leave, to submit to a physical examination

by the School District's designated Medical Examiner(s) before such employee may be allowed to return to his/her position in the School District. Necessary records shall be produced to the School District's designated Medical Examiner(s) by the employee on or before the day of the examination. The purpose of the examination shall be to determine or medically verify whether the employee is capable of resuming his/her position.

The Superintendent of Schools shall establish regulations to implement this policy.

APPENDIX B

LAKELAND CENTRAL SCHOOL DISTRICT

SHRUB OAK, NEW YORK

MEMO TO: (Employee Name)

FROM: The Department of Human Resources

SUBJECT: Sick or Personal Leave Usage

DATE:

Our records indicate that as of this date, you have utilized one or more sick or personal leave dates immediately before or after a scheduled recess or holiday during the current school year. The specific date is _____, immediately (preceding, following) _____.

In accordance with the enclosed Board of Education Policy #4151, (sick, personal) leave is a **restrictive purpose leave** and the Board of Education has an inherent right and responsibility to monitor an employee's use of such leave in order to ascertain that he/she is using it for the purposes for which it is granted.

The Superintendent's Regulations pursuant to this policy state that a letter of notification will be sent to all employees whose use of sick or personal leave occurs immediately before or after a scheduled recess or holiday.

If you have medical substantiation for any or all of your utilized sick leave days you may want to submit such documentation to your building principal.

Be advised that, in accordance with these same Superintendent's Regulations, an employee's use of sick or personal leave immediately before or after a scheduled recess or holiday is subject to review by the Superintendent or his/her designee. This review may lead to disciplinary action.

Please contact your (building principal, supervisor) to discuss this matter.

c: Superintendent

Principal

Supervisor

Medical Personnel File

APPENDIX C

LAKELAND CENTRAL SCHOOL DISTRICT**SHRUB OAK, NEW YORK****MEMO TO: (Employee Name)****FROM: Principal or Supervisor****SUBJECT: Meeting Request/Sick or Personal Leave Usage****DATE:**

In accordance with the Board of Education Policy #4151, (sick, personal) leave is a **restrictive purpose leave** and the Board of Education has an inherent right and responsibility to monitor an employee's use of such leave in order to ascertain that he/she is using it for the purposes for which it is granted.

This is a follow-up to a memorandum of (date) regarding your (sick, personal) leave usage. The Superintendent's Regulations pursuant to this policy require that a meeting be held with the employee with union representation, where applicable.

Please plan to meet with me on (date, time) at (location) to discuss your absence(s). Should you have medical or other substantiation for any or all of your absences, you may wish to bring it along with you.

Please advise me immediately should there be any reason that would preclude you attending this meeting.

c: Superintendent

Principal

Supervisor

Medical Personnel File

APPENDIX D**LAKELAND CENTRAL SCHOOL DISTRICT****SHRUB OAK, NEW YORK****MEMO TO: Assistant Superintendent for Human Resources****FROM: Principal or Supervisor****SUBJECT: Follow-up to Sick or Personal Leave Usage by: (Employee Name)****DATE:**

This is a follow-up to your memorandum of _____ regarding (Employee's) (sick, personal) leave usage of one or more sick leave days immediately before or after a scheduled recess or holiday.

On (date), (Employee Name) met with me to discuss his/her absences. For documentation purposes, please note the following (check all that apply):

1. At this meeting, he/she provided satisfactory medical substantiation for these absences which is attached and no further action is necessary at this time.
2. At this meeting, he/she did not provide satisfactory medical substantiation for these absences. I informed (Employee Name) that the information was not satisfactory and that I would be requesting further review/follow-up from the Superintendent
3. Other (please explain):

If you have any questions, please feel free to contact me.

c: Superintendent

Employee

Employee's Medical Personnel File

APPENDIX E

LAKELAND CENTRAL SCHOOL DISTRICT

SHRUB OAK, NEW YORK

MEMO TO: Superintendent of Schools

FROM: Principal or Supervisor

SUBJECT: Referral for Next Steps: (Employee Name)

DATE:

This is a follow-up to my memorandum of (date) regarding (Employee's) unsatisfactory (sick, personal) leave usage of (excessive absences, one or more sick or personal leave days immediately before or after a scheduled recess or holiday).

On (date), (Employee Name) met with me to discuss his/her absences. For documentation purposes, please note that at this meeting, he/she did not provide satisfactory medical substantiation for these absences.

(Additional details may be provided here)

I informed (Employee Name) that the information was not satisfactory and that I would be requesting further review/follow-up from the Superintendent. If you have any questions or concerns, please feel free to contact me.

c: Assistant Superintendent for Human Resources

Employee

Employee's Medical Personnel File

Policy Information

Series 4000 - Personnel

Child Care/Adoptive Leave

Policy # 4152.3

Upon recommendation of the Superintendent and approval of the Board of Education, a leave of absence without pay of up to two (2) continuous years may be granted to any employee upon application for a child/adoptive leave. An employee returning from this leave shall be placed on that step of the salary schedule from which he/she went on leave. Notwithstanding the above, the Board may extend such leave of absence beyond the two (2) year limit so that the leave terminates at the end of a semester or school year when such is deemed to be in the best educational interests of the District.

Adoption Date: 6/10/1965, Revised: 12/17/1999; 01/26/1967, 02/13/1975, 02/14/1985, 11/12/1992
4000 - Personnel

Policy Information**Series 4000 - Personnel****Family and Medical Leave**

Policy # 4153

As an employer covered by the requirements of the Family and Medical Leave Act of 1993, as amended (FMLA), whose employees may be eligible for the benefits set forth therein, the Board hereby directs the Superintendent of Schools to establish a Guidance Document for distribution to employees of the School District regarding their rights to child care, serious health condition and other leaves under the FMLA. The Guidance Document shall be consistent with the provisions of collectively negotiated agreements, where applicable and shall be updated as needed.

Adoption Date: 3/13/1997, Revised: 4/23/2015
4000 - Personnel

Policy Information**Series 4000 - Personnel****Military Leave**

Policy # 4154

The Board of Education recognizes the importance of military service and the patriotic, public-spirited and personal commitment that it entails. In accordance with the provisions of the Military Law, the Board of Education shall grant employees' leaves for obligatory military service, including fulfilling annual Reserve and National Guard training commitments.

Military leaves shall incorporate the following requirements:

1. Employees shall be paid their salary while absent due to any ordered military service for a period of 30 days or 22 work days, whichever is greater, in any calendar year, so long as such military service occurs during normally scheduled workdays.
2. The Board of Education may, thereafter, extend salary payments to employees on ordered active military duty for one or more additional periods of 60 days upon consideration of the following factors:

- the District's financial circumstances;
- the District's ability to maintain the educational program;
- the District's ability to provide supplemental educational experiences to students; and
- the number of employees on ordered active military duty.

Upon receipt of the employee's monthly statement of military pay received, the District will pay the employee the net difference between the gross military pay and the employee's gross salary.

3. An employee who is engaged in military service and who leaves a position, other than a temporary position, shall be entitled to be restored to such position or to a position of like seniority, status and pay when that individual returns from military service.

4. During periods of ordered military leave when the employee is not paid by the District, such employee shall be entitled to participate at his/her own expense in health insurance or other benefits offered by the District in effect at the time of the leave;

5. An employee called to active duty for more than 90 days cannot be discharged without just cause for a period of one year after re-employment.

An employee on ordered military service shall be entitled to re-employment with the District provided the individual receives a certificate of satisfactory completion of military service and makes an application for re-employment within 90 days after being relieved from such service.

If a teacher is called to active duty, the position vacated will be considered encumbered and will only be filled as a substitute appointment. Such substitute employee shall not acquire any right to permanent appointment or tenure by virtue of service as a substitute and such service may be terminated at any time in the discretion of the Board of Education. The substitute appointment shall terminate upon the return of the former incumbent to the position, or upon the death or permanent total disability of the former incumbent, or upon failure of the former incumbent to return to the position.

For employees whose positions are covered by collectively negotiated agreements, this policy shall not be implemented unless the unit representative agrees in writing.

Adoption Date: 2/28/2002
4000 - Personnel

Policy Information

Series 4000 - Personnel

Use of Electronic Devices

Policy # 4155

Electronic communication devices such as cell phones, PDAs, iPods and similar devices (ECDs) have become a common means of communication and information access in today's society. These devices, however, have the potential of disrupting the orderly operation of the schools and distracting from the District's primary mission to educate the students in our schools in a safe and secure environment. While it is expected that employees will exercise common sense and good judgment in the use of ECDs during the work day and when their attention should be focused on the children, this policy is intended to give guidance to District employees with respect to the use of ECDs during the work day.

In order to ensure that students are able to receive the best possible educational experience and the attention they deserve, employees must keep personal ECDs turned off or muted during instructional time, while performing job functions and whenever students are under the employee's direct or general supervision, whether in the classroom, hallway, cafeteria, playground, other District premises and facilities, and during student activities (on or off school premises). Employees may only use ECDs on

school vehicles when the vehicle is parked and there are no children on the vehicle. In addition, employees must keep personal ECDs turned off during meetings and presentations so that important information can be received, understood and shared without interruption, unless prior permission has been granted by the building principal or other administrator in charge to receive an expected telephone call.

This policy shall not apply to the use by employees of ECDs for instructional purposes such as calendaring and calculating or for use by student teachers of ECDs to videotape a classroom for meeting the requirements of the teacher performance assessment for certification. Further, this policy shall not apply to employees who, due to the requirements of their positions, such as travel throughout the District, or to locations or classrooms away from their regular office, must use cell phones or other portable means of communications. It is expected that these employees will generally keep such devices in the vibrate or mute position so as not to unduly interfere with the educational environment.

The inappropriate use of ECDs (such as threatening, vulgar or sexual messages) and the use of an ECD as a weapon are also prohibited.

The Board of Education prohibits the use by employees of the recording functions and capabilities of ECDs on school property, except for the purpose of photographing or videotaping public events (e.g., athletic events, plays, concerts, awards ceremonies) or for taking photographs for the Yearbook or School District publications, or for use by student teachers to videotape a classroom for meeting the requirements of the teacher performance assessment for certification.

Privacy

The Board of Education prohibits any form of photography, tape recording or video recording of any individual on school property or in school facilities without that individual's knowledge, as well as the dissemination of any photograph or recording without the individual's permission. In no event shall any individual take photographs or make a recording in a zone where an individual has a reasonable expectation of privacy, including but not limited to locker rooms, lavatories, nurse's office. In addition, the Board prohibits possessing, viewing, sending or sharing pictures or text having sexual content ("sexting") in school or at school activities, or from off-campus sites and which are received at school or school activities.

Violations

Any employee who violates this policy shall be subject to discipline in accordance with law and any applicable collectively negotiated agreement.

Responsibility

The decision to bring ECDs to school or school sponsored events rests with the individual employee and, therefore, the responsibility for such devices rests solely with the individual employee. The School District discourages bringing ECDs to school. The School District assumes no responsibility or liability whatsoever in the event that an ECD is damaged, misplaced or stolen during the school day, when on school property or when in attendance at a school sponsored event, whether on or off of school property. The School District further assumes no responsibility or liability for any communication bill associated with the authorized or unauthorized use of said devices.

Policy Cross References:

» 5137 - Use of Electronic Devices

Adoption Date: 11/18/2004, Revised: 3/21/2012; 11/18/2012
4000 - Personnel

Policy Information

Series 4000 - Personnel**Computer and Internet Use, Internet Safety**

Policy # 4156

The Board of Education encourages the use of the District's computer systems and the Internet (a global network made up of small contributing networks) and its services in order to support open research and education in the School District. The use of the District's computer systems and the Internet for other purposes, such as for-profit activity, financial gain, personal business or illegal activity is prohibited.

In order to assure the integrity of the computer systems in the School District, each user must agree to act responsibly and to comply with this policy and the regulations promulgated by the Superintendent of Schools regarding use of the systems and the Internet. Therefore, prior to using the District's systems and Internet access, each student and staff member must sign a user agreement. In the case of students, the student's parent or guardian must also sign the user agreement.

Notwithstanding the requirement for a signed user agreement, in the event that a state or local assessment must be administered using the District's technology resources, the student will be permitted to use the District's technology to take the assessment.

Internet access is provided with the understanding that the District cannot control the content available on the Internet. The vast majority of sites available provide a wealth of useful information to staff and students. The District cannot warrant the accuracy of all such sites. However, some sites may contain information that is offensive, defamatory or otherwise inappropriate for students. The District does not condone or permit the use of such materials in the school environment and makes good faith efforts to limit access by students to such inappropriate materials. Users who bring such material into the school environment may have their accounts suspended or terminated, may be subject to disciplinary action and may be referred to appropriate law enforcement officials where such activities are or are suspected of being illegal.

Internet Safety

The District, in accordance with the Children's Internet Protection Act, requires all District computers to be equipped with filtering or blocking technology that blocks or filters Internet access by:

- Adults to visual depictions that are obscene or child pornography; and
- Minor to visual depictions that are obscene, child pornography or harmful to minors. ^[1]

All newly acquired computers with Internet access will have this filtering or blocking technology installed on such computers prior to permitting their use by students. This shall be documented by the District in accordance with law. The District, however, does not guarantee that students will be prevented from accessing all inappropriate locations.

Parents, staff members and student must be aware that it is the responsibility of the user to monitor his/her own access to the internet and to use sound judgment. However, the District, through its staff members, technology and systems reviews, shall monitor online activities of students while in school, including but not limited to use of e-mail, chat rooms and other forms of direct electronic communication, "hacking" and other unlawful activities by minors, and access to materials harmful to minors.

Any user who receives harassing, threatening or unwelcome communications shall immediately bring them to the attention of the teacher, the building principal or the superintendent, as appropriate.

The District prohibits the unauthorized disclosure, use and dissemination of personal information regarding minors by its officers, employees or agents.

The District shall provide age appropriate instruction to students regarding appropriate online behavior including interacting on social networks, websites and chat rooms, and cyberbullying awareness and response. Such instruction will be provided even if the District prohibits students from accessing social networking sites and chat rooms on District computers and resources.

Privacy

Computers and files stored on the District's system are the property of the District. Users acknowledge that school officials will periodically review online activities. Users further acknowledge that if there is reasonable suspicion of a user having violated this or any other Policy or Regulation, or any applicable law, the network administrator or appropriate school official may require access to his/her files, including correspondence and files, to review online activities. Any administrator reviewing such files in accordance with this Policy shall not be subject to any claims arising out of such review.

The use of the District's computer systems and access to the Internet, pursuant to this policy, is a privilege that may be revoked in the event of a breach of the policy and regulations by a user. Any user who is determined to have used the District's computer systems or the Internet inappropriately or who violates this policy and its regulations will have his/her use terminated, except under strict supervision. Further, a breach of the terms of this policy and regulations may be considered an act of insubordination which may result in discipline under the Student Code of Conduct for students and pursuant to law and applicable collectively negotiated agreement for staff members.

A breach of the terms of this Policy shall result in referral to appropriate law enforcement officials where the breach involves suspected illegal or criminal activities.

^[1] *The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:*

- (a) Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;*
- (b) Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and*
- (c) Taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.*

Policy Cross References:

» 6154 - Computer and Internet Use and, Internet Safety

Adoption Date: 6/12/1997, Revised: 11/21/2013; 08/16/2001,11/18/2004, 06/14/2013
4000 - Personnel

Computer and Internet Use

Regulation Info 4156R

To provide an intellectual atmosphere that includes access to knowledge and information, Lakeland Central School District believes that all students and users (persons using the computer technology available in the schools) should have the opportunity to develop skills in using computer technology. The technology of the computer network is defined as all computers, hardware and software, the LAN (local area network), furniture, and all transmitted information. Transmitted information includes but is not limited to: electronic mail, web browsing, file transfer protocol, and any information retrieved via the Internet.

The Internet is a network of thousands of computers around the world which allows Users to send, receive, and publish information in various ways, including e-mail, newsgroups, and the World Wide Web. With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. Access to such material is actively discouraged at Lakeland; but on a global network it is impossible to control all materials, and a determined user may discover controversial information.

We firmly believe that the valuable information and interaction available on the Internet far outweigh the risks inherent in the procurement of questionable material that is not consistent with the District's educational goals and philosophy.

The network is a resource that is shared by the entire Lakeland community. Network and school administrators reserve the right to access, inspect, and delete the contents of student and/or user e-mail and files upon reasonable suspicion that the student and/or user has violated the acceptable use policy, regulations and law.

Use of technology at Lakeland is a privilege extended to individuals who wish to enhance their learning experiences. Students and users will broaden their global horizons and discover a vast scope of information and experience. Learning through interaction with the technology will furnish a student and user with many of the skills required by our evolving business and educational community. Each student and user has the privilege to make use of authorized hardware and software found on school grounds in order to facilitate their academic growth.

Transmission and viewing of any material in violation of any federal or state law or regulation is expressly prohibited. This includes, but is not limited to: plagiarism, unauthorized use of copyrighted material, pornographic, obscene materials, materials advocating discrimination, or materials protected by trade secret or that are classified government information. All school regulations apply to the use of the network to support the educational goals of this institution. When the school incurs a cost due to student and/or user negligence or misuse, the student and/or user will be responsible for the cost.

Students and users of Computer Technology in the Lakeland School District are expected to comply with the following procedures:

1. Students and users will follow the District's policy and regulations on Computer/Internet use and above acceptable use statement.
2. Education and curriculum-related research is the first priority of Internet and network use in the Lakeland Central School district; all other use is secondary.
3. Students and users may not install, modify or delete software on individual workstations or on the network file server,
4. Students and users will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means.
5. No student or user is allowed to access any other student's or user's files. No student or user may allow another person to use his/her files or user account number,
6. Plagiarism of materials found on the network constitutes a violation of the law and policy.
7. A copyright laws, including those governing the copying of computer software, must be observed.
8. The use of the computer to transmit or view hate mail, harassment, profanity, obscenity, pornography, discriminatory remarks, misrepresentation, impersonation, and other anti-social behaviors are prohibited on the Internet and the network.
9. For the student's and user's safety, personal information such as full name, home address, phone number, age, gender, etc., must not be revealed about the user or others over the Internet.
10. Any use of the Internet or the network for political lobbying, advertising, commercial or for-profit purposes or any illegal purpose is prohibited.

11. Students and users must understand that they have the responsibility for their own actions while using the Internet or the network,

12. Students without parental permission to use the Internet are prohibited from teaming up with those who have permission to use the Internet.

LAKELAND CENTRAL SCHOOL DISTRICT
RULES AND CODE OF ETHICS AGREEMENT
FOR NETWORK AND INTERNET USERS

Section 1: To be signed by student

I understand that the Lakeland Central School District the right to monitor all computer and Internet use to ensure compliance with District policy, regulations, and law.

I understand that violations of the Acceptable Use Policy will be considered as insubordination and will be dealt with seriously. Violators risk:

* losing computer privileges on a temporary or permanent basis; and/or

* disciplinary action; and/or

• academic sanctions for academic infractions (plagiarism); and/or

* prosecution for violation of local, state, and federal laws

I have read the Lakeland School District Acceptable Use Policy for Computer and Internet Use and agree to abide by its terms, I further understand that violation of the policy regulations may lead to my access privileges being revoked, school disciplinary action, academic sanctions, and/or appropriate legal action.

Student's Name

(Please Print) _____ Grade _____

Signature _____ Date _____

Section 2: To be signed by parent or guardian

As the parent or guardian of (please print your son/daughter's name) _____, I have read and discussed with my son/daughter the Acceptable Use Policy for the Lakeland Central School district computer and Internet users. I recognize that it is impossible for the School district to restrict access to all controversial materials; and I will not hold the district, its officers, employees, or the Internet provider, responsible for materials acquired on the network.

I hereby give permission for my child to have user access to the Internet and the network at his/her school.

I realize that under the law, I may be held financially responsible for the willful, malicious, or unlawful damage of property by my minor child,

Parent's name (Please Print) _____

Parent's Signature _____ Date _____

Series 4000 - Personnel

Provision of a Free Appropriate Public Education to Students Pursuant to Section 504 of the Rehabilitation Act of 1973

Policy # 4167

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Students protected by Section 504 of the Rehabilitation Act of 1973 are those individuals who have a physical or mental impairment which substantially limits one or more major life activities; both those who have a record of such impairment; or are regarded as having such an impairment.

The Board has appointed the Director of Pupil Personnel Services to serve as the District's Student Section 504 Coordinator and directs said individual to:

1. Establish a team comprised of a group of persons knowledgeable about the child and person(s) familiar with the meaning of the evaluative data and program access options. This team shall consider students' eligibility for and recommend the provision of regular education and/or related aids and services and/or other accommodations, as appropriate, to provide a student with a disability with a free appropriate public education.
2. Implement procedures to ensure the dissemination of the contents of each student's 504 Plan to the persons on the District's staff who will be charged with implementing the program and any recommended accommodations, related services and/or aids.
3. Implement procedures and efforts to identify all school-age residents of the District who are not receiving a public education, who have or are suspected to have, a physical or mental impairment which substantially limits one or more major life activities.
4. Provide a copy of this policy, together with the attached "Notice of Student Rights," at least annually to all families of students residing in the District, at the time of a student's referral, prior to the student's evaluation or reevaluation and prior to actions involving the educational placement of a student.
5. Create procedures to insure that each student who is believed to have such a disability shall be evaluated prior to the provision of special education and/or related services and/or other reasonable accommodations and prior to any subsequent significant change in placement.
6. Reevaluate students who receive related services and/or other reasonable accommodations pursuant to Section 504 at least once every three years.
7. Provide students who have a physical or mental impairment which substantially
8. Limits one or more major life activities, with services, reasonable accommodations and transportation necessary to afford each student a free appropriate public education.
8. Afford students who have a physical or mental impairment which substantially limits one or more major life activities with an equal opportunity to participate in non- academic and extracurricular services, pre-school education and adult education to the extent offered to non-disabled person, to the maximum extent appropriate.
9. Inform parents that they have the right to inspect relevant student records.

Disputes

Any disputes by parents/guardians or students relating to decisions of the Section 504 team, shall be made in writing within 30 days of the decision complained of. A written description of the dispute should be

sent by the parent/guardian or student to the District's Section 504 Coordinator at the Administrative Office, 1086 East Main Street, Shrub Oak, New York 10588.

1. Any dispute regarding whether the School District has made a free appropriate education available to the student shall be heard by an impartial hearing officer.
2. Parents shall have an opportunity to participate in the hearing and be represented by counsel.
3. The impartial hearing officer shall be directed to issue a written decision following the close of the hearing. A copy of the decision shall be sent to both the Section 504 Coordinator and the Parent and/or Student.
4. A parent may appeal the hearing officer's decision to the Board of Education within 30 days following the parent's receipt of the hearing officer's decision.
5. Complaints may also be made to the United States Department of Education, Office of Civil Rights, Washington, D.C. 20201.

Policy Cross References:

» 5150 - Provision of a Free Appropriate Public Education to Students Pursuant to Section 504

Adoption Date: 4/20/2006
4000 - Personnel

Policy Information**Series 4000 - Personnel****Separation**

Policy # 4219

Classified personnel who plan to resign or retire will inform the Superintendent in writing at least two weeks prior to their effective date of separation from the Lakeland Central School District and shall submit a letter of resignation to the District Clerk.

Separations shall be approved by the Board of Education.

Adoption Date: 3/22/1962, Revised: 11/19/2009; 02/13/1975,11/12/1992
4000 - Personnel

Policy Information**Series 4000 - Personnel****Child Abuse in a Domestic Setting**

Policy # 4220

The Board of Education recognizes the duty of school officials, as mandated reporters, to report suspected incidents of domestic child abuse, maltreatment or neglect (including educational neglect) to the Statewide Central Register for Child Abuse and Maltreatment orally or by facsimile, on an immediate basis and with a follow-up report in writing, within 48 hours to the County Department of Child Protective Services.

Mandated Reporters

Pursuant to law, school officials who are mandated reporters include all administrators, teachers, teaching assistants, guidance counselors, social workers, psychologists, school nurses, and any other school

personnel required to hold a teaching or administrative license or certificate. Such individuals are under a duty to report as set forth below in this policy.

Other Reporters

The Board expects employees other than the mandated reporters to report suspected incidents of child abuse and maltreatment to the Building Principal at the school in which the child attends.

Reporting

Mandated reporters shall call the Statewide Central Register telephone number to report an incident of suspected child abuse. They shall ask for the call identification number, the name of the person to whom reporting and the time the report is logged to keep in the School District's record. A personal copy may be retained. The mandated reporter will immediately inform the Building Principal of such reporting and, also, complete the LDSS-2221-A form and provide the completed and signed form to the Building Principal. The Building Principal is responsible for ensuring that any follow-up administrative activities as a result of the report are performed, and shall notify the Superintendent of Schools or Acting Superintendent of the report, by telephone and writing.

Within 48 hours of the report, the Building Principal will transmit the completed and signed LDSS-2221-A form to the County Department of Social Services, Office of Child Protective Services and provide notice of the transmittal to the Building Principal. The report shall also be maintained in the student's cumulative health record in an envelope marked "Confidential."

The Superintendent of Schools or designee can request a summary investigative report of any case referred to Child Protective Services.

School personnel may request that individual identifying information be withheld if documenting such information might prove detrimental to the safety or interest of that individual.

In instances when the Building Principal receives information that constitutes reportable child abuse or maltreatment from any non-mandated reporter, he or she shall become responsible to report and follow the process described above for incident reporting and follow-up administrative action.

Only one report per incident is required from the school district.

Suspecting Child Abuse, Maltreatment or Neglect

Mandated reporters shall and other reporters are expected to report suspected incidents of child abuse, maltreatment or neglect, as described in Regulations that accompany this policy. It is not the duty or responsibility of mandated or other reporters to conduct an investigation once evidence of suspected child abuse or maltreatment is presented or is apparent. The district will cooperate, consistent with privacy laws, to the extent possible, with authorized child protective services workers and law enforcement officials in investigations of alleged child abuse.

No Family Contact

School employees and officials will not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Incidents Involving Death

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

Penalty for Failure to Report

In accordance with the law, any employee who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants employees and other persons who report instances of child abuse immunity in good faith from any liability that might otherwise be incurred.

School employees will not be subject to retaliatory action as a result of making a report when they reasonably suspect that a child has been abused, mistreated or neglected.

Training

The school district shall conduct on an on-going basis training programs for the identification and reporting of child abuse and mistreatment. Attendance at sessions of this training program shall be required of all district employees who come in contact with students. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all personnel who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

School District Relationship with Local Social Services Agencies

The School District will cooperate to the extent possible with authorized child protective service workers in the investigation of alleged child abuse, maltreatment or neglect. The Superintendent or his/her designee will represent the School District when collaborating with local social services agencies to address instances of abuse, maltreatment or neglect.

Policy Dissemination

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.

Policy References:

Child Protective Services Act of 1973
 Social Services Law §§411 et seq.
 Family Court Act §1012
 Family Educational Rights and Privacy Act,
 20 USC §1232g, 45 CFR §99.36
 Education Law §3209-a

Policy Cross References:

» 5146 - Child Abuse in a Domestic Setting

Adoption Date: 2/28/2008, Revised: 11/17/2011
 4000 - Personnel

Child Abuse in a Domestic Setting Regulation Info 4220R

Pursuant to Board of Education policy and Section 411 of the Social Services Law, school district staff should be on the alert for the purpose of identifying abused and maltreated children and reporting such findings as required in paragraph “2” below. For the purpose of discerning whether or not a child is abused or maltreated the following definitions should be considered:

Definitions

An “abused child” means a child less than 18 years of age whose parent or other person legally responsible for care, inflicts or allows to be inflicted upon such child physical injury, by other than accidental means, which causes or creates a substantial risk of death, serious protracted disfigurement protracted impairment of physical or emotional health protracted loss or impairment of the function of any bodily organ. Child abuse also refers to the situation where the parent or other person legally responsible, creates or allows to be created a substantial risk of physical injury

tea child, by other than accidental means, which would be likely to cause death or serious protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ. Sex offenses against a child, as defined in the Penal Law, shall also constitute a basis for finding that a child has been abused.

A “maltreated child” includes a child of the age of 18 defined as a neglected child under the Family Court Act or who has had serious physical injury inflicted upon him by other than accidental means in general terms, a neglected child is one whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of neglect by a parent, or other person legally responsible for his care, to exercise a minimum degree of care in the areas of providing food, clothing, shelter, education, medical, dental, optometric or surgical care. Child neglect is also indicated where there has been the unreasonable infliction of harm, or substantial risk thereof, including the infliction of excessive corporal punishment, drug misuse or abuse, alcohol abuse or abandonment of the child

1. Persons Obligated To Report Cases of Suspected Child Abuse of Maltreatment

School officials and registered nurses working in the School District are under an obligation, pursuant to Section 413 of the Social Services Law, to report such cases by immediately notifying the Building Principal. All professional staff members (including superintendents, teachers, administrative officers, guidance counselors, coaches and substitute teachers) should consider themselves to be under a duty to report suspected cases of child abuse, maltreatment and neglect to the Building Principal or School Nurse, (Sections 413 and 414, Social Services Law).

2. Reporting

ALL REPORTS TO THE STATE AND LOCAL CHILD PROTECTIVE SERVICES SHALL BE MADE BY THE BUILDING PRINCIPAL AFTER CONSULTATION WITH THE SUPERINTENDENT OF SCHOOLS OR HIS/HER DESIGNEE.

Reports of suspected child abuse, maltreatment or neglect shall be made immediately, by telephone and in writing, within 48 hours after such oral report or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. The oral report shall be made to the Statewide Registry and to the Local Child Protective Service. The written report shall be made to the appropriate Local Child Protective Service on forms prescribed by and supplied by the Commissioner of Social Services. The telephone facsimile report shall be made to a special telephone facsimile number for use only by persons mandated by law to make reports as set forth below. (Section 415, Social Services Law)

Oral Report to: New York State Central Registry of Child Abuse and Maltreatment 1-800-342-3720 and Westchester County Department of Social Services, Child Protective Services 914-734-4500; Mandated Reporter’s Hotline 1-800-635-1522.

Written Report to: Westchester County Department of Social Services, Child Protective Service, 750 Washington Avenue, Peekskill, New York 10566.

Telephone Facsimile Report to Special telephone facsimile number: 1-800-635- 1554.

3. Report Requirements

Each report shall include the following information:

The name and address of the child and his/her parents or other person responsible for his/her care, if known; the child’s age, sex and race; the nature and extent of the child’s injuries, abuse or maltreatment including any evidence of prior injury, abuse or maltreatment to the child or his siblings; the name of the person or persons responsible for causing the injury, abuse or maltreatment, if known; family composition; the source of the report; the person making the report and where he can be reached; the actions taken by the reporting source,

including the taking of photographs and any other information which the Commissioner may, by regulation, require or the person making the report believes might be helpful in the furtherance of the investigation.

4. Taking Photographs

The law allows for the photographing at public expense of the areas of trauma visible on a child who has been abused or maltreated. All photographing should be conducted with the authorization of the Building Principal who shall, to the extent practicable, do so upon notification of the Superintendent or his/her designee. All photographs shall be sent to the Child Protective Service at the time that the written report, referenced in paragraph "3" above, is sent or as soon thereafter as possible.

5. Access to School Records By The Child Protective Services

The District may disclose personally identifiable information from the educational records of a student to Child Protective Services personnel when it is necessary to protect the health or safety of the student or other individuals. In deciding whether or not the disclosure should be made, the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the, emergency and the extent to which time is of the essence should be considered. (Federal Family Educational Rights and Privacy Act of 1974 "Buckley Amendment")

6. Student Interviews By Child Protective Services Personnel On School Property

The Building Principal may allow a Department of Social Services Child Protective Services employee to interview, in school, any student concerning whom a report of suspected abuse or maltreatment has been made regardless of the source of the report. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the pupil and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

7. Taking A Child Into Protective Custody

School officials and staff members do not have the power to take a child into protective custody under the Social Services Law or Education Law. A peace officer, police officer, law enforcement official, agent of a duly incorporated society for the prevention of cruelty to children or a designated employee of the County Department of Social Services may take a child into protective custody without the consent of a parent or guardian. The Building Principal shall cooperate with any of the officials referenced above who produces official documentation indicating that a student be taken into protective custody. Release of a child to such official(s) must be authorized by the Superintendent of Schools.

8. Confidentiality Of Reports

Reports of suspected child abuse and maltreatment are confidential and may only be made available to those individuals who are specified by law. Prior to the release of a report, the Freedom of Information Law Records Access Officer should consult with the Superintendent of Schools and the school attorney regarding the propriety of releasing the report even to one specified by law as being entitled to receive the report. The Commissioner of Social Services may intervene to prohibit the release of a report by determining that to do so would be detrimental to the safety or interests of the reporter.

9. Reporting Of A Child's Death

A post-mortem report must be made to the medical examiner or coroner in the event that a child dies as a result of abuse or maltreatment. If such death occurs, at school, the report

shall be made by the Superintendent of Schools to the appropriate medical authority. (Section 418, Social Services Law)

10. Immunity From Liability

The law provides school officials who act in good faith in the making of a report or the taking of photographs with immunity from liability. The immunity from liability extends to civil or criminal liability that might otherwise result from such actions. The law establishes a presumption of immunity from liability. (Section 419, Social Services Law)

11. Penalties For Failure To Report

The penalty for failure to report a suspected case of child abuse, maltreatment and neglect a Class A Misdemeanor. In addition there may be civil liability for damages proximately caused by such failure to report. (Section 420, Social Services Law)

12: Obligations For Provisions Of Services And Procedures To Safeguard And Health

If, during the course of an investigation of suspected child abuse, the Building Principal determines that a child's health or safety is threatened, the Building Principal shall immediately contact the Superintendent who will immediately contact the Child Protective Service and police to recommend having the child placed in protective custody pursuant to paragraph "7", above.

13. Training Programs For Staff And New Hires

The Superintendent shall establish and implement, on an ongoing basis, a training program for all current employees and newly hired employees regarding child abuse and the procedures described hereinabove. (Section 3209-a, Education Law)

14. General Information

General Information about child abuse, maltreatment, or welfare, other than for the purpose of making a report of child abuse or maltreatment, can be obtained by calling: 1-518-474-9516.

Policy Information

Series 4000 - Personnel

Child Abuse in an Educational Setting

Policy # 4221

The Board of Education, its Officers and employees, shall endeavor to maintain an educational environment that is free from child abuse in an educational setting in accordance with the requirements of Article 23-B of the Education Law and Section 100.2(hh) of the Regulations of the Commissioner of Education. Child abuse in an educational setting by school personnel and school volunteers is strictly prohibited. Required reporters shall promptly report any and all written or oral allegations of child abuse in an educational setting, as required by law and regulations implementing this policy. Such report shall be received by the Building Principal, who shall thoroughly and promptly investigate the allegations to determine whether or not reasonable suspicion exists that an act of child abuse in an educational setting has occurred. The police authorities shall be immediately notified in any case where reasonable suspicion of child abuse in an educational setting by school personnel or volunteers has occurred. The Building Principal shall notify the Superintendent where there is a finding of reasonable suspicion that an act of

child abuse in an educational setting has occurred. The Superintendent of Schools or designee shall send all requisite notices to parents and the State Education Department when there is a finding of such reasonable suspicion.

For purposes of this policy, “required reporter” is defined as any:

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

“Educational setting” is defined as the buildings and grounds of the district, the vehicles provided by the district to transport students to and from school buildings, field trips, co curricular and extra-curricular activity sites and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

The Superintendent of Schools shall develop regulations consistent with the requirements of Article 23-B of the Education Law and Section 100.2(hh) of the Commissioner’s Regulations for the purpose of implementing this policy and to assure the notification and annual training of school district officials and employees.

Adoption Date: 12/16/2004
4000 - Personnel

Child Abuse in an Educational Setting

Regulation Info 4221R

This law is intended to cover the specific allegation of an incident of child abuse in an educational setting by an employee or volunteer. A reasonable belief that child abuse or maltreatment committed by parents, guardians and other persons legally responsible for a child must still be reported to the statewide child abuse registry pursuant to the Social Services Law.

The law broadly defines an “educational setting” to include:

- Buildings and grounds of a public school district
- Vehicles provided by a school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities
- All other locations where direct contact between an employee or volunteer and a child has allegedly occurred

The law broadly defines “child abuse” to include any of the following acts committed in an educational setting by an employee or volunteer against a child:

- Intentional or reckless infliction of physical injury, serious physical injury or death
- Intentional or reckless conduct which creates a substantial risk of physical injury, serious physical injury or death

- Child sexual abuse, defined as an conduct prohibited by Articles 130 or 263 of the Penal Law (i.e., rape, sodomy, sexual abuse, course of sexual conduct against a child, and sexual performance by a child)
- 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

A child is defined as a person under 21 enrolled in a New York school district, other than New York City.

An employee is defined as any person receiving compensation from a school district or employee of a contractual service provider or worker under Title 9-B of Article 5 of the Social Services Law. A volunteer is defined as any person, other than an employee, who provides services to a school or school district which involve district student contact.

DUTIES OF EMPLOYEES

The duties of employees are as follows:

In any case where an oral or written allegation of child abuse by an employee or volunteer in an educational setting is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, school board member, or other school personnel required to hold a teaching or administrative license or certificate, such person shall:

- Promptly fully complete a written report on a form prepared by the Commissioner of Education; and
- Promptly personally deliver a copy of such written report to the principal or other chief school officer of the school in which the child abuse allegedly occurred; or
- Where the allegation involves an allegation of child abuse by an employee or volunteer of a school other than a school within the school district of the child's attendance, promptly forward the report to the Superintendent of Schools of the school district of the child's attendance and to the Superintendent of Schools where the abuse allegedly occurred.

DUTIES OF PRINCIPALS AND SUPERINTENDENTS

The duties of principals and Superintendents of Schools are as follows:

Where there is reasonable suspicion to believe that an act of child abuse has occurred upon receipt of a written report, the principal shall, unless such action is to be undertaken by the superintendents of schools:

- Promptly notify the parent of the child that such allegation has been made
- Promptly provide the parent with a written statement of parental rights which shall include, but not limited to:
 - The duties of the employees upon receipt of an allegation of child abuse in an educational setting
 - The duties of principals and Superintendents of Schools upon receipt of a written report alleging child abuse in an educational setting
 - Additional duties of Superintendents of Schools
 - Notification by district attorneys¹ to Superintendents of Schools and actions to be taken upon criminal conviction of a licensed or certified school employee
 - Duties of the Commissioner of Education
 - Confidentiality of records
 - Penalties for failure to comply with the requirements regarding written reports
 - Prohibition and penalty against agreements relating to unreported resignation of an employee or volunteer involved in an allegation of child abuse
- Promptly provide a copy of such report to the Superintendent of Schools; and promptly forward such report, without delay by reason of the inability to contact the Superintendent of

Schools, to appropriate law enforcement authorities.

- In cases where a person other than the child or the parent of the child has made the allegation, in addition to the requirements above, the principal or Superintendent of Schools shall ascertain from the person making the report, the source, and basis for the allegation.
- Maintain confidentiality of written reports, materials and photographs submitted or taken concerning allegations of child abuse in an educational setting
- Maintain the prohibition against unreported resignations

ADDITIONAL DUTIES OF SUPERINTENDENTS OF SCHOOLS

When a Superintendent of Schools forwards to law enforcement a report of child abuse in an educational setting, the Superintendent of Schools shall also refer such report to the Commissioner of Education where the employee or volunteer holds a certificate or license issued by the Department of Education.

The Superintendent of Schools shall expunge from any record kept by a school or school district, after five (5) years from the date of making of a report or at such earlier time as may be determined, a report made pursuant to this law which, after investigation, does not result in criminal conviction.

SCHOOL DISTRICT DUTIES

Each school district shall establish, and implement on an ongoing basis, a training program regarding the procedures set forth in the law for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, other personnel required to hold a teaching or administrative certificate or license, and school board members.

The training program shall include, but is not limited to, training regarding:

- Duties of employees, identified in the law, upon receipt of an allegation of child abuse in an educational setting
- Confidentiality of records
- Duties of school administrators and Superintendents upon receipt of a report of an allegation of child abuse in an educational setting
- Additional duties of a Superintendent of Schools
- Penalties for failure to comply with the law
- Notification by district attorneys, and actions taken upon conviction of a licensed or certified school employee
- Prohibition against unreported resignations or voluntary suspension of employees against when an allegation is made
- Immunity provisions

¹This refers to the district attorneys who investigate and prosecute criminal matters, not to the school district's legal counsel.

Each school district shall annually provide to each teacher and all other school officials a written explanation, pursuant to Education law, Section 3028-b, concerning the reporting of child abuse in an educational setting, including the immunity provisions of the law.

UNREPORTED RESIGNATION AGAINST PUBLIC POLICY

Neither a school administrator nor a Superintendent of Schools shall make any agreement to withhold from law enforcement authorities, the Superintendent of Schools or the Commissioner of Education, where appropriate, the fact of an allegation of child abuse in an educational setting against an employee or volunteer in return for the resignation or voluntary suspension of the employee.

A violation, of such prohibition shall constitute a Class E Felony, and shall also be punishable by a civil penalty not to exceed \$20,000.00.

CONFIDENTIALITY OF RECORDS

Reports and other written material submitted pursuant to the laws and regulations, and photographs taken concerning a report of alleged child abuse in an educational setting, in the possession of any person authorized to receive such information, shall be confidential and shall not be re-disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena.

A school administrator or superintendent of Schools shall exercise reasonable care in preventing such authorized 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

The willful failure of an employee to prepare and submit a written report at an allegation of child abuse in a public setting shall be a Class A misdemeanor.

The willful failure of a school administrator or Superintendent of Schools to submit a written report of child abuse to an appropriate law enforcement authority shall be a Class A misdemeanor; and shall also be punishable by a civil penalty not to exceed \$5,000.00 upon an administrative determination by the Commissioner of Education.

The 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.

IMMUNITY PROVISIONS

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting to a person and in a manner described in the law shall have immunity from civil liability which might otherwise result from such actions.

Any school administrator or Superintendent of Schools who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such report to a person or agency and in a manner required by the law, shall have immunity from civil liability which might otherwise result from such actions.

Any Superintendent of Schools who reasonably and in good faith reports to law enforcement official's information regarding a resignation of an employee against whom an allegation has been made shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such action.

NOTIFICATION BY DISTRICT ATTORNEY AND ACTIONS UPON CRIMINAL CONVICTION OF A LICENSED OR CERTIFIED EMPLOYEE

Where a criminal investigation is undertaken of an allegation of child abuse in an educational setting, and law enforcement authorities have provided such report to the district attorney and requested assistance, as soon as practicable, the district attorney shall notify the Superintendent of Schools of the district where the acts allegedly occurred and of the school district where the child is attending, if different, of an indictment or the filing of an accusatory instrument against the employee or volunteer; and the district attorney shall make such same notification of the disposition of the criminal investigation.

In the event that a licensed or certified school employee is convicted of any crime involving child abuse in an educational setting, the district attorney shall provide notice thereof to the Commissioner of Education, the Superintendent of Schools where the child abuse acts occurred and to the Superintendent of Schools where the child is attending, if different.

ACCUSED EMPLOYEE'S OR VOLUNTEER'S RIGHTS

Nothing in the law creates any authority to take adverse action against an employee or volunteer by virtue of a report of alleged child abuse in an educational setting which has not been substantiated.

An employee or volunteer who has adverse action taken against him or her by virtue of or in connection with a report pursuant to the law shall be entitled to receive a copy of such report and to respond to the allegations therein. Any employee or volunteer, in addition, shall be entitled to seek disclosure of such report pursuant to Public Officers Law, Article 6.

**STATEMENT OF PARENTAL RIGHTS, RESPONSIBILITIES AND PROCEDURES UPON
THE REPORTING OF AN ALLEGATION OF CHILD ABUSE IN AN EDUCATIONAL
SETTING**

In accordance with Education Law, Section 1128 and Commissioner of Education regulation 8-A N.Y.C.R.R. Part 100.2 (hh), please be advised of the following:

1. As the parent of, or the guardian or person in parental relation to, a child under the age of twenty-one (21) enrolled in a New York school district, you have the right to: prompt notification of our receipt of an allegation that your child has been abused in an educational setting; to be made aware of our responsibilities to report such allegation; and the procedures to be followed upon the receipt of such allegation.

a. Child abuse in an educational setting means: intentional or reckless infliction of physical injury, serious physical injury or death; or intentional or reckless conduct which creates a substantial risk of physical injury, serious physical injury or death; or child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or the commission or attempted commission against a child of the crime disseminating indecent materials to minors pursuant to Article 235 of the Penal law, occurring on or in the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

2. In any case where an oral or written allegation is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, school board member or other teaching or administratively licensed or certified employee that a child has been subjected to child abuse in an educational setting by an employee or volunteer, the individual to whom such oral or written allegation is made must:

a. Promptly complete a written report of such allegation setting forth:

- i. The full name of the child alleged to be abused;
- ii. The name of the child's parent'
- iii. The identity of the person making the allegation and their relationship to the alleged child victim;
- iv. The name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in the educational setting.

b. Except where the school administrator is the person receiving the oral or written allegation, the individual receiving the oral or written report must

promptly personally deliver a copy of the written report described above to the school administrator of the school in which the child abuse allegedly occurred.

c. In the case where it is alleged that the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report will be promptly forwarded to both the Superintendent of Schools of the child's attendance and the Superintendent of Schools where the abuse allegedly occurred, and both superintendents shall meet their obligations under the law.

3. Upon the administrators receipt of the written report described above, for which there is a reasonable suspicion to believe an act of child abuse has occurred, the administrator or superintendent of Schools shall:

a. Promptly notify the parent, unless the parent is the one who has made the allegation, that an allegation of child abuse in an educational setting has been made regarding their child;

b. Promptly provide the parent with this Statement of Parental Rights, Responsibilities and Procedures Upon the Reporting of an Allegation of Child Abuse in an Educational Setting;

c. Promptly provide a copy of the received written report described above to the Superintendent of Schools; and

d. Promptly forward the received written report described above to appropriate law enforcement authorities;

e. Where the person other than the subject child or the parent of the subject child has made the allegation, the administrator shall ascertain from the person making the report the source and basis for the allegation.

4. Where the Superintendent of Schools forwards to the law enforcement authorities the written report described above, the Superintendent of Schools shall also refer such report to the Commissioner of Education if the employee alleged to have committed an act of child abuse in an educational setting holds a certificate or license issued by the Department of Education.

5. Where a criminal investigation of alleged child abuse in an educational setting by an employee or volunteer is undertaken in response to a report received from a school administrator or Superintendent of Schools, and law enforcement authorities have provided such report to the District Attorney and requested assistance, the District Attorney, as soon as practicable, shall notify the Superintendent of Schools of the District where the acts of child abuse allegedly occurred and of the school district where the child is attending, if different, of an indictment or the filing of an accusatory instrument against the employee or volunteer; and shall further notify such Superintendent(s) of the disposition of the criminal case or of the suspension or termination of the criminal investigation.

6. Upon the conviction of a licensed or certified employee, against whom an allegation of child abuse in an educational setting has been made, for any crime involving child abuse in an educational setting, the District Attorney shall provide notice thereof to the Commissioner of Education and to the Superintendent of Schools where the act of child abuse occurred, and to the superintendent of Schools where the child is attending, if different. The Commissioner of Education shall, without delay, proceed to determine whether the individual possesses good moral character, in accordance with the regulations of the Commissioner of Education governing such determination.

7. The Commissioner of Education shall prepare a form to be used for the recording and transmitting of allegations of child abuse in an educational setting; and, shall also promulgate rules and regulations for training of individuals necessary for the implementation of this law.

8. Reports and other written materials submitted, and photographs taken concerning reports of alleged child abuse in an educational setting, in the possession of any person authorized to receive such information shall be kept confidential and shall not be re-disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena.

A school administrator or Superintendent of Schools shall exercise reasonable care in preventing unauthorized disclosure.

9. The willful failure of an employee to prepare and submit a written report of an allegation of child abuse in an educational setting, as required by law, shall be a Class A misdemeanor.

The willful failure of a school administrator or Superintendent of Schools to submit a written report of child abuse in an educational setting to an appropriate law enforcement authority, as required by law, shall be a Class A misdemeanor; and shall be punishable by a civil penalty not to exceed \$5,000.00 upon an administrative determination of the Commissioner of Education.

The willful disclosure of a written record required to be kept confidential, pursuant to law, to a person not authorized to receive or review such record shall be a Class A misdemeanor.

10. A school administrator or Superintendent of Schools shall not make any agreement to withhold from law enforcement authorities, the Superintendent of Schools, or the Commissioner of Education, where appropriate, the fact that an allegation of child abuse in an educational setting against any employee or volunteer in return for the employee's or volunteer's resignation or voluntary suspension from their position.

Each violation of the above prohibition shall constitute a Class E Felony, and shall also be punishable by a civil penalty not to exceed \$20,000.00.

11. A Superintendent of Schools who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse in an educational setting or a resignation as required by law shall have immunity from any liability, civil or criminal, which might otherwise result from such actions.

An employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting to a person and in a manner described in the law shall have immunity from civil liability which might otherwise result by reason of such actions.

A school administrator or Superintendent of Schools who reasonably and in good faith makes a report or transmits a report of allegations of child abuse in an educational setting in a manner described in the law shall have immunity from civil liability which might otherwise result by reason of such actions.

CHILD ABUSE IN AN EDUCATIONAL SETTING
CONFIDENTIAL REPORT OF ALLEGATION

SUBJECT CHILD						PARENT OF SUBJECT CHILD			
Name						Name			
		Last		First		Last		First	
Address						Address (if different)			
School									
Grade				Sex (M,F, Unknown)					
Age or Birthday (Mo/Day/Yr)									

SOURCE OF ALLEGATION (Check as Appropriate)	
Child Parent Other – Name _____ Relationship to Child (if any) _____ _____	

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)	
Name	School
	District
School Building	School
	Position

SPECIFIC ALLEGATION
Use this space to provide information to describe or explain the circumstances surrounding the allegation (attach additional sheets if necessary)

REPORTER INFORMATION							
Name				School District			
School Address				School/Telephone			
Relationship to Child (if any)							
Teacher	School Guidance Counselor			School Nurse		School Psychologist	
Administrator	School Board Member			School Social Worker			
School personnel required to hold teaching or administrator license or certification							
Date Submitted to Administrator ____/____/____/				Signature: _____			

FOR ADMINISTRATOR USE ONLY	FOR SUPERINTENDENT OF SCHOOL USE ONLY
Reasonable Suspicion Yes No	Reasonable Suspicion Yes No
Date Submitted to Superintendent ____/____/____/	Date Submitted to Law Enforcement ____/____/____/
Name/Signature _____	Name/Signature _____
Date Submitted to Law Enforcement ____/____/____/	Date Submitted to Commissioner ____/____/____/
Name/Signature _____	Name/Signature _____

Policy Information

Series 4000 - Personnel

Whistleblower Protection

Policy # 4225

The Board of Education requires officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations. 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 have a responsibility to report such wrongful conduct to the Board or one of its designated officers.

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

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

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

Staff members who suspect that a violation of state testing procedures has occurred 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, School Attorney or the Independent Auditor shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

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

The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct.

Complaints of Reprisal

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

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

- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

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

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

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

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

False Accusations

False accusations have serious effects on innocent persons, waste the resources of the School District and are unacceptable. Any employee that knowingly, maliciously or recklessly makes false statements or presents inaccurate information will be subject to disciplinary action in accordance with law and applicable collectively negotiated agreement. The fact that a complaint is not substantiated does not mean that the complaint was maliciously or recklessly made.

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

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

Policy References:

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 (3rd Dept. 2003) (Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)

Matter of Brey v. Bd. of Educ., 245 A.D. 2d 613 (3rd Dept. 1997) (termination based on work deficiency, not retaliation)

Policy Cross References:

» 8255 - Whistleblower Protection

Adoption Date: 6/15/2006, Revised: 3/20/2014; 12/21/2006
4000 - Personnel

Policy Information

Series 4000 - Personnel

Record Conversations and Meetings

Policy # 4230

In order to encourage the free and candid exchange of ideas and information between supervisors and employees and among employees of the District, it is the policy of the District that conversations or conferences between supervisors and employees and among employees shall not be audio-recorded or video-recorded without the knowledge and written consent of all parties involved in the conversation or conference. Any employee or supervisor who audio-records or tape-records a conversation or conference without all parties to the conversation or conference having knowledge thereof and consenting thereto may be subject to disciplinary proceedings based upon insubordination pursuant to this policy, in accordance with law and any applicable collectively negotiated agreement.

Adoption Date: 3/23/2000
4000 - Personnel

Policy Information**Series 4000 - Personnel****Confidentiality of Information Regarding Students and their Families**

Policy # 4235

The Board of Education believes that information regarding students and their families acquired as part of his/her official duties of the Lakeland Central School District is confidential and must be kept as such. To that end, the Board of Education directs that officers, employees and volunteers of the District to respect the privacy rights afforded to students (including their parents/guardians/families) by law by not disclosing to any individual or discussing with other individuals, including his/her own family members, information regarding a specific student or students and/or the student's family, including but not limited to a student's grades or progress in school; a student's involvement in any incident in school or at a school activity (e.g. disciplinary, accident); a student's status as a student with a disability; a student's health or other problems, including whether or not a student takes medication or requires treatment; testing modifications given to a student, family background. The District also directs its officers, employees and volunteers to exercise good judgment and discretion in terms of where conversations are held in or around the school and at school activities so that matters concerning students and their families are not within earshot of others.

Any individual who violates this policy will be subject to discipline in accordance with law and any applicable collectively negotiated agreements.

Adoption Date: 4/5/2001
4000 - Personnel

Policy Information**Series 4000 - Personnel****Parental Rights to Annual Professional Performance Review Composite Scores and Quality Ratings under Education Law Section 3012-c**

Policy # 4240

Parental Rights to Annual Professional Performance Review Composite Scores and Quality Ratings under Education Law Section 3012-c

In accordance with the provisions of Section 3012-c (10)(b) of the Education Law, the Board of Education shall facilitate the disclosure of the Annual Professional Performance Review final quality ratings and numerical composite effectiveness scores of the classroom teachers and building principals to the parents/legal guardians of students under their supervision for the current school year.

In the interest of protecting the privacy rights of the professional educators while facilitating parental access, the District shall require reasonable verification of identity prior to releasing information to parents/legal guardians.

The Superintendent of Schools shall develop a parental notice and information access form that shall be exhibits to this policy and an integral part hereof. The parental notice shall be posted in conspicuous locations within the District and the notice and form shall be made available on the District website.

Policy References:

Education Law Section 3012-c(10)

State Education Department Guidance Document, Section "P"

Adoption Date: 11/21/2013
4000 - Personnel

**RELATED FILES**

NOTICE OF THE RIGHT OF PARENTS AND LEGAL GUARDIANS TO RECEIVE ANNUAL PROFESSIONAL PERFORMANCE REVIEW (pdf file - 12kb)



REQUEST FOR RELEASE OF ANNUAL PROFESSIONAL PERFORMANCE REVIEW FINAL QUALITY RATINGS AND COMPOSITE (pdf file - 12kb)