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PERSONNEL POLICY GOALS

The Board of Education recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff.

It shall be the duty and responsibility of all personnel to render the quality of service that promotes the general welfare and education of the students in the school system. In this endeavor all personnel are considered to be important. Each plays a different role in the crucial matter of education. Each makes a different contribution to the total process, but each is a keystone.

The Board's specific personnel goals are:

- to develop and implement those strategies and procedures for personnel recruitment, screening and selection which will result in employing the best available candidates, i.e., those with highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the district's learning program;
- to provide an inservice training program for all employees which fosters improved performance;
- to conduct an employee appraisal program that will contribute to the continuous improvement of staff capabilities and the learning program; and
- to assign personnel so as to ensure they are utilized as effectively as possible.

Adoption date: March 10, 2003

CONFLICT OF INTEREST

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

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

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

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

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

Cross-ref: 2170, Board Member Conflict of Interest

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

Adoption date: May 9, 2005

ACCESS TO SCHOOL EMPLOYEE PERSONNEL RECORDS

All personnel files shall be confidential and open only to authorized persons.

The names and addresses of staff members of the district shall not be furnished to any person or organization for any purpose not directly connected with the school system.

Further, it shall be the policy of the district to abide by the Regulation of the Commissioner of Education (Part 84) concerning Access to School Personnel Records.

Section 84.1 - Right to access by school board members.

A Board of Education shall have right of access to personnel records of the employees of the district subject to the procedures hereinafter set forth.

Section 84.2 - Procedures to obtain access.

Examination of school employee personnel records by the Board of Education shall be conducted only at executive sessions of the Board. Any Board member may request the chief school officer to bring the personnel records of a designated employee or employees to an open meeting of the Board. The Board shall then determine whether to conduct an executive session for the purpose of examining such records. The chief school officer shall present such records to the Board at the executive session. Such records shall, in their entirety, be returned to the custody of the chief school officer at the conclusion of the executive session of the Board.

Section 84.3 Purposes and use.

Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members of the Board to fulfill their legal responsibilities in making decisions in such employee personnel matters as appointments, assignments, promotions, demotions, remuneration, discipline or dismissal, or to aid in the development and implementation of personnel policies, or such other uses as are necessary to enable the Board to carry out legal responsibilities.

Adoption date: March 10, 2003

MEALS AND REFRESHMENTS

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

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

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

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

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

Adoption date: July 6, 2005

RECRUITING AND HIRING

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

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

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

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

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

Ref: Age Discrimination in Employment Act (ADEA), 29 USC §§621 et seq.
Americans with Disabilities Act, 42 USC §12101 et seq.
Civil Rights Act of 1964, Title VII, 42 USC §2000c et seq.
Human Rights Law, Executive Law §290 et seq.
Civil Rights Law, §40 et seq.
Education Law §§1709; 3012

Adoption date: March 10, 2003

RECRUITING AND HIRING REGULATION

The district shall observe the following guidelines for the recruitment of teaching staff, to ensure that the district is obtaining the most qualified candidates. The hiring process shall begin early enough to allow implementation of all of these guidelines. In instances where an immediate appointment will best serve the district, certain exceptions to the process may be necessary.

Advertising

Open positions may be advertised in local media and newspapers outside the district. In addition, the district shall also utilize contracts with professional organizations and placement offices at local universities. Directors shall continually solicit applications to prepare for unanticipated openings.

Timing

The recruitment process shall begin as early as March for anticipated September openings. Every attempt shall be made to have appointments completed prior to the end of the current school year for fall openings.

Review of Application

The initial review of applications shall be a collaborative effort by the Building Principals, and if necessary, the Directors. This shall be coordinated under the direction of the Assistant Superintendent for Instruction and, when necessary, from the Superintendent of Schools. Application review shall be an ongoing process to identify a pool of candidates as well as substitute teachers.

Initial Interviews

The Principals and/or the Directors shall conduct the initial interviews. For elementary positions, because staff may move between the schools, both Principals may be involved in the interviews. District-wide positions may require all Principals to conduct the initial interview. Determining who conducts the initial interview shall be a collaborative effort on the part of all administrators based on their potential association with the prospective staff member.

Follow-up Interviews

Follow-up interviews are appropriate. Depending on the nature and responsibility of the prospective position, other staff shall be involved in the interview process. This is determined on an individual basis, where input from a larger constituency is necessary to enhance the selection process.

Recommendations

Based on the assessment of the candidates resulting from the interview process, recommendations shall then be made to the Superintendent. The Superintendent shall interview a small pool of candidates (up to 3), and will then recommend a candidate to the Board of Education.

Adoption date: March 10, 2003

STAFF CONDITIONAL APPOINTMENT STUDENT SAFETY POLICY

No district employee conditionally appointed shall be in contact with small groups of students, or individual students, unless accompanied by an employee who has been unconditionally appointed or unless the Building Principal or Superintendent of Schools provides express permission.

No teacher conditionally appointed shall close his/her classroom door at any time when students are present in the classroom, unless accompanied by another teacher or administrator who has been unconditionally appointed or unless the Principal or Superintendent provides express permission.

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

Adoption date: September 10 , 2001

DRUG-FREE WORKPLACE

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

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

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
Controlled Substances Act, 21 U.S.C. §812
21 CFR §§1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
70 NY2d 57 (1987)

Adoption date: March 10, 2003

DRUG-FREE WORKPLACE REGULATION

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

Adoption date: March 10, 2003

TOBACCO-FREE SCHOOL ENVIRONMENT POLICY

The Babylon Union Free School District recognizes its responsibility to promote the health, welfare and safety of students, staff and others on school property and at school-sponsored activities. In light of scientific evidence that the use of tobacco is hazardous to health, and to be consistent with school curriculum and federal and state law, it is the intent of the Babylon Union Free School District to establish a tobacco-free environment.

DEFINITIONS

Tobacco: means any cigarette, cigar, pipe, clove cigarette, and any other smoking product; as well as spit tobacco, also known as smokeless, dip, chew, and snuff, and any other spit tobacco product in any form.

School Property: means any building, structure or vehicle owned, leased, or contracted by the Babylon Union Free School District.

School Grounds: means property surrounding buildings and structures, athletic grounds, parking lots, or any other outdoor property owned, leased, or contracted by the Babylon Union Free School District.

TOBACCO USE PROHIBITED

No person is permitted to use tobacco in any way at any time, including non-school hours, on school property or grounds. Tobacco use is prohibited by students and staff at any school-sponsored event or activity off campus.

TOBACCO EDUCATION

Instruction to discourage the misuse of tobacco shall be included in the health education provided for all elementary school pupils taught by the classroom teacher or by teachers certified to teach health education.

Instruction shall also be an integral part of required health education at the junior and senior high levels and taught by teachers certified to teach health education. Related courses in secondary school curriculum shall be taught in a manner supportive of health education regarding tobacco. Staff responsible for teaching tobacco-use prevention shall have adequate training and participate in ongoing professional development activities to effectively deliver the education program as planned.

TOBACCO DISTRIBUTION

Distribution or sale of tobacco, including any smoking device is prohibited on school property, grounds, and at any school sponsored event.

TOBACCO PROMOTION

Tobacco advertising is prohibited on school property, grounds, and at any school-sponsored events.

TOBACCO CESSATION

Referrals and access to community resources and programs to help students and staff overcome tobacco addiction shall be provided to staff and students.

NOTICE

Signs communicating this policy shall be prominently posted and properly maintained where tobacco use and smoking are regulated by this policy. Signs shall include "No Smoking" or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it.

ENFORCEMENT

Enforcement of this policy shall be equitable and consistent in accordance with the Tobacco-Free School Policy Enforcement Procedures, student behavior code, and employee personnel policies.

Student violations of this policy will lead to disciplinary action up to and including suspension from school. Student participation in a tobacco cessation program and/or tobacco education class may be allowed as an alternative to discipline. Parents will be notified of violations involving their child and subsequent action taken by the school.

Employee violations of this policy will lead to disciplinary action in accordance with personnel policies and may include verbal warning and/or written reprimand.

Violations by others will result in appropriate sanctions as determined and imposed by law enforcement.

ADMINISTRATIVE RULES

The superintendent will develop administrative regulations as necessary to implement this policy, including provisions for notification of the school's policy; disciplinary consequences; and procedures for filing and handling complaints about violations of the school's policy.

Ref: U.S. Dept. of Education; No Child Left Behind Act of 2001; Part C; Section 4303
 New York Education Law; Article 9; Section 409 and Article 17; Section 804
 NYS Commissioner's Regulations; Subchapter G; Part 135; Section 135.3
 NY Public Health Law; NYS Clean Air Act, 2003; Article 13-E; Section 1399-n

Adoption date: July 8, 2008

INCIDENTAL TEACHING

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

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

In addition, the Superintendent shall ensure that the district informs parents about incidental teaching assignments by public discussion at a Board meeting.

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

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

Ref: 8 NYCRR §80.2(c)(7)

Adoption date: March 10, 2003

STAFF DEVELOPMENT

The Board of Education encourages the professional growth of the professional staff where it is deemed appropriate and beneficial to the district's instructional program.

The Board encourages staff development through goal-setting, budgetary commitment, and monitoring of staff development activities. The Board's decision to implement in-service activities, conference attendance, workshop participation, etc., is done in light of the fiscal constraints imposed on the Board. It is the Board's responsibility to make the most effective use of the resources available in providing a strong educational program for the children of the district. In-service activities will be weighed against other essential expenditures of resources.

In-service programs will be developed by the Superintendent of Schools or his/her designee and conducted in the district. The Superintendent is directed to provide for the selection of subjects pertinent to the curriculum in the schools, to educate teachers in new methods, or to help them to improve techniques already in use. Such programs will also familiarize the professional staff with the provisions and purposes of the school conduct and discipline, curriculum, and child abuse policies, to ensure its effective implementation.

The Superintendent has authority to approve release time and expenses for individual staff members' attendance at professional training conferences, study councils, inservice courses, workshops, summer study grants, school visitations, professional organizations, etc., within budgetary constraints. Prior approval must be obtained from the Superintendent. In addition, the staff member may be requested by the administration to prepare a report or summary of the meeting attended.

Ref: Education Law §3604(8)
8 NYCRR Part 80; §100.2(e)(vii)

Adoption date: March 10, 2003