

[] Required
 [X] Local
 [] Notice

PERSONNEL GOALS

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

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

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

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

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

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

Cross-ref: 0100, Equal Opportunity

Ref: Education Law §§1604(8); 3012(1)(a) (Board's authority to hire employees); 3012(2) (Board's authority to grant tenure to teachers)
 Civil Service Law §204 ("Taylor Law" requires school district to negotiate with unions)

8 NYCRR §§ 100.2(o)(2) (school district required to evaluate teachers);
100.2(dd)(2)(ii)(a) (school district required to provide professional
development)

Adoption date: 1/8/13

[] Required
 [X] Local
 [] Notice

CONFLICT OF INTEREST

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

No person employed by the district shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family.

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

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

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

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

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

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

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

Adoption date:1/8/13

Required Local Notice

STAFF COMPLAINTS AND GRIEVANCES

The Board of Trustees recognizes that staff complaints and grievances regarding work rules and other school issues may arise from time to time. In order to address staff complaints, the Board establishes this policy. The Board acknowledges that staff members have the right to present complaints and grievances in accordance with these procedures free from coercion, interference, restraint, discrimination or reprisal.

The district shall implement a grievance procedure for the settlement of grievances regarding work rules and other school issues. Staff complaints that are not regarding work rules, or cannot be resolved under procedures of policies 0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment, shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
0110, Sexual Harassment

Ref: General Municipal Law, Article 15-c
Civil Service Law, Article 14
Matter of Gatje, 24 EDR 191 (1984)

Adoption date: 1/8/13

[] Required
 [X] Local
 [] Notice

MEALS AND REFRESHMENTS

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

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

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

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

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

Adoption date: 1/8/13

Required
 Local
 Notice

STAFF USE OF PERSONAL ELECTRONIC DEVICES FOR WORK-RELATED DUTIES

The Board of Trustees authorizes staff use of personal devices to access the district's computer network to carry out job duties in accordance with this policy. Any other staff use of personal electronic devices must not interfere with performance of work responsibilities or disrupt school operations.

If a staff member wished to use his/her personal device the following is required:

- Register the device with the Superintendent of Schools.
- Abide by the rules of acceptable network use outlined in policy 8630, Computer Resources and Data Management and its associated regulation.
- Use only the district's network to access the Internet or district applications while on school grounds; do not use other gateways to the Internet to conduct district business.

Maintenance and repair of personal devices is the staff person's responsibility. The district's technology department will not service or repair any personal devices.

Privacy

To ensure district compliance with federal and state confidentiality requirements, the district's technology department will monitor district computer network activity. The district maintains its right to access and monitor the district's network. In order to avoid an invasion of privacy of personal devices, staff is advised to keep all district files separate from personal files by properly using the district's computer network to perform work functions and maintain district records. Employees should not have an expectation of privacy if the district's network is used for personal purposes.

Violation of Policy

Violation of this policy may result in revocation of permission to use a personal electronic device for work purposes and/or discipline of the employee in accordance with applicable negotiated agreements.

Separation from Employment

When staff leave district employment, access to the district's network will be discontinued.

The Superintendent of Schools, or his/her designee, will develop procedures and maintain records to implement and monitor this policy.

Cross-Ref: 1120, District Records
5500, Student Records
8630, Computer Resources and Data Management

Adoption date: 3/11/14

[] Required
 [X] Local
 [] Notice

RECRUITING AND HIRING

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

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

New or Revised Positions

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

The Superintendent of Schools shall refer all proposals for the creation or reclassification of all classified (non-instructional) positions and a statement of the duties for these positions to the local civil service authority for classification.

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

Recruiting

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

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

The Board will practice due diligence in finding the most qualified persons for any open positions. The Board recognizes that some specialized positions are difficult to fill because of shortages of qualified candidates. In rare instances, the Board may need to hire a retired public employee, in which case it will follow the Commissioner's regulations for securing a §211 waiver. When recruiting for an open position the Board will first undertake a thorough and good faith search for a certified and qualified individual who will not require such a waiver for employment.

Hiring

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

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

Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§ 621 *et seq.* (prohibiting discrimination on the basis of age)
Americans with Disabilities Act (ADA), 42 USC §§ 12101 *et seq.* (prohibiting discrimination on the basis of disability)
Civil Rights Act of 1964 (Title VII), 42 USC §§ 2000e *et seq.* (prohibiting discrimination on the basis of color, national origin, race, religion and sex)
Rehabilitation Act of 1973 (Section 504), 29 USC § 794 (prohibiting discrimination on the basis of disability)
Title IX, 20 USC §§ 1681 *et seq.* (prohibiting discrimination on the basis of sex)
New York State Constitution, article V, § 6 (requiring public employees be appointed on the basis of merit and fitness)
Civil Service Law §§ 22; 40-44; 61(1) (rules on classified positions)
Education Law §§ 1604(8); 3012(1)(a) (board's authority to hire employees)
Education Law § 1604(39) (fingerprinting requirements)
Executive Law §§ 290 *et seq.* (prohibiting discrimination on the basis of age, color, creed, disability, marital status, national origin, race or sex)
8 NYCRR § 80-5.5 (§211 waiver process)

Adoption date: 1/8/13

[X] Required

[] Local

[] Notice

CONDITIONAL APPOINTMENT - STUDENT SAFETY

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

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

No district employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students by himself/herself unless the Superintendent of Schools has provided express prior permission to do otherwise.

The Superintendent of Schools shall monitor the activities of such employees while on school district property during the period of their conditional or emergency conditional appointment.

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

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

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

Ref: Education Law §§1125-1133; 1604(39) (As extended by L.2001, c. 147; L.2003, c. 100; L.2005, c. 127; L.2007, c. 90; L.2009, c. 179)
8 NYCRR §§100.2(hh); Part 87

Adoption date: 1/8/13

DRUG-FREE WORKPLACE

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

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

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

Adoption date: 1/8/13

**STAFF REQUESTS FOR ACCOMMODATIONS
UNDER THE AMERICAN WITH DISABILITIES ACT AS AMENDED
(ADAAA)**

The Board of Trustees is committed to equal opportunity and nondiscrimination (0100, Equal Opportunity and Nondiscrimination) for staff and students. The Superintendent or his/her designee is authorized to provide reasonable accommodations for qualified employees who require such in order to perform the essential functions of their job under the provisions of federal and state law.

Under the law, employees are responsible for notifying the district that an accommodation is needed.

In order to expedite the process, requests for such accommodations should be made in writing to Superintendent of Schools and include the following:

- reasonable documentation showing that the employee has a disability as defined by the ADAAA,
- a statement describing how this disability impacts job performance ability, and
- a statement of the accommodation the employee is seeking and explanation of how the accommodation will impact or benefit the disability.

It should be noted that while efforts will be made to comply with specific accommodation requests, some requests may impose an undue hardship on the district. The district will collaborate with the employee to attempt to find a suitable accommodation. The district will respond to requests for accommodation in a timely manner.

If an employee is dissatisfied with the district's response, complaints or grievances related to this matter shall be pursued in accordance with policy 0100, Equal Opportunity and Nondiscrimination.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Rehabilitation Act of 1973, 29 USC §§705, 794 *et seq.* (Section 504)
Executive Law §290 *et seq.* (New York State Human Rights Law)

Adoption date: 6/11/13

Required
 Local
 Notice

STAFF EVALUTION

FOR THOSE COVERED BY 3012.c OF EDUCATION LAW ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) (BUILDING PRINCIPAL AND CLASSROOM TEACHERS)

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

Annual Professional Performance Review Plan

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

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

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

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

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

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

Teacher and Principal Improvement Plans

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

Appeals

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

Training

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

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Reporting and Public Disclosure

In accordance with state law, the district will make aggregate information from the classroom teacher and building principal annual professional performance system available on the district website. This summary information will not include personally identifiable data.

Upon request from a parent or legal guardian, the district will provide the final quality rating and composite effectiveness score for each of the classroom teachers and for the building principal to which the student is assigned (see Exhibit 1). The district will take reasonable steps to review the request to verify that the parent/guardian is entitled to the information. The Superintendent will develop procedures to implement this provision of the policy.

Cross-ref: 9140.1, Employee Complaints and Grievances
9425, Staff Evaluation Not Covered by 3012.c
9700, Staff Development

Ref: Education Law §3012-c
8 NYCRR Subpart 30-2
8 NYCRR § 100.2(o)(2) (Professional Performance Review Plans)
Guidance on New York State's Annual Professional Performance Review for Teachers and Principals to Implement Education law §3012-c and the Commissioner's Regulations, Updated, August 30, 2013

Adoption date: 10/8/13

Amended date: 4/13/15

REQUEST FOR FINAL QUALITY RATING
AND COMPOSITE EFFECTIVENESS SCORE

I, _____ certify that I am the parent or legal guardian
(Name of Requestor)

of _____ a student at the Sagaponack
Common School
(Name of Student)
District.

I am hereby requesting the final quality rating and composite effectiveness score for my
child's

Teacher(s):

Building Principal:

I acknowledge that I am receiving this requested information as the parent or legal
guardian of

_____, and that the requested information is not subject to
public

disclosure under the New York State Freedom of Information Law (FOIL). I further
understand that an

explanation of the scoring ranges is attached, and the APPR plan is available on the
District's website at:

www.sagaponackschool.com

For District Use Only:
Information provided on

(Date)
By: _____

Date: _____ Signature: _____

**EXPLANATION OF THE COMPOSITE EFFECTIVENESS SCORING
RANGES FOR
FINAL QUALITY RATINGS**

Quality Rating Categories and Composite Effectiveness Scores (Only information that can be released)	Growth or Comparable Measures	Locally-selected Measures of growth or achievement	Other Measures of Effectiveness (Teacher and Leader Standards)
Highly Effective (91-100)	Results are well-above state average for similar students (or District goals if no state test).	Results are well-above District or BOCES - adopted expectations for growth or achievement of student learning standards for grade/subject	Overall performance and results exceed standards.
Effective (75-90)	Results meet state average for similar students (or District goals if no state test).	Results meet District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results meet standards.
Developing (65-74)	Results are below state average for similar students (or District goals if no state test).	Results are below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results need improvement in order to meet standards.
Ineffective (0-64)	Results are well-below state average for similar students (or District goals if no state test).	Results are well-below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results do not meet standards.

<http://engageny.org/sites/default/files/resource/attachments/nys-evaluation-plans-guidance-memo.pdf>

Note: Scoring chart is for the 2013-2014 school year. It is expected that the commissioner will review scoring ranges annually before the start of each school year and recommend any changes to the Board of Regents for consideration.

Required
 Local
 Notice

**STAFF EVALUATION
FOR THOSE NOT COVERED BY 3012.c OF EDUCATION LAW
ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR)**

The Board of Trustees believes that the regular, rigorous and meaningful evaluation of staff not covered by 3012.c of Education Law and Board Policy 9420 is necessary to improve the achievement of students and the efficiency of district operations. To this end, the Superintendent of Schools shall be responsible for ensuring that all district employees are observed and/or evaluated annually and receive additional staff training, if necessary, to improve their skills (see 9425 Exhibit 1 for Full Time Support Staff, Exhibit 2 for Part Time Support Staff and Exhibit 3 for Classroom Teachers Teaching Less Than 40%).

Upon request, the Superintendent will prepare an annual report for the Board that provides data on the evaluation ratings so that the Board can assess the effectiveness of the district's evaluation program. Data may include the number of employees evaluated, a summary of the final evaluation ratings, the rates of the staff turnover and other relevant information. Personally identifiable data will not be released to the public.

Cross-ref: 9140.1, Employee Complaints and Grievances
9700, Staff Development

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

Adoption date: 5/11/15

SAGAPONACK COMMON SCHOOL DISTRICT
FULL TIME SUPPORT STAFF
(Not covered by 3012.c of Education Law)

Name:
Position/Title:
Period Covered:

Date:
Probationary:
Permanent: Part Time:

	FACTOR	Exceeds Expectations	Meets Expectations	Requires Improvement	N/A	COMMENTS
1.	Attitude: positive, interest in work, loyalty to the school district					
2.	Communication: provides necessary information when needed to appropriate staff members					
3.	Cooperation: ability & willingness to work with others in a positive & constructive manner					
4.	Dependability: observes work schedules, completes tasks without close supervision; exercises sound judgment; uses time wisely					
5.	Initiative: self-starter; sees things done; assumes appropriate responsibilities					
6.	Judgement: makes timely & sound decisions; analyzes facts; is realistic					
7.	Knowledge of skills: knows the job; takes positive action; knows or can find answers; is adaptable					
8.	Organizational skills: plans ahead; works as a member of a team; is systematic					
9.	Quality of work: completes required work in a reasonable amount of time					
10.	Quality of work: accuracy; completeness; thoroughness; neatness					
11.	Responsibility: meets deadlines, does not shirk responsibilities					
12.	Other Areas					

Strong Areas of Performance:

Areas Needing Improvement:

Attendance: Sick Days_____ Personal Days_____ Other_____

Comments: (The employee, after reviewing this performance evaluation, may comment on the contents of this report)

I acknowledge that the above evaluation has been discussed with me and understand my signature does not imply agreement or disagreement.

Employee Signature/Date

Supervisor Signature/Date

**SAGAPONACK COMMON SCHOOL DISTRICT
OBSERVATION REPORT/PART TIME SUPPORT STAFF**
(Not covered by 3012.c of Education Law)

Name: _____

Type of Class/Session/Assignment: _____

Date of Observation: _____

Opening Comments (may include objective(s), activities, areas of responsibilities, etc.):

Commendations:

Recommendations:

Name/Title

Superintendent of Schools

Date

Date

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see attachment for 9425 Exhibit 3

Required
 Local
 Notice

COMPENSATION AND BENEFITS

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

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

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

Determination of Employment Status

Before enrolling an individual in the district's compensation and benefits program, the district will determine the individual's employment status. In accordance with regulations issued by the State Comptroller and as set forth by the Internal Revenue Service, the Superintendent of Schools will determine if the person is an employee and thus entitled to benefits. If the individual is not an employee based on the specified criteria, they will not be enrolled in any of the benefit programs offered by the district or the State.

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

Ref: Consolidated Omnibus Budget and Reconciliation Act of 1985 (COBRA), 42 USC §§ 300bb-1 *et seq.* (federal law that requires the continuation of health insurance benefits under certain circumstances)
Fair Labor Standards Act (FLSA), 29 USC §§ 200 *et seq.* (federal law that requires a minimum wage and overtime for non-exempt employees)
Family and Medical Leave Act of 1993 (FMLA), 29 USC §§ 2610 *et seq.* (federal law that requires an unpaid leave of absence for certain family and medical situations)
Civil Service Law §§ 200 *et seq.* ("Taylor Law," requires school districts to negotiate with unions)

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Education Law § 3005-b (requires a minimum sick leave allotment and accumulation for teachers)

Local Finance Law § 2.00(5)(e) (designates Board of Education President as Chief Fiscal Officer)

2 NYCRR Part 315.2 and 315.3 (criteria for determining employment status)

Adoption date: 1/8/13

[] Required
 [X] **Local**
 [] Notice

CHILD ABUSE IN AN EDUCATIONAL SETTING

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

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

Required Reporters

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

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

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

Definitions

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

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

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

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

Reporting Requirements

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

1. promptly complete the required State Education Department report form (see policy 9620-E.1); and
2. personally deliver it to the Principal of the school in which the child abuse allegedly occurred.

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

Upon receiving a written report, the Superintendent shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred.

If the Superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

If the person making the allegation of abuse is someone other than the child or the child’s parent, the Superintendent shall contact the person making the report to learn the source and basis for the allegation. The Superintendent will send a copy of the written report to the appropriate law enforcement authorities.

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

Rights of Employees and Volunteers

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

Confidentiality

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

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

Penalties

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

Willful failure of the Superintendent of Schools to submit a written report of alleged child abuse to an appropriate law enforcement authority, as required by Article 23-B of the Education Law, shall be a class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

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

Record Retention

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

Training

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

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

Adoption date: 1/8/13

**CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT -
CONFIDENTIAL REPORT OF ALLEGATION**

SUBJECT CHILD	PARENT OF SUBJECT CHILD
Name _____ <div style="display: flex; justify-content: space-between;"> Last First </div> MI _____ Address _____ _____ School _____ Grade _____ Sex (M, F, Unknown) _____ Age or Birthday (Mo/Day/Yr) _____	Name _____ Address (if different) _____ _____

SOURCE OF ALLEGATION (Check as Appropriate)
<input type="checkbox"/> Child <input type="checkbox"/> Parent <input type="checkbox"/> 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) _____ <input type="checkbox"/> Teacher <input type="checkbox"/> School Guidance Counselor <input type="checkbox"/> School Nurse <input type="checkbox"/> School Psychologist <input type="checkbox"/> Administrator <input type="checkbox"/> School Board Member <input type="checkbox"/> School Social Worker <input type="checkbox"/> School personnel required to hold 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 _____

DISCLOSURE OF WRONGFUL CONDUCT

The Board of Trustees expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g. mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers (Superintendent of Schools or the District Clerk).

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;
- 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 or is occurring shall report such mismanagement, fraud or abuse to the Board of Trustees or one of its designated officers (Superintendent of Schools or District Clerk). If a Board of Trustees member or the District Clerk receives the report, then the Superintendent of Schools will be immediately notified. Upon receiving a report of alleged wrongful conduct, the Superintendent of Schools shall take immediate steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education, and must also report concerns to the Superintendent or Board of Trustees. If the Board of Trustees member receives this report, he/she shall immediately notify the Superintendent of Schools. The Superintendent of Schools shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

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

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

Complaints of Reprisal

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

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of this 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 the adverse employment action occurred as a result of the disclosure.

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

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

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has 30 days to report his or her findings and make any recommendations he or she deems appropriate to

the designee. The designee shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

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

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

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

The Superintendent of Schools shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Ref: Civil Service Law §75-b
Education Law §3028-d
Labor Law §740
Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003)
Matter of Brey v. Bd. of Educ., 245 A.D. 2d (3rd Dept. 1997)

Adoption date: 1/8/13

Amended date: 11/19/15

[] Required
[X] Local
[] Notice

STAFF DEVELOPMENT

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

Administrators

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

Teachers

All teachers will be provided with substantial professional development opportunities directly related to student learning in accordance with any applicable employment contract and the district's Professional Development Plan. Level III teaching assistants and long-term substitute teachers (employed more than 40 days in a school year) shall have the opportunity to participate in the district's professional development program.

The plan shall include:

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

- A description of how it will provide teachers holding a professional certificate and Level III teaching assistants with opportunities to maintain their certificate in good standing by successfully completing 100 hours of professional development every five years. (Note: As per NYSED Continuing Teacher and School Leader (CTLE) Regulations, permanent classroom teacher and school leader certificate holders participating in New York State will not be subject to these CTLE requirements.)
- A mentoring program to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing retention of teachers in the public schools, and to increase the skills of new teachers in order to improve student achievement.

Professional Development Team

The Board shall establish a Professional Development Team to review and revise the district's Professional Development Plan annually.

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

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

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

Other Professional Staff and Support Staff

Holders of professional certificates in educational leadership service (i.e., school building leader, school district leader, school district business leader) are required to complete at least 100 hours of continuing education during every 5 year registration period. Unless the district is granted an exemption by the Commissioner of Education, at least 15 percent of those hours shall address the language acquisition needs of English Language Learners. (Note: Once again, as per NYSED Continuing Teacher and School Leader (CTLE) Regulations, permanent classroom teacher and school leader certificate holders participating in New York State will not be subject to these CTLE requirements.)

SAGAPONACK

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

Other Staff Development Opportunities

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

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

Cross-ref: 9420, Staff Evaluation

Ref: Education Law § 3604(8) (Superintendent conference days)
8 NYCRR §§100.2(dd) (Professional Development Plans);
100.2(o)(2)(iii)(b)(5) (required training on conducting staff evaluations)

Adoption date: 1/8/13

Amended date: 5/8/18