

CHAPTER 6

CERTIFICATED PERSONNEL AND PROGRAMS

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Updated: July 2016

NORWICH CITY SCHOOLS

Board Policy

A600.

A600.

PROFESSIONAL ORGANIZATIONS

The Board recognizes the right of all certificated personnel to join or refrain from joining professional organizations that exist for the benefit of education and individual educators which are compatible with the Laws of the State of New York and the goals of the School District. The Board encourages certificated personnel to join these organizations.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS

Board Policy

A600.1

A600.1

RECRUITMENT, SELECTION AND APPOINTMENT

The process of recruiting, selecting and appointing Certificated Personnel shall be as open as possible and conducted in a manner consistent with pertinent State Law, rules and regulations and the Norwich City School District Hiring Handbook. The appointment of personnel shall be made by the Board of Education upon the recommendation of the Superintendent. The Board of Education hereby declares its intent to employ the most competent individuals available.

No person shall be denied employment, reemployment, or advancement nor be evaluated on the basis of age, race, creed, color, national origin, sex, gender, disability, sexual orientation, marital status, or criminal record. Accordingly, nothing in this application form should be viewed as expressing, directly or indirectly, any limitation, specification, or discrimination as to age, race, creed, color, national origin, gender, disability, sexual orientation, marital status, alienage, citizenship status, partnership status, arrest or conviction record, status as a victim of domestic violence, or status as a victim of stalking and sex offenses in connection with employment.

Policy Adopted: November 20, 1972
Policy Amended: February 13, 1984
Policy Amended: February 10, 2004
Policy Amended: December 9, 2009
Policy Amended: June 13, 2011

NORWICH CITY SCHOOLS
Board Policy

A601.1

A601.1

PRIOR EXPERIENCE CREDIT

It shall be the policy of the Board of Education to recognize prior experience for purposes of establishing initial employment salaries.

Such credit will be granted for appropriate experience based on the recommendation of the Superintendent of Schools.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS
Board Policy

A601.2

A601.2

TERMINATION OF CERTIFICATED EMPLOYEES

Certificated employees may be terminated. Such termination, however, shall be accomplished in a manner consistent with Education Law.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS
Board Policy

A601.3

A601.3

TENURE

The Board of Education wishes to take an active role in the appointment of certificated employees to tenure. Because an appointment can impact the quality of education in the District for decades, it needs to be based on the maximum amount of information that can be obtained about the tenure candidate. Toward this end, the Superintendent of Schools shall make a written report to the Board recommending certificated employees for appointment to tenure. Tenure will be granted only upon affirmative recommendation of the Superintendent of Schools and approval by the Board of Education.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS

Administrative Guidelines

B601.3

B601.3

TENURE

In order to assure the active participation of the Board of Education in the appointment of certified employees to tenure each year, the Superintendent of Schools will arrange for a meeting with the Board of Education to review the performance of probationary employees.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS

Board Policy

A602.1

A602.1

PAYROLL CALENDAR

A Payroll calendar for all certificated personnel shall be adopted annually by the Board of Education.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS

Board Policy

A602.2

A602.2

SALARY CREDIT – IN-SERVICE WORKSHOPS

Members of the professional teaching staff, regularly employed, will be granted salary credit for participation in staff development programs sponsored or endorsed by the Director of Instruction and Staff Development and consistent with the following procedural guidelines:

1. Course approval will be secured from the Superintendent prior to course enrollment.
2. Only programs which support or enhance curricular objectives, building based and district objectives, or instructional competency will qualify according to the following schedule:

Program Contact Hours	In-Service Credit
8 - 10	1
11 - 20	2
21 +	3

3. Program enrollment will be secured through the appropriate administrative supervisor(s) and the Office of the Director of Instruction and Staff Development.
4. The staff member will be responsible for conveying certification of attendance and successful “course” completion to the Office of the Director of Instruction and Staff Development.
5. Salary credit will not be approved for programs which are otherwise paid for by the District and/or completed during a staff member’s normal hours of employment.

Policy Adopted: June 21, 1982
Policy Amended: January 15, 1990
Policy Amended: April 13, 1992
Policy Amended: April 1, 2002
Policy Amended: October 16, 2007

NORWICH CITY SCHOOLS

Board Policy

A402.3
A502.6
A602.3

A402.3
A502.6
A602.3

SEXUAL HARASSMENT

The Board of Education of the Norwich City Schools believes that all students and employees are entitled to study and work in an environment free from all forms of discrimination, including sexual harassment. Therefore, consistent with all state and federal laws, the Board of Education prohibits any form of sexual harassment by students or employees. Violation of this policy will result in disciplinary action, as outlined in the Administrative Guidelines of this policy.

The Board of Education also believes that effective efforts to combat sexual harassment must focus not only on enactment of this policy, but on creating an institutional climate that supports respectful relationships and is free from gender inequity. To provide students and employees with the knowledge and skills necessary for them to assume their responsibility in the prevention of sexual harassment and gender inequity, awareness programs will be required for all district staff and secondary students. Issues related to gender equity and respect for others will be integrated into the curricula at both the elementary and secondary level.

Students and employees will be encouraged to report all incidents of sexual harassment. The initiation of a complaint shall not adversely affect the status of a student or employee. Retaliation is also prohibited against any individual who testifies on behalf of a complainant, or any individual who assists or participates in an investigation, proceedings, or hearing conducted under this policy.

A copy of this policy and accompanying procedures will be distributed to all students and employees in the Norwich City School District. Contents of the policy will be reviewed with all employees and students during annual awareness sessions.

Questions regarding the application of this policy are to be directed to the Director of Instruction & Staff Development or the Superintendent of Schools.

Ref. Title VII- 1964 Civil Rights Act
Title IX - 1972 Educational Amendments

Policy Adopted: January 24, 1994
Policy Amended: November 18, 1996
Policy Amended: February 11, 2002
Policy Amended: October 16, 2007

NORWICH CITY SCHOOLS

Administrative Guidelines

B402.3

B502.6

B602.3

B402.3

B502.6

B602.3

SEXUAL HARASSMENT

These administrative guidelines provide information and establish specific direction for the implementation of the sexual harassment policy.

Effective efforts to combat sexual harassment must focus not only on enactment of policy, but on creating an institutional climate that supports respectful relationships and is free from gender inequity. Students and employees will be provided with knowledge and skills necessary for them to assume their responsibility in the prevention of sexual harassment. Character Education initiatives and annual Right To Know presentations are examples of district efforts in these regards.

Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to the conduct is either explicitly or implicitly a term or condition of an individual's grade or employment,
- submission to or rejection of such conduct by an individual is used as a basis for grade/employment decisions affecting that individual; and/or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or school performance or creating an intimidating, hostile, or offensive school/working environment.

Examples of sexual harassment include, but are not limited to the following behaviors:

1. Any activity that demonstrates boundary invasion and is directed toward establishing or results in an inappropriate sexual relationship such as dating, sending intimate communications; and/or engaging in sexualized dialogue whether in person, by phone, via the Internet, or in writing.
2. Sexually oriented communication, including sexually oriented "kidding", spreading sexual rumors, telling dirty jokes, and sexual graffiti
3. Subtle pressure or requests for sexual activity, accompanied by an implied or overt promise of preferential treatment with regard to an individual's employment or student status
4. Creating a hostile learning or work environment, including the use of innuendoes or overt or implied threats
5. Unwelcome touching (ie. patting, pinching, repeated brushing against another person's body, etc.)

SEXUAL HARASSMENT COMPLAINT PROCEDURES

The following procedures are established to provide for the reporting and resolution of sexual harassment complaints.

It is strongly recommended that the complainant attempt to rectify the situation in question before following the procedures below.

Informal Complaint Procedure

Students who believe they have been subjected to sexual harassment may request an informal meeting with the Building Principal. Students will be informed that they may request the presence of their parents and/or another staff member. The Principal may contact the Director of Instruction & Staff Development for advisement or possible involvement. A meeting will be scheduled within five (5) school days of receipt of the request.

Employees who believe they have been subjected to sexual harassment may request an informal meeting with their immediate supervisor. Once an informal complaint has been received, the Supervisor may contact the Director of Instruction & Staff Development for advisement or possible involvement. If the alleged harasser is the immediate supervisor, the employee may request an informal meeting with the Director of Instruction & Staff Development. Employees will be informed that they may request the presence of another staff member. A meeting will be scheduled within five (5) work days of receipt of the request.

The purpose of the informal meeting will be to discuss the allegations and if needed, the remedial steps available to resolve the issue without filing a formal, written complaint. It is the responsibility of the Supervisor/Principal to confirm that the alleged harasser is aware of the concern.

If the alleged harasser is not a student or employee of the Norwich City School District, the complainant will be advised of the following options: 1. Complainant may petition Superintendent to notify the alleged harasser's school district or employer of the incident and request resolution. 2. Complainant may pursue issue independent of school involvement.

Investigation of an Informal Complaint:

Within five (5) school days of the informal student complaint meeting, the Building Principal will discuss the complaint with the alleged harasser. The alleged harasser will be notified of his/her right to request the presence of a parent, staff member, or other individual.

Within five (5) work days of the informal employee complaint meeting, the immediate supervisor will discuss the complaint with the alleged harasser. The alleged harasser will be notified of his/her right to request the presence of another staff member or other individual.

The Principal/Supervisor may contact the Director of Instruction & Staff Development for advisement and possible involvement.

Denial of Allegations: If the alleged harasser denies the allegations, the Principal/Supervisor will inform the complainant in writing. Should the complainant be dissatisfied with the resolution, the formal complaint procedure will be explained.

Admission of Allegations: If the alleged harasser admits the allegations, the Principal/Supervisor will obtain a written assurance that the sexual harassment will stop immediately. Depending on the severity of the charges, further disciplinary action may be imposed pursuant to district guidelines.

The Principal/Supervisor will prepare a written report of the incident and inform the complainant and alleged harasser of the resolution. This report will be filed with the Director of Instruction & Staff Development.

Formal Complaint Procedure

Students who believe they have been subjected to sexual harassment are to report the incident to the Building Principal, a counselor or the appropriate building Student Services Facilitator, or the Director of Instruction & Staff Development.

If a formal complaint involves a student, the student's parents will be notified by the Principal. Exceptions to this rule will be made if a student is 18 years of age or older, or is legally emancipated.

Employees who believe they have been subjected to sexual harassment are to report the incident to the Building Principal, or their immediate supervisor or the Director of Instruction & Staff Development.

The individual receiving the complaint will assist the complainant in the completion and submission of the complaint form. Complaint forms are available in the Main Office of each building and in the Superintendent's office. The completed complaint form will be immediately forwarded to the Director of Instruction & Staff Development. Upon receipt of a written complaint, the Director of Instruction & Staff Development will initiate a prompt, thorough, and impartial investigation of the allegations.

Investigation of a Formal Complaint:

It is the responsibility of the Director of Instruction & Staff Development to ensure that every instance of alleged sexual harassment is investigated promptly, fairly, and effectively.

Within twenty (20) calendar days after receipt of a written complaint, the Director of Instruction & Staff Development will in writing communicate the findings and the recommended action to be taken to the Superintendent of Schools. Within ten (10) days the Superintendent will notify the complainant and alleged harasser of the findings and the decisions regarding the complaint. The correspondence will be filed with the Director of Instruction & Staff Development.

Appeal Process

If the complainant or accused wishes to appeal the decision, she/he may complete an appeal form and forward to the Superintendent of Schools within thirty (30) calendar days of receipt of decision. Upon receipt of an appeal form, the Superintendent of Schools will review the matter and if needed conduct an independent investigation of the complaint. The Superintendent will respond to the complainant, noting the results of his/her review within thirty (30) days.

An appeal may also be filed with: The New York State Commissioner of Education, The Federal Office for Civil Rights, and/or The New York State Division of Human Rights. Additional information and addresses may be obtained from the Director of Instruction & Staff Development.

If at any point in the sexual harassment proceedings the complainant or accused party initiates action at the State or Federal level, local action will cease.

Investigation in the Absence of a Complaint

In the absence of an official complaint, the District reserves the right to investigate any suspected occurrence of sexual harassment brought to its attention.

Remedial Action

If an investigation reveals that sexual harassment has occurred, appropriate disciplinary measures will be imposed in a manner consistent with any applicable law, district policies and regulations, and collective bargaining agreements.

Any student determined to be guilty of sexual harassment will be directed by the Building Principal to cease the harassing behavior. A substantiated charge against a student in the school district may subject that student to disciplinary action that may include suspension or expulsion, in accordance with applicable regulations.

Any employee determined to be guilty of sexual harassment will be directed by his/her immediate supervisor to cease the harassing behavior. A substantiated charge against an employee in the district shall subject that employee to disciplinary action.

Following a finding of sexual harassment, the Director of Instruction & Staff Development will monitor the situation to ensure that the harassment has not resumed and that no retaliatory action has occurred. Victims of sexual harassment will also be provided the opportunity for services such as counseling, if requested.

Documentation

The right to confidentiality, for both the complainant and the alleged harasser, will be respected consistent with the school district's legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred. However, all records of formal and informal complaints and investigatory procedures will be filed in the office of the Director of Instruction & Staff Development.

If a complaint against a student is determined to be valid, the final determination, as well, records of disciplinary action taken, will be filed in the student's disciplinary file. If a complaint against an employee is determined to be valid, the final determination, as well, records of disciplinary action taken, will be filed in the employee's personnel file.

Guidelines Adopted:	January 24, 1994
Guidelines Amended:	November 18, 1996
Guidelines Amended:	February 11, 2002
Guidelines Amended:	October 16, 2007
Guidelines Amended:	May 20, 2009

NORWICH CITY SCHOOLS

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name of complainant: _____

Address/Phone: _____

Position: _____

Name of alleged sexual harasser: _____

Date(s) of incident: _____

Approximate time of incident: _____

Place of incident: _____

Description of alleged harassment: _____

Name of witness(es) (if any): _____

Has the incident been reported before? _____

If yes, date/ to whom? _____

What was the resolution? _____

Was resolution acceptable? _____ If not, Why? _____

(Parent notification for students under 18 years of age)

NORWICH CITY SCHOOLS

SEXUAL HARASSMENT APPEAL FORM

Name of individual filing appeal: _____

Position: _____

Date of appeal: _____

Date of original complaint: _____

Have there been any prior appeals? _____

If yes, when? To whom? _____

Description of decision being appealed: _____

Reasons for the Appeal: _____

NORWICH CITY SCHOOLS

Board Policy

A502.8 /A602.4

A502.8/A602.4

WORKPLACE BULLYING

The purpose of this policy is to promote a healthy, positive workplace climate so that every individual is able to contribute fully to our educational community. Every person has the right to dignity at work. The rights and responsibilities described in this policy apply to all employees, parents, and all who utilize or visit District facilities.

Bullying is defined as conduct that a reasonable person would find hostile, intimidating, offensive, humiliating or an abuse of authority. It may be verbal, nonverbal, public or private. It is typically behavior repeated across multiple incidents; a single incident is rarely a violation. It may originate from any employee or from any individual to another. It is also bullying to continue policy-violating conduct when the targeted individual requests that it cease.

Illustrative examples of bullying include, but are not limited to:

1. Provocative or dehumanizing name calling
2. Belittling the person
3. Exclusion from requisite training
4. Physical isolation
5. Rumors (or failing to stop them) & gossip about a person or school's reputation
6. Discounting or humiliating people at meetings
7. Deliberate exclusion from job-critical decision-making opportunities
8. Preventing the person from self-expression, being yelled at, being threatened, the prohibition of speaking to others
9. Intentional deception about the true purpose of an investigatory or disciplinary meeting
10. Preventing an employee from meeting students' academic potential
11. Moving or hiding items required for productive work

For an individual to allege a policy violation, to call it bullying according to this policy's standard, the targeted individual must be able to demonstrate that due to the alleged bullying activity that he/she has experienced negative consequences which are affecting their ability to perform his/her job. It is the intent of this policy that such issues are identified early by the targeted individual, a co-worker or colleague, and the issue is resolved at the earliest possible stage.

Bullying must not be confused with the non-abusive exercise of management rights to assign tasks, coach, and reprimand or take disciplinary actions against employees. Any administrator, supervisor or individual in a position of leadership to whom a complaint is reported (verbally or in writing) must take appropriate action according to internal procedures. Failure to comply may result in disciplinary action.

Freedom from retaliation is protected under this policy. Retaliation is a separate offense from the original claim of bullying. Protected individuals include complainants, or anyone who testifies, assists, or participates in any manner in an investigation or proceeding, internal or external, pertaining to the allegation of bullying. Misuse of the policy is a violation of the policy itself.

Policy Adopted: July 6, 2010

NORWICH CITY SCHOOLS
Administrative Guidelines

B402.4/B502.8/B602.4

B402.4/B502.8/B602.4

I. PROCEDURES FOR RESOLUTION OF BULLYING/HARASSMENT COMPLAINTS

A. Level One - Building Principal or Staff Member

A complainant shall, within fifteen (15) working days after the occurrence of the event which is the subject of the complaint, make an appointment with and discuss the matter with the building principal or if appropriate, another building principal. Every effort will be made to resolve the complaint informally at this level. The building principal or immediate supervisor shall give an oral response to the complainant within five (5) working days after the initial discussion. A complainant may report an incident or occurrence to any staff member and that staff member shall contact the principal immediately.

B. Level Two - Deputy Superintendent

In the event the complainant is not satisfied with the decision made at Level One, the complainant may formalize the complaint in writing. The complaint must be submitted to the Deputy Superintendent within five (5) working days after the oral response at Level One. The complainant may request that a meeting concerning the complaint be held with the Deputy Superintendent. A parent, guardian or other counsel may accompany a minor student. The Deputy Superintendent, as the designee of the Superintendent, will investigate the complaint and attempt to resolve it. The Deputy Superintendent will consider the totality of the circumstances presented in determining whether conduct objectively constitutes harassment or bullying. Within ten (10) working days after receipt of the complaint, a written report from the Deputy Superintendent regarding findings and action taken will be sent to the complainant, other involved parties, as well as the superintendent.

C. Level Three - Superintendent

In the event the complainant is not satisfied with the decision made at Level Two, the complainant may submit a written appeal to the superintendent within five (5) working days after receipt of the written report. The complainant may request a meeting with the superintendent. The superintendent may request a meeting with the complainant to discuss the appeal. Within five (5) working days after receipt of the complainant's written appeal, the superintendent will send a decision in writing to the complainant and other involved parties.

D. Level Four - Board of Education

In the event the complainant is not satisfied with the decision made at Level Three, the complainant may submit a written appeal to the Board of Education within ten (10) working days after receipt of the Level Three decision. The complainant may request a meeting with the Board of Education. Within twenty (20) days after receipt of the written appeal, the Board of Education shall determine what action should be taken to resolve the complaint. The decision of the Board of Education shall be final and a written copy of the decision will be delivered to the complainant within five (5) working days after the decision is made. The Board of Education may, in its sole discretion, implement a Board Hearing Panel for purposes of addressing and resolving a complaint at this Level.

II. IMMUNITY.

A school employee, volunteer, or student, or a student's parent or guardian, who promptly, reasonably, and in good faith reports an incident of harassment or bullying in compliance with the procedures adopted by the District, to the appropriate school official designated by the school district, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.

III. COLLECTION REQUIREMENT.

The Deputy Superintendent shall maintain a system to collect harassment and bullying incident data.

IV. NOTIFICATION.

The Superintendent will provide the Deputy Superintendent copies of the Bullying and Harassment policy to school employees, volunteers, students, and parents or guardians through school communications through-out the school year, as appropriate (i.e. newsletters, school website, or public media).

Administrative Guidelines Adopted: July 6, 2010

Administrative Guidelines Amended: June 13, 2011

BULLYING/HARASSMENT COMPLAINT FORM

Date Filed _____

Name of Complainant _____

Address _____

Phone Number _____

Building/Assignment (if an employee) _____

Indicate the appropriate response to the following with a check mark(s):

- The complainant is a(an):

____ student

____ employee

- The complainant believes bullying and/or harassment has occurred based on the following trait or characteristic: _____

Date(s) of Alleged Violation(s) _____

Person alleged to have committed the bullying or harassment _____

Summarize the incident(s) or occurrence(s) as accurately as possible. Attach additional sheets if necessary.

Location of Incident _____

Names of Witnesses _____

Attach any evidence of harassment or bullying (i.e. letters, photos, etc.)

Have you notified anyone else about this: ____ YES ___ NO

If so, who? _____

Signature of Complainant _____ Date _____

Date Received by the Building Principal _____

Date of Level Two Investigation of Compliance Violation Report _____

Signature of Deputy Superintendent _____

Note: Completion of this form will initiate an investigation of the alleged incident of bullying or harassment outlined on this form. Completion of this form or its impending investigation shall not be construed to preclude a victim (or his or her parents if the victim is a minor) from seeking administrative or legal remedies under any applicable provision of law.

NORWICH CITY SCHOOLS
Board Policy

A402.5/A500.11/A602.5

402.5/A500.11/A602.5

STAFF-STUDENT RELATIONS (FRATERNIZATION)

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

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

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student (via phone, e-mail, letters, notes, etc.) unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

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

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must *also* follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable. If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her building principal or supervisor. The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

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

District Responsibility/Training: The principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner. The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

Disciplinary Sanctions: Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Board Approved: 8/15/11

NORWICH CITY SCHOOLS
Board Policy

A500.10/A602.6

A500.10/A602.6

SOCIAL NETWORKING TECHNOLOGY

The District positively views the appropriate use of social networking sites (e.g., Facebook, Twitter, etc.), personal blogs or websites, wikis, video or picture share sites (e.g., YouTube, Flickr) and other internet-based social forums. Technology is dynamic and this policy is intended to be flexible to include new and changed technologies.

Employee Use of Social Networking Sites – Guidelines

In general, what an employee does on his/her own time outside of work will not be regulated by the District. However, the District may monitor and regulate employee postings/activities if:

- The employee chooses to identify him/herself as an employee of the District and the subject matter of the communication is regarding a matter of personal interest.
- The activity affects the employee's job performance or the performance of others.
- The activity involves or relates to District students or District employees.
- The activity is harmful to the District's interests and there is a nexus to an individual's employment.

If an employee chooses to publish content, as detailed above, on any internet-based social networking site, including, but not limited to, the sites mentioned above, the District requires that employees observe the following guidelines.

- Employees are personally responsible for the content they publish. Remember that what is published on-line will be public for a long time. Be mindful to protect individual privacy. Use common sense when determining what to publish. On-line behavior should reflect the same standards of honesty, respect and consideration that are used in direct contact communication.
- Employees shall not produce content that states or implies that the employee's opinions reflect the opinions of the District or are endorsed by the District.
- Employees shall not disclose District information that is confidential or proprietary. This specifically includes information or comments regarding students. If an employee has any doubts regarding the release of information, consult a supervisor before releasing information that could potentially harm the District, its current or potential employees, students or community.
- Employees shall not reference personally identifiable information concerning students in any way on any social networking site or on the web unless specifically approved by your supervisor.

The District can and may monitor employee use of social networking sites.

Employee Use of Social Networking Sites – Classroom

The District understands that technology is dynamic and encourages employees to use technology to assist with student learning. Employees shall only use the District website

program or other approved District sites as a social networking tool for classroom purposes under the following guidelines:

- The employee shall not use a personal social account to connect with students.

Employee Use of Electronic Communication and Entertainment Devices

Employee use of electronic communication and entertainment devices may interfere with or disrupt the educational process as well as distract personnel from their job responsibilities. Additionally, employee use of social networking and other internet or electronic communication may interfere with the employee's professional relationships with students, parents, and members of the community.

Violation of this policy may result in disciplinary action up to and including termination. School district computers and scheduled work time are reserved for District-related business. Employees shall not use school district time or property to view social media.

Improper or inappropriate communications are any communications between employee and student, regardless of who initiates the communication that may be viewed as offensive, derogatory, sexual, or lewd in content, threatening or harassing, discriminatory, simple fraternization, or suggestive in nature.

The Board recognizes that there are occasions when a district employee may have a legitimate educational or other need to communicate with a student outside of school hours. Any communication between a district employee and a student via telecommunications, text messages, e-mails, and/or any other medium must be appropriate in content and tone. Employees who engage in such communications with students are expected to act professionally. Any communications with students are subject to review by the District. Employees should not make any statements or forward information that could reasonably be perceived to be:

- In violation of federal or state laws, or district policies;
- Personal, intimate in nature;
- Obscene, vulgar, or inappropriate in content;
- Harmful to a student;
- Disruptive of the educational process; or
- In violation of FERPA and other confidentiality requirements.

In the event an employee receives any communication from a student and/or participates in any communication that is inappropriate in nature, the employee has an obligation to immediately report such communication to the building administrator or designee.

Further, it is the responsibility of all district employees to report incidents of cyberbullying, sexting or other inappropriate on-line behavior they are made aware of.

Board Approved: 8/15/11

Policy Amended: 11/28/11

Policy Amended: 1/23/12

Policy Amended: 11/13/12

NORWICH CITY SCHOOLS

Board Policy

A603.

A603.

MEDICAL EXAMINATIONS

The School District shall make an annual medical examination available on a voluntary basis to all certificated personnel.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS

Board Policy

A604.

A604.

RETIREMENT COVERAGE

The Board of Education will provide retirement coverage for eligible certificated personnel by maintaining participation in the New York State Teachers' Retirement System.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS

Board Policy

A605.

A605.

LIABILITY AND WORKER'S COMPENSATION INSURANCE

Worker's Compensation and Liability Insurance will be provided as a protection for all certificated personnel.

Policy Adopted: February 21, 1972

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS
Board Policy

A606

A606

SUBSTITUTE TEACHERS

The Board of Education recognizes its responsibility to provide continuous teaching services to students attending district schools. It shall be the policy of the Norwich School district to provide substitute teachers to fulfill the responsibilities of regular teachers absent on approved leave.

The provision of such substitutes shall follow the guidelines set forth below:

DEFINITIONS:

- An itinerant substitute is one who is assigned on a daily basis to take the place of a regularly employed teacher.
- A regular substitute is one who is assigned to take the place of a regularly employed teacher who is absent on an extended leave for all of a school semester.

SALARY:

- Itinerant Substitutes
- For purposes of salary computation, itinerant substitutes shall be classified as certified or non-certified, dependent upon their academic training and experience.
- Non-certified substitutes shall be compensated at the rate of eighty-five dollars (\$85) per diem.
- Certified itinerant substitutes shall be compensated at the rate of ninety-five dollars (\$95) per diem.
- At the conclusion of twenty-five (25) consecutive days of assignment for the same regular teacher, certified itinerant substitutes shall be compensated at a per diem rate consistent with the then current entry-level teacher salary. During the same school year for any subsequent assignment for the same regular teacher for ten (10) or more consecutive days, certified itinerant substitutes shall be compensated at a per diem rate consistent with the then current entry-level teacher salary. For the first ten (10) days, the substitute will be paid at the daily rate. At the conclusion of the tenth day the substitute will be retroactively paid the per diem rate.
- Certified substitute teachers who are retired under the NYS Retirement System shall be compensated at one-hundred twenty dollars (\$120) per diem.

A606. Board Policy (continued)

- Regular long-term substitute teachers shall be compensated at a rate consistent with their preparation and experience and the then-current entry-level teacher salary.

SELECTION:

- It shall be the responsibility of the Superintendent of Schools to establish and maintain suitable procedures for the recruitment, selection and employment of substitute teachers.

APPOINTMENT:

- The Board of Education hereby delegates to the Superintendent of Schools authority to approve the employment of all itinerant substitute teachers in a manner consistent with applicable laws, rules and regulations pending semi-annual approval by the Board. The Board reserves to itself authority to approve the appointment of all regular substitute teachers.

TRAINING:

- Suitable programs for the training and orientation of substitute teachers shall be developed and administered under the direction of the Superintendent of Schools.

ASSIGNMENT:

- Substitute teachers will be assigned through the substitute Teacher Registry Service provided by the Delaware-Chenango BOCES. The assignment of individuals will be made on the basis of teacher-administrator preference lists. In the absence of a priority listing for substitutes, or in the event that a preferred substitute is unavailable, preference will be given to certificated teachers, college degree holders and persons who have completed formal education beyond high school.

Policy Adopted:	February 21, 1972	Policy Amended:	March 17, 1997
Policy Amended:	October 19, 1981	Policy Amended:	August 16, 1999
Policy Amended:	June 21, 1982	Policy Amended:	April 12, 2000
Policy Amended:	August 18, 1986	Policy Amended:	September 19, 2000
Policy Amended:	June 20, 1988	Policy Amended:	November 6, 2000
Policy Amended:	June 17, 1991	Policy Amended:	April 25, 2006
Policy Amended:	May 18, 1992	Policy Amended:	July 2, 2014
Policy Amended:	February 21, 2018		

NORWICH CITY SCHOOLS

Board Policy

A607

A607

GRIEVANCE PROCEDURES

The Board of Education maintains grievance procedures for all certificated employees consistent with the certificated employees' contract and Article 15C of the General Municipal Law.

Policy Amended: February 13, 1984

NORWICH CITY SCHOOLS

Board Policy

A504/A608

A504/A608

EMPLOYEES WITH HIV RELATED ILLNESS

The Board of Education recognizes the public concern 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 open school setting.

The Board acknowledges the right of those employees diagnosed as having AIDS or HIV infection to continue their employment as well as the rights of all employees and students in the school district to work, learn, and participate in school activities 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.

Accordingly, it is the policy of the Board of Education that no employee shall be denied the opportunity to continue their employment with the District solely on the basis of being diagnosed as having AIDS or HIV infection.

In accordance with current State law and regulations, it is also the policy of the Board of Education to prevent any employee from being subjected to adverse or discriminatory treatment or stigma because he or she has been diagnosed as having AIDS or being HIV infected.

The Superintendent of Schools is hereby directed to develop administrative regulations in regard to the employment of employees diagnosed as having AIDS or being HIV infected.

Policy Adopted: September 18, 1989

NORWICH CITY SCHOOLS

Administrative Guidelines

B504/B608

B504/B608

EMPLOYEES WITH HIV RELATED ILLNESS

Confidentiality:

A. Definitions

HIV related illness means any clinical illness that may result from or be associated with HIV infection, including AIDS.

Protected individual shall mean a person who is the subject of an HIV related test or who has been diagnosed as having HIV related illness.

Capacity to Consent means an individual's ability, determined with regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service, treatment or procedure, and to make an informed decision concerning such service, treatment or procedure.

B. Confidentiality and Release of Information:

School officials and employees shall keep HIV related information confidential, however obtained. The information shall not be disclosed to any person, unless the protected individual (or a person with the capacity to consent) has completed and signed the Health Department Authorization for Release Form, a Court Order granted under Public Health Law Section 2785 has been issued, or the person to whom the information has been furnished is authorized to receive such information under Public Health Law Section 2781 without a release form. Persons authorized to receive HIV information without a release includes physicians providing care, and insurance companies for payment purposes. Disclosure to school personnel staff requires a release or Court Order. If disclosure occurs pursuant to a signed release or order, the information shall only be released to those listed on such form or order, for the time period specified and only for the purpose stated on the form or order. Such form shall be signed by the protected individual or when the protected individual lacks capacity to consent, a person authorized pursuant by law to consent to health care for the individual. Questions in regard to such capacity shall be referred to the school attorney.

C. Testing

No HIV related testing of any employee shall take place without first receiving the written informed consent of the person to be tested on a form approved by the State Health Department. Such consent shall only be given by an individual with capacity to consent as defined above.

D. Penalties

Persons who disclose confidential HIV information to unauthorized parties or who fail to obtain informed consent for the HIV test may be subject to a \$5,000 penalty and a criminal misdemeanor charge as provided in State Law.

E. Procedures

1. The procedures set forth here shall be followed in any instance where the school district receives confidential HIV related information concerning an employee without benefit of an authorization form or Court Order.
 - a. The Superintendent or other administrator to whom the information has been given shall request a meeting with the employee for the purpose of discussing the employee's condition and concerns. At this point, school or public health personnel may be consulted provided that the appropriate Authorization Form is obtained. Subsequent to such consultation, the School Physician shall make a recommendation to the Board of Education as to whether the employee may safely continue in the regular school setting. The Board of Education must be included on the Health Department Authorization Form for HIV related information to be released.
 - b. The Board of Education will render a decision as to the continuing employment of the employee and shall communicate that decision in writing to the involved individual.

The procedures set forth here shall be followed in any instance where the school district received confidential HIV related information concerning an employee through The Authorization Form or through a Court Order.

- a. The Superintendent or other administrator to whom the HIV related information has been released shall request a meeting with the employee for the purpose of discussing the employee's condition and concerns. At this point, school or public health personnel may be consulted provided that the appropriate Authorization Form is obtained. Subsequent to such consultation the School Physician shall make a recommendation to the Board of Education as to whether the employee may safely continue in the regular school setting. The Board of Education must be included on the Health Department Authorization Form for HIV related information to be released.
- b. The Board of Education will render a decision as to the continuing employment and shall communicate that decision in writing to the involved individual.

For purposes of this policy, the term employee shall include volunteers and all others engaged in the delivery of services on behalf of the District.

Guidelines Adopted: September 18, 1989

NORWICH CITY SCHOOLS

Board Policy

A609

A609

MENTOR/INTERN PROGRAM

Apprenticeships or induction periods have long existed in many professions. In the teaching profession a mentor/intern program must recognize the unique needs of new teachers, provide the assistance required in strengthening their commitment to the profession, and at the same time hone their instructional competencies. It is the feeling of a cross-section of educators that the Norwich City School District should design a program that addresses more than teacher competency, to meet a broader spectrum of needs. Thus, a three year mentoring program is hereby established, designed to bring a probationary staff member, whether provisionally or permanently certified, into the culture of the district and his/her own individual building, as well as to promote district objectives and instructional excellence.

The mentoring "process" itself is non-evaluative, yet provides untenured staff with quality experiences related to district objectives. Day to day guidance by "seasoned teachers", will enhance professionalism. The programs and instructional competencies addressed through the Office of The Director of Instruction & Staff Development and offered to new staff in conjunction with the mentor/intern program will serve to give administrators a broader base from which to view new staff in their attempts to evaluate those who would exert a positive influence, and make positive contribution to the district culture, as well as demonstrate the identified competencies expected of a teacher employed by the Norwich City School District.

The Mentor/Intern Program will be operationalized through the attached Administrative Guidelines.

Policy Adopted:	August 13, 1990
Policy Amended:	November 21, 1994
Policy Amended:	April 1, 2002
Policy Amended:	October 16, 2007

NORWICH CITY SCHOOLS

Administrative Guidelines

B609

B609

MENTOR/INTERN PROGRAM

The Norwich City School District Mentor/Intern Handbook provides the Administrative Guidelines which will govern the implementation and operation of the District's Mentor/Intern Program. This ensures a flexible program that can meet the needs of teachers with different backgrounds, levels of education, and experience.

The Professional Development Advisory Council chaired by the Director of Instruction and Staff Development oversees the Mentor/Intern Program.

Mentors and Interns are expected to adhere to the guidelines and responsibilities as outlined in the District Mentor/Intern Handbook.

Guidelines Approved:	August 13, 1990
Guidelines Amended:	November 21, 1994
Guidelines Amended:	April 1, 2002
Guidelines Amended:	October 16, 2007

NORWICH CITY SCHOOLS

Board Policy

A505/A610

A505/A610

ALCOHOL, DRUGS AND OTHER SUBSTANCES
(School Personnel)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board will, therefore, not permit the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed.

Alcohol and drug counseling and/or rehabilitation programs shall be made available to employees through the Employee Assistance Program. A range of penalties (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

Education Law Sections 913, 1711 (5) (e), and 3020-a
Civil Services Law Section 75

Policy Adopted: August 13, 1990

NORWICH CITY SCHOOLS

Board Policy

A611

A611

DRUG AND ALCOHOL TESTING

The purpose of this policy is to establish a District-based alcohol and drug testing program to help prevent accidents and injuries resulting from the misuse of alcohol and drugs by covered drivers of commercial motor vehicles in compliance with the Federal Department of Transportation Regulations promulgated in Rule 4CFR Part 40, and 49 CFR Part 382, and promulgated under the Omnibus Transportation Employee Testing Act of 1991, enacted October 28, 1991.

This policy applies to all District employees who operate commercial motor vehicles and are subject to the commercial drivers license (CDL) requirements of the Code of Federal Regulations promulgated under the Omnibus Transportation Act.

The Superintendent of Schools shall promulgate appropriate administrative procedures that will fulfill the following objectives:

1. To establish rules and procedures to deter all illegal drug use, and deter on-duty, pre-duty and post-accident alcohol use, as well as on-duty alcohol impairment stemming from pre-duty use, for all covered drivers who perform safety sensitive functions;
2. To detect and eliminate the possibility that District covered drivers will perform safety-sensitive functions after testing positive for alcohol or drugs;
3. To comply with applicable federal and state laws, including the Omnibus Transportation Employee Testing Act of 1991;
4. To provide reasonable measures for the early detection of personnel not fit to perform activities within the scope of this policy;
5. To maintain a work place free of drugs and alcohol;
6. To inform employees through education, in-service training and other appropriate forums, about illegal drugs and alcohol abuse, their use, possession, distribution, and the effects of such substances.

The Board of Education shall designate the Medical Review Officer (MRO) on an annual basis. Any violation of the policy or procedures will result in removal from any safety-sensitive functions in accordance with the Department of Transportation requirements and other discipline may be imposed.

Policy Adopted: October 16, 1995

NORWICH CITY SCHOOLS

Administrative Guidelines

B611

B611

DRUG & ALCOHOL TESTING

The following Administrative Guidelines and Procedures have been established to administer a District-based alcohol and drug testing program to help prevent accidents and injuries resulting from the misuse of alcohol and drugs by covered drivers of commercial motor vehicles in compliance with the Federal Department of Transportation Regulations promulgated in Rule 49 CFR Part 40, and 49 CFR Part 382, and promulgated under the Omnibus Transportation Employee Testing Act of 1991, enacted October 28, 1991.

This policy applies to all current and/or prospective District employees who operate commercial motor vehicles and are subject to the commercial drivers license (CDL) requirements of the Code of Federal Regulations promulgated under The Omnibus Transportation Act. Districts who employ independent contractors shall ensure the independent contractor complies with the Omnibus Transportation Employee Testing Act of 1991.

The objective of these Administrative Guidelines is to establish rules and procedures to deter all illegal drug use, and deter on-duty, pre-duty and post-accident alcohol use, as well as on-duty alcohol impairment stemming from pre-duty use, for all covered drivers who perform safety-sensitive functions;

To detect and eliminate the possibility that District covered drivers will perform safety-sensitive functions after testing positive for alcohol or drugs;

To comply with applicable federal and state laws, including the Omnibus Transportation Employee Testing Act of 1991;

To provide reasonable measures for the early detection of personnel not fit to perform activities within the scope of this policy;

To maintain a work place free of drugs and alcohol;

To inform employees through education, in-service training and other appropriate forums, about illegal drugs, and alcohol abuse, their use, possession, distribution, and the effects of such substances.

TESTING

There are several occasions when an individual will be subject to drug and alcohol tests pursuant to this policy. Prior to the administration of the following tests, the district or its

testing agent will notify the covered driver that the test is required under the Code of Federal Regulations. The testing occasions shall include:

A. Pre-duty Testing

Pre-duty testing is testing for alcohol and drugs that the District will administer after a conditional offer of employment has been extended and prior to any covered driver's initial assignment requiring the performance of a safety-sensitive function. The District will not allow any covered driver to commence the performance of any safety-sensitive function unless the alcohol testing reveals a BAS of less than .04 and the drug testing reveals a verified negative test result. If the pre-duty alcohol test reveals a BAC of .02 or greater but less than .04, the covered driver will not be allowed to perform safety-sensitive functions for 24 hours following the administration of the test. If the pre-duty alcohol test reveals a BAC of .02 or greater, it will result in a revocation of the conditional offer of employment. If the pre-duty drug testing reveals a presence of drugs, it will result in the revocation of the conditional offer of employment. The District may, in its sole discretion, forego pre-duty testing where the exceptions promulgated at DOT 49 CFR S382.301 (b) or (c), relating to drug and alcohol testing of covered drivers by their previous employers, are satisfied.

B. Reasonable Suspicion Testing

Reasonable suspicion testing is alcohol and drug testing that the District will conduct when it has reasonable suspicion to believe that a covered driver has engaged in conduct prohibited by this policy. (Reasonable suspicion testing will not be conducted based upon the suspicion that a covered driver has violated the provision of this policy prohibiting covered drivers from being on-duty or operating commercial motor vehicles while the driver possesses unmanifested alcohol). Reasonable suspicion must be based upon specific observations concerning the appearance, behavior, speech, or body odors of a covered driver by a District supervisor who is specifically trained to recognize alcohol misuse or drug use.

The District shall not administer a reasonable suspicion alcohol test more than eight (8) hours following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this policy have been violated. Notwithstanding the absence of a reasonable suspicion alcohol test, the District will not permit any covered driver to report for duty or remain on duty requiring the performance of a safety-sensitive function while the driver is under the influence of, or impaired by, alcohol as shown by the behavioral, speech, and performance indicators of alcohol misuse, until an alcohol test is administered and the driver's blood alcohol concentration measures .02 or 24 hours have elapsed following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this policy have been violated. A written record shall be made of observations leading to reasonable suspicion, signed by the supervisor or person who made the observations, within twenty-four (24) hours of the observed behavior or before the results of drugs are released, whichever is earlier.

Drivers covered by this paragraph are subject to alcohol testing as follows: Immediately prior to the start of duty in a safety-sensitive function, or during duty hours in a safety-sensitive function, or immediately following completion of duty in a safety-sensitive function. Reasonable suspicion drug testing may be conducted at any time the covered driver is on duty for the district.

C. Random Testing

Random testing is unannounced testing for alcohol and drugs administered in a statistically random manner throughout the year to covered drivers employed by the District so that all covered drivers have an equal probability of selection each time said random pool is created for selection.

Drivers covered by this paragraph are subject to alcohol testing as follows: Immediately prior to the start of duty in a safety-sensitive function, or during duty hours in a safety-sensitive function. Random drug testing may be conducted at any time the covered driver is on duty for the district. Drivers who test positive or refuse to submit to a random test may not perform any safety-sensitive function and may be subject to discipline.

D. Post-Accident Testing

A post-accident test is a test for alcohol and drugs administered following an accident involving a commercial motor vehicle to each surviving covered driver:

- (i) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life;
- (ii) who receives a citation under state or local law for a moving violation arising from the accident, if the accident resulted in bodily injury to a person who as a result of the injury immediately receives medical treatment away from the scene of the accident; or
- (iii) who receives a citation under state or local law for a moving violation arising from the accident, if the accident resulted in one or more motor vehicles incurring disabling damages as a result of the accident requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle;

The District should administer a post-accident alcohol test within two hours of the accident. The District will not administer a post-accident alcohol test more than eight hours following the accident and will not administer a post-accident drug test more than 32 hours following the accident. A covered driver who subject to post-accident testing shall remain readily available for such testing or may be deemed by the District to have refused to submit to testing. This shall not be construed to require the delay of necessary medical attention for injured individuals following an accident or to prohibit a covered

driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs, conducted by a federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of the policy concerning post-accident testing, provided such tests conform to applicable federal, state, or local requirements and that the results of the test are obtained by the District.

Whenever such a test is conducted, the driver shall notify the District of the same as soon as possible.

A driver who is required to take post-accident drug and/or alcohol test may be temporarily assigned to perform non-safety functions, or placed on temporary leave or otherwise relieved of duties pending the test results.

E. Return to Duty Testing

Return to duty testing is alcohol and drug testing conducted after a covered driver has engaged in prohibited conduct under this policy, completed counseling prescribed by a substance-abuse professional, if any, and prior to his return to the performance of safety-sensitive functions, he/she must undergo return to duty testing with an alcohol test result indicating a BAC of less than .02 and a drug test indicating a verified negative result for illegal drugs.

F. Follow-up Testing

Follow-up tests are given following a driver's return to duty for a violation of this policy. This is an unannounced test, given at least six (6) times within the first twelve (12) months with the actual frequency and number of tests determined by the substance-abuse professional (SAP), but in no event may the follow-up testing continue for a period beyond 60 months from the covered driver's return to duty. The substance-abuse professional may terminate the requirement of follow-up testing at any time after the first six (6) tests have been administered if (s)he determines that follow-up testing is no longer necessary. This testing is separate from and in addition to random testing. Employees who are subject to follow-up testing will remain in the pool for random testing.

Drivers covered by this paragraph are subject to alcohol testing as follows:

Immediately prior to the start of duty in a safety-sensitive function, or during duty hours in a safety-sensitive function, or immediately following completion of duty in a safety-sensitive function. Follow-up drug testing may be conducted at any time the covered driver is on duty for the district.

DEFINITIONS

See Appendix A.

Drug & Alcohol Testing Procedures

Alcohol testing will be administered by a Breath Alcohol Technician (BAT) certified by the completion of a NHTSA model course, trained in utilizing an evidential breath testing device (EBT) that conforms to the requirements promulgated at The Department of Transportation 49 CFR part 40.51. The EBT used for testing shall meet the standards promulgated at The Department of Transportation 49 CFR part 40.53 and have a quality assurance plan (QAP) developed by the manufacturer to insure proper calibration. Testing will be conducted in a location that affords visual and aural privacy to individuals being tested.

If the initial test reveals a blood alcohol concentration of .02 or greater a confirmatory test must be performed. The confirmatory test will produce the only result from which disciplinary action may be taken. If the blood alcohol concentration is .02 or greater, but less than .04 the covered driver will be suspended from performing safety-sensitive functions for 24 hours. Disciplinary action may be taken for any test results of .02 or greater. If the blood alcohol concentration is .04 or greater the covered driver will be suspended from the performance of safety-sensitive functions for an indefinite period. (For an in depth explanation of the alcohol testing procedures, please refer to Appendix B Department of Transportation 49 CFR part 40 Subpart C.)

A Department of Health and Human Services certified laboratory will perform drug testing on urine samples provided by covered drivers. The drugs for which tests will be conducted are:

- A. Marijuana (THC)
- B. Cocaine
- C. Phencyclidine (PCP)
- D. Opiates
- E. Amphetamines
- F. Any other drug for which DOT authorizes or requires that it may be a subject of these tests.

The cutoff levels for these drugs will conform to those promulgated at The Department of Transportation 49 CFR Part 40.

The District and the certified laboratory will conduct the collection, shipment, testing and chain-of-custody in a manner promulgated under The Department of Transportation Rule 49 CFR Part 40 to insure the integrity of the testing process.

The split urine specimen methods of testing will be utilized providing one sample for preliminary screening and initial confirmation, and a second sample for a second confirmation test if needed at a later date. If the first specimen is verified as positive, the driver may, at his or her option, have a second sample sent for a confirmation test.

Notice of the driver's intent to exercise this option shall be sent to the MRO within 72 hours. The cost for testing this split sample will be the employee's responsibility. The MRO will conduct a final review of all positive test results to assess possible alternative medical explanations for the results. A positive drug test may be deemed negative by the MRO upon clear and convincing evidence that the drug was prescribed by a licensed physician familiar with the driver's medical history and job duties. (For an in-depth explanation of the drug testing procedures please refer to Appendix- B Department of Transportation 49 CFR Part 40 Subpart B.)

Alcohol and Drug:

1. The District will ensure that alcohol and drug test information is maintained in a confidential manner in conformity with the Department of Transportation Rule 49 CFR Part 40.
2. The District will ensure that all contracts between the District and any other entity involved in the alcohol and drug testing program will comply with the procedures set forth in the Department of Transportation Rule 49 CFR Part 40.
3. The District will conform to the requirements in the Department of Transportation Rule 49 CFR Part 40 in all aspects.

Uncompleted Testing:

If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT, shall, if practicable begin a new screening or confirmation test, as applicable, e.g., using a new breath alcohol testing form with a new sequential test number (in the case of a screening test conducted on an EBT that meets the requirements of 40.53(b) or in the case of a confirmation test.)

REFUSAL TO SUBMIT TO TESTING

A covered driver shall not refuse to submit to a post-accident alcohol or drugs test required under this policy, a random alcohol or drugs test required under this policy, a reasonable suspicion alcohol or drugs test required under this policy, or a follow-up alcohol or drugs test required under this policy. The District will not permit any covered driver to perform safety-sensitive functions subsequent to a refusal to submit to a test required under the policy until the, individual is evaluated by a substance-abuse professional and completes a substance-abuse program designed by a substance-abuse professional, if any, and undergoes a return to duty alcohol test revealing a BAC of less than .02 and a drug test with a verified negative result.

In other words, a refusal to submit to testing is the equivalent of an alcohol test revealing a BAC of .04 or greater or a controlled substances test with a positive result. A refusal to be tested shall be defined as a refusal by an employee to complete and sign the breath alcohol testing form or to complete the drug screening chain of custody form, to provide breath, to provide an adequate amount of breath, to provide an adequate amount of urine or otherwise to cooperate with the testing process in a way that prevents the completion of the test. The BAT or collector shall record such refusal in the remarks section of the form. The testing process shall then be terminated and the BAT or collector shall immediately notify the District.

PROHIBITED CONDUCT

A. Alcohol

1. No covered driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of .04 or greater. The District shall not permit the covered driver to perform or continue to perform safety-sensitive functions if it has actual knowledge that a driver has an alcohol concentration of .04 or greater.
2. A covered driver shall not be on duty or operate a commercial motor vehicle while the covered driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. The District shall not permit the covered driver to drive or continue to drive a commercial motor vehicle if it has actual knowledge that a driver possesses unmanifested alcohol.
3. A covered driver shall not use alcohol while performing safety-sensitive functions. The District shall not permit the driver to perform or continue to perform safety-sensitive functions if it has actual knowledge that a driver is using alcohol while performing safety-sensitive functions.
4. No covered driver shall perform safety-sensitive functions within four (4) hours after using alcohol. The District shall not permit the driver to perform or continue to perform safety-sensitive functions if it has actual knowledge that a driver has used alcohol within four (4) hours.
5. A covered driver required to take a post-accident alcohol test shall not use alcohol for either (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever is first.

B. Drugs

1. The District will not permit a covered driver to perform safety-sensitive functions who has used any illegal drug or controlled substance except when the use is pursuant to the instructions of a physician who has advised the District that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. It is the driver's responsibility to notify the District if this situation is applicable.
2. Independent of the requirements of the Omnibus Transportation Employee Testing Act of 1991 and the regulations promulgated thereunder, the covered driver must notify the District that he/she is using controlled substances pursuant to the instructions of the physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

No covered driver shall refuse to submit to such a test.

REFERRAL, EVALUATION AND TREATMENT

1. The District shall make available to the covered driver information regarding the resources available for evaluating and resolving problems associated with the misuse of alcohol and use of drugs, including the names, addresses, and telephone numbers of substances-abuse professionals and counseling and treatment programs.
2. The District shall ensure that each covered driver who engages in conduct prohibited by this policy shall be evaluated by a substance- abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuses and drug use. The costs associated with this evaluation shall, to the extent available, be covered by the District's health insurance policy.
3. Before a covered driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this Policy, the covered driver shall undergo a return to a duty alcohol test with a result indicating an alcohol concentration of less than .02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved a controlled substance. (See below for conduct involving use of a controlled substance).
4. Each covered driver identified as needing assistance in resolving problems associated with alcohol misuses or drug use shall;
 - a. be evaluated by a substance-abuse professional to determine if the covered driver has properly followed any rehabilitation program prescribed under paragraph 2 of this policy;

- b. shall be subjected to unannounced follow-up alcohol and drug tests administered by the District following the covered driver's return to duty. The number and frequency of such follow-up tests shall be as directed by the substance professional, and consist of at least six (6) tests in the first twelve (12) months following the covered driver's return to duty. The District may direct the covered driver to undergo return-to-duty and follow-up testing for both alcohol and drug, if the substance-abuse professional determines that return-to-duty and follow-up testing for both alcohol and drugs is necessary for that particular covered driver. Such testing shall be in conformance with this policy and the requirements of 49 CFR Part 40. Follow-up testing shall not exceed sixty (60) months from the date of the covered driver's return to duty. The substance-abuse professional may terminate the requirement at any time after the first six (6) tests have been administered, if the substance-abuse professional determines that such testing is no longer necessary;
- c. the evaluation and rehabilitation may be provided by the District, by a substance-abuse professional under contract with the District or by a substance-abuse professional not affiliated with the District. The choice of a substance-abuse professional and assignment of costs shall be made in accordance with District/driver agreements and District policies;
- d. the District shall take efforts to insure that a substance-abuse professional who determines that a covered driver requires assistance in resolving problems with alcohol misuse or drug use does not refer the covered driver to the substance-abuse professional's private practice, or to a person or organization from which the substance-abuse professional receives remuneration, or in which the substance-abuse professional has a financial interest;
- e. the requirements of this section with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a pre-duty alcohol or drug test or who have a pre-duty alcohol test with a result indicating an alcohol concentration of .02 or a drug test with a verified positive test result.

CONSEQUENCES FOR COVERED DRIVERS

A covered driver shall not perform safety-sensitive functions, including driving a commercial motor vehicle, if the covered driver has engaged in conduct prohibited by this policy or an alcohol or drug rule of any DOT agency.

The District will not permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if said driver has tested positive for alcohol and/or drugs. The District will not permit any covered driver found to have a blood alcohol concentration of at least .02 and less than .04 to perform a safety-sensitive function for 24 hours following the administration of the test. A covered driver found to have a blood alcohol concentration of .02 or greater but less than .04 shall receive a 24-hour suspension from the performance of safety-sensitive functions.

Consequences for violating this policy will include: suspension from the performance of safety-sensitive functions, referral to a substance-abuse professional, the requirements that a substance-abuse professional certify the covered driver's completion of a prescribed substance-abuse program, if any, and the requirement that the covered driver pass an alcohol test with a BAC of less than .02 or controlled substance test prior to the return to the performance of a safety-sensitive function.

Guidelines Adopted:	October 16, 1995
Guidelines Amended:	October 16, 2007

NORWICH CITY SCHOOLS
Board Policy

A506
A612

A506
A612

FAMILY AND MEDICAL LEAVE

Employees who have been employees for at least 12 months, and for at least 1,250 hours during the preceding 12-month period are eligible for unpaid family and medical leave, consistent with the Federal Family and Medical Leave Act of 1993 (FMLA). (Full-time teachers shall be deemed to meet the 1,250 hour test). All eligible employees who use such leave shall have their group health insurance benefits continued during the leave.

Except for those employees designated as “highly compensated employee,” employees will be returned to the same or to an equivalent position upon their return from leave.

If leave is requested for an employee’s own serious health condition, the employee must use all of his or her accrued paid vacation leave, sick leave or personal leave. If leave is requested for any of the other reasons listed below, an employee must use all of his or her accrued paid vacation or personal leave. The remainder of the leave period will then consist of unpaid family or medical leave (FMLA).

ELIGIBILITY / REASONS FOR LEAVE

All employees who meet the applicable time-of-service requirements may be granted a total of twelve (12) weeks of unpaid family leave during any school year measured forward from the date an employee initially uses any FMLA leave. FMLA leave may be combined with accrued sick, vacation, and personal leave.

Family leave is available to biological parents, step-parents, legal guardians, and other individual standing in loco parentis for:

1. the birth of a child and care for the infant up to age one.
2. the adoption or foster care placement of a child up to 12 months after the adoption or foster care placement.

MEDICAL LEAVE IS AVAILABLE:

1. for the employee to care for the employee’s spouse, dependent child, or parent who has a serious health condition.
2. when the employee has a serious health condition which renders the employee unable to perform the essential functions of the employee’s job.

If both spouses work for the Norwich City School District, their total FMLA leave in any 12 month period will be limited to an aggregate of 12 weeks if the FMLA leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent. This limitation does not include Medical Leave to care for a child or spouse or for an employee’s personal medical/sick leave.

INTERMITTENT OR REDUCED LEAVE:

An employee may take Medical Leave intermittently or on a reduced leave schedule when medically necessary. Leave increments will be taken in half days or whole days. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment. For instructional employees who request Medical Leave and it is foreseeable that the medical treatment shall cause the employee to be on leave more than 20% of the total number of working days in the period of leave, the Norwich City School District may require the employee to elect to take a block of time or to temporarily transfer to an equivalent position for which the employee is qualified, but which better accommodates intermittent periods of leave.

If an employee requests Medical Leave either for himself/herself or family members, reasonable attempts shall be made to schedule treatments so as not to disrupt Norwich City School District operations.

An employee may take Family Leave intermittently or on a reduced leave schedule only with the approval of the Superintendent or designee.

Policy Adopted: March 17, 1997

Policy Amended: March 18, 2008

NORWICH CITY SCHOOLS
Administrative Guidelines

B506/B612

B506/B612

FAMILY AND MEDICAL LEAVE

The following Administrative Guidelines will govern implementation and operation of the District's Family and Medical Leave Policy.

APPLICATION FOR LEAVE

In all cases, an employee requesting leave must complete an "Application for Family and Medical Leave" (available from the Business Office) and return it to the Business Office. The completed application must state the reason for the leave, and the anticipated starting and ending dates of the leave.

NOTICE OF LEAVE

An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, an employee must give notice to his or her immediate supervisor and to the Business Office as soon as the necessity for the leave arises.

MEDICAL CERTIFICATION OF LEAVE

An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" (available from the Business Office) completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

BENEFITS COVERAGE DURING LEAVE

During a period of unpaid FMLA, an employee will be retained on the Norwich City School District health insurance plan under the same conditions that applied before leave commenced. To continue health insurance coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.

These contributions will be required by direct payment to the Norwich City School District. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while employee is on leave.

If the Norwich City School District pays the employee contribution missed by the employee while on leave, the employee will be required to reimburse the Norwich City School District for delinquent payments (on a payroll deduction schedule) upon return from leave.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the Norwich City School District for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.

An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

RESTORATION TO EMPLOYMENT

An employee eligible for family and medical leave with the exception of those employees designated as "highly compensated employees" will be restored to his or her old position or a position with equivalent pay, benefits, and other terms and conditions of employment. The Norwich City School District cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by the Norwich City School District.

RETURN FROM LEAVE

An employee must complete a "Notice of Intention to Return from Family or Medical Leave" (available from the Business Office) before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.

FAILURE TO RETURN FROM LEAVE

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

An instructional employee who begins any type of FMLA leave more than five (5) weeks prior to the end of an academic term, may be required not to return until the new term begins if the leave is at least three (3) weeks long and the employee would return during the last three (3) weeks of the term. An instructional employee, who begins leave within five (5) weeks of the end of an academic term, may be required not to return until the new term begins if the leave is longer than two (2) weeks and the employee would return during the last two (2) weeks of the term. An instructional employee who begins leave, for any purpose other than personal illness, during the three (3) weeks prior to the end of the term and the leave is longer than five (5) working days may be required not to return until the new term begins. Instructional employees required to extend leave will have benefits protection as contained under FMLA leave's general provisions.

Administrative Guidelines Adopted: March 17, 1997

Administrative Guidelines Amended: May 20, 2008

APPLICATION FOR FAMILY OR MEDICAL LEAVE

Name: _____ Department: _____

Current Address: _____

Anticipated Start Date of Leave: _____

Expected Date of Return to Work: _____

Reason for Leave (Explain): _____

NOTE: A leave request based on an employee's serious health condition or the serious health condition of an employee's spouse, child or parent must be accompanied by a verifying medical certification from a physician.

I hereby authorize the Norwich City School District to contact my physician to verify the reason for my requested leave or for any other information concerning my requested family and medical leave.

I understand that a failure to return to work at the end of my leave period may be treated as a resignation unless an extension has been agreed upon and approved in writing by the Norwich City School District.

Signature: _____ Date: _____

Approved by:

Supervisor

Business Office

MEDICAL CERTIFICATION STATEMENT
(Employee's Own Serious Illness)

Name of Employee: _____

Date Condition Began: _____

Date Condition Ended (or is expected to end): _____

Explanation of extent to which employee is unable to perform the functions of his or her job:

Health Care Provider Signature: _____

Type of Practice (Field of Specialization, if any): _____

Date: _____ Office Phone: _____

Medical Release:

I authorize the release of any medical information necessary to process the above request.

Patient's Signature: _____ Date: _____

MEDICAL CERTIFICATION STATEMENT

(Illness of Employee's Family Member)

Name of Employee: _____

Name of Ill Family Member: _____

Date Condition Began: _____

Date Condition Ended (or is expected to end): _____

Medical facts regarding the condition: _____

Explanation of extent to which employee is needed to care for the ill spouse, child or parent::

Health Care Provider Signature: _____

Type of Practice (Field of specialization, if any): _____

Date: _____ Office Phone: _____

Medical Release:

I authorize the release of any medical information necessary to process the above request.

Patient's Signature: _____ Date: _____

NOTICE OF INTENTION TO RETURN FROM LEAVE

Name: _____

Supervisor: _____

Date Leave Commenced: _____

Date of Planned Return: _____

I understand that my restoration to employment is subject to the following conditions:

- 1. As a condition of restoration, I must provide a written certification from my health care provider that I am able to resume working.
- 2. Every attempt will be made to restore me to my original position. If my original position is unavailable, I will be placed in an equivalent position with equivalent pay and benefits.
- 3. An employee returning from family and medical leave shall not be entitled to the accrual of any seniority or employment benefits during the period of leave.

Employee's Signature

Date

=====
I have examined (employee) and can certify that she/he is fully able to resume working.

Health Care Provider's Signature

Date

NORWICH CITY SCHOOLS

Board Policy

A404.4/A502.7/A613

A404.4/A502.7/A613

CONDITIONAL OR EMERGENCY APPOINTMENTS - CHILD SAFETY

If an employee is serving under a conditional appointment or emergency conditional appointment pending employment clearance from the State Education Department, the Superintendent, or designee, shall advise the employee's immediate supervisor and/or building principal of such appointment status, and request that he/she provide enhanced supervision as deemed appropriate to address safety of children who have contact with the employee. The immediate supervisor or building principal shall, upon the commencement of the staff member's employment, meet with the staff member to review safety considerations and expectations for any contact such staff member will have with students. The Superintendent or designee shall promptly notify the immediate supervisor or building principal of any changes in the employee's appointment status, including receipt of clearance for employment.

Legal Reference:

Education Law Sections 1604(39)(D), 1709(39)(D),
1804(9)(D), 1950(1 1)(D), 2503(18)(D), 2554(25)(D)
added by A.8898-A (2001)

Policy Adopted: September 10, 2001