

3000 PROFESSIONAL STAFF (IDOE Certificated)

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3111            *Creating a Position* [see Policy]

**AG 3120            *Employment of Professional Staff*** (revised 4/17/15)

The Board shall approve the employment, and also, when not covered by the terms of a negotiated agreement, fix the compensation and establish the term of employment for each professional staff member employed by this SSSMC. Such approval shall be given only to those candidates for employment recommended by the Executive Director. When any recommended candidate has been rejected by the Board, the Executive Director shall make a substitute recommendation. No candidate for employment as a professional staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification subject to an acceptable background check.

The employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

Relatives of Board members may be employed by the Board, provided the member of the Board involved does not participate in any way in the discussion or vote on the employment. Should the Board choose to employ a family member of a Board member, both the family member and the Board member must file a conflict of interest statement.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised directly by the relative staff member. *With the exception of prior Administrator approval, children of staff members are not allowed in the SSSMC/RLC building during business hours.*

Whenever possible, positions shall be filled by properly licensed professionals. Individuals employed in the following categories shall be considered members of the professional staff (in contrast to support staff):

- A. certificated teacher with licensure in specialized areas of special education,
- B. school psychologist,

- C. educational audiologist,
- D. speech and language pathologist,
- E. occupational therapist,
- F. physical therapist,
- G. school social worker.

SSSMC is a member of the Central Indiana Educational Service Center and joined its Applitrack Consortium in September 2012. Members may access such features as: (a) management of job vacancies, (b) posting of vacancies to the SSSMC website and K12JobSpot.com, (c) customizable employment application, (d) management of candidate applications, (e) unlimited storage space for documents attached to candidate files, and (f) reference survey management.

SSSMC may post vacancies on the IDOE Job Bank directing applicants to submit their resumes to the HR Manager. SSSMC will no longer use paper applications. Applicants will complete online applications through Applitrack <[www.sssmc.org](http://www.sssmc.org)> by following these steps:

1. select- Human Resources tab
2. select – Job Openings/Opportunities – this will link the applicant to CIESC consortium for completion of the application.
3. select- By District
4. select- Southside Special Service of Marion County
5. The applicant will scroll down to position of interest and proceed with completing the application (Click APPLY).

All applications for employment shall be referred to the Human Resources Manager. Any professional staff member's intentional misstatement of fact related to qualifications for employment or the determination of salary shall be considered by the Board to constitute grounds for dismissal.

If a staff member is a volunteer firefighter and has notified the SSSMC in writing of such status, the SSSMC may not discipline the staff member (voluntary firefighter) for:

- A. being absent from duty by responding to a fire or emergency call received prior to or during duty; and/or
- B. being absent from work because of an injury that occurred while the staff member was engaged in emergency firefighting or other emergency response providing the emergency related absence does not exceed six (6) months from the date of injury.

The SSSMC may require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence indicating the staff member was engaged in an emergency call at the time of his/her injury. The SSSMC may also require that the staff member, who was injured while engaged in emergency firefighting or other emergency response, provide evidence from a physician or other medical authority showing treatment for the injury at the time of his/her absence and a connection between the injury and the employee's emergency response activities. *Any such evidence shall be retained in a separate medical file created for the staff member and treated as a confidential medical record.*

AG 3120.03 *Posting of New Positions*

All SSSMC employees are notified of all vacancies that have been posted to Applitrack via a group e-mail message from the HR Manager so that any employees, who wish to be considered for the vacancy, may submit a letter of interest/resume for the posted position. Positions being filled by involuntary transfers will not be posted.

**AG 3120.04 *Employment of Substitutes/Professional Standards*** (revised 4/17/15)

[see AG 3221]

In reply to an inquiry in an October 26, 2011 e-mail from SSSMC to Judy Kerberg (IDOE), she replied on the same date that “the Indiana Department of Education no longer requires you to submit Substitute Plans. Each individual school corporation can set their own specific guidelines, and they are responsible for monitoring the schools within that corporation.” SSSMC may utilize non-professionals as substitutes under the supervision of the respective department chairperson.

Substitute teachers must possess a valid Indiana substitute teacher permit/license or hold a valid Indiana initial practitioner, proficient practitioner, or accomplished practitioner license, emergency permit, visiting teacher permit, or transition to teaching permit, which shall be kept on file in the office of the Human Resources Manager.

An August 24, 2012 e-mail from Judy Kerberg confirmed that **no Substitute Plan was required of school corporations including SSSMC**. Since Professional Substitutes, however, must possess a valid Indiana professional certification, an August 29, 2012 e-mail from Judy Kerberg outlined how each individual applicant for a Substitute Teacher license must go to the IDOE website [www.doe.in.gov/idoe/](http://www.doe.in.gov/idoe/) and login to its LVIS system (Licensing Verification and Information System) to complete the application process as follows:

1. The process begins with completing a personal profile, creating a user name/password.
  2. The applicant will use these identifiers to login to the LVIS system to complete his/her application and submit the fee payment.
  3. After submission of the fee payment, his/her application is electronically routed to the designated SSSMC contact person for approval.
  4. After SSSMC approval, the applicant receives an e-mail telling him/her to login to LVIS to view/print his/her new permit. A quick link to the LVIS login site can be found at <https://license.doe.in.gov>.
- A. The applicant is to present the substitute teacher permit to the Human Resources office and will receive an SSSMC employment application packet including the background check with fee payment.
  - B. Upon receiving a satisfactory background check and completion of all necessary paperwork, the Substitute Teacher will be notified of his/her status for employment by SSSMC.
  - C. The Board shall fix wages for substitute teachers who may be engaged without a written contract.
  - D. The Executive Director shall employ substitutes as services are required to replace regular staff members who are temporarily absent. Such

assignment of substitutes may be terminated when their services are no longer required.

- E. Experience as a classroom teacher or substitute teacher is desirable but not required. Each substitute must provide satisfactory evidence of a bachelor's degree or hold a substitute teacher permit from IDOE and present a satisfactory background check (see Policy 3221).
- F. Each substitute is to demonstrate that s/he abides by all relevant policies and guidelines including the proper supervision of students described in Policy 3213.

The SSSMC shall not employ persons holding a substitute teacher permit/license when licensed teachers are available. An individual who holds a professional or provisional license and serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days shall be compensated on the regular pay schedule for SSSMC teachers.

#### AG 3120.05 Employment of Personnel in Extended School Year Services

Provisions for extended school year (ESY) services as defined by Article 7 standards (511 IAC 7-32-39) are provided to a student with a disability:

- A. beyond the normal school year or instructional day of the public agency;
- B. in accordance with the student's IEP;
- C. at no cost to the parent or the student.

Unless already provided by the terms of a negotiated agreement, the Board shall fix the compensation and set the term of employment for each person employed in the designated programs established for SSSMC. The Board will employ only those candidates recommended by the Executive Director.

The Case Conference Committee (CCC) is to review current goals and objectives and weigh data based decisions (pre- and post-test) against the following criteria:

- A. Critical Skills are those academic, social, functional, and behavioral skills that are linked to the IEP goals that are critical to the student functioning in school and community and would be difficult to maintain over non-school days (regression) or to regain in a reasonable amount of time (recoupment).
  - 1. Regression is simply what and how much did the student lose during "out of school time"; and
  - 2. Recoupment is how long does it take to regain those skills and is the length of time beyond what is typically expected following an extended break from the learning environment.
- B. Non-Recoverable Learning Opportunities (Break Through Learning/Window of Opportunity) are those non-recoverable learning situations in which critical skill development, essential to independent function, would be lost to the student if not addressed in a timely fashion. The CCC should identify break through learning skill development, which is at the point of readiness and would be lost by an interruption of services or resurgence/escalation of currently diminished behavior.

For students who are eligible for ESY services, the CCC must:

- A. identify the goals (at least one), benchmarks(at least one), and objectives for which ESY services are required;

- B. identify the special education and/or related services needed; and
- C. determine the initiation, length, frequency, location, and duration of ESY services.

While summer school is not the same as ESY services, it may be one option to implementing ESY services. Other options might include:

- A. programs available at community agencies or organizations (this option requires justification with a clear rationale as well as authorization by the Executive Director;
- B. individualized program at a designated center or school;
- C. providing parents/guardians with materials, instruction, and/or consultation.

AG 3120.06 *Selecting Student Teachers/Administrative Interns* (added 4/16/13) [see Policy 3213]

The Institution of Higher Education making the field assignment of candidates for student teaching/field experiences shall provide adequate follow-up supervision. The university student-in-training shall provide SSSMC with either (a) a current criminal background check if the candidate is requesting field work for a period of less (<) than eight (8) weeks in advance of her/his placement; or (b) for those field work requests greater than (>) eight (8) weeks, the candidate must file an SSSMC application with fee payment for its comprehensive background check prior to engagement with school-age students.

Each student teacher/intern is to demonstrate that s/he abides by all relevant Board policies and administrative guidelines established by the Executive Director. Student teachers/interns are expected to maintain both:

- A. a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities; and
- B. professional staff-student boundaries which are consistent with their legal, professional and ethical duty of care for students.

Of particular importance are the provisions for proper supervision of students.

Student teachers/interns are prohibited from electronically transmitting any personally identifiable image of a student(s) unless such transmission has been made as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity. A student teacher/intern may not be allowed access to the Indiana IEP system and no password or log-in privileges are to be granted. A student teacher/intern is prohibited from entering data into a student's IEP. A student teacher/intern is not allowed access to the SSSMC and RLC communities through the IDOE Learning Connection (4/16/13).

Since most information concerning a student is confidential under Federal and State law, any student teacher/intern who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, alleged child abuse, and any other educational record information.

Student teachers/interns are reminded that SSSMC is a tobacco free environment and the RISE Learning Center is a tobacco-free campus. The possession of a firearm in or on school property or on a school bus is a felony (I.C. 35-47-9-2) and is prohibited by Board policy.

A student teacher/intern shall, when assigned to a program at the SSSMC, be physically clean, neat, and well groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard. Each is expected to dress in a manner:

- A. consistent with their professional responsibilities;
- B. that communicates to students and staff a pride in personal appearance;
- C. that does not cause damage to SSSMC property.

No student teacher/intern should expect or accept gifts for carrying out the terms of his/her assignment under the supervision of a professional staff member.

Student teachers/interns assigned to an SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the SSSMC policies and guidelines. Procedures of the host school corporation and the practices of its respective school building(s) are recognized as shared responsibilities to the extent that SSSMC policies and procedures are not compromised.

*Students attending SSSMC sponsored programs, such as the Deaf and Hard of Hearing, hosted by a member school corporation are expected to comply with the procedures of the host school corporation and the practices of its respective school building(s).*

**AG 3120.07    *Employment of Casual Resource Personnel*** (revised 4/15/14)

The casual employment of personnel in a consulting capacity for administration, in-service, or instruction is allowed by Board policy. This might include resource persons in specialized fields of education that could offer consulting advice on the administration or instructional process.

- A. Specialists in education and related fields may be employed temporarily (usually as non-permanent substitutes to be issued a W-2 tax statement) or contracted in a consulting capacity (independent contractor to be issued a Form 1099) to assist with program planning, in-services, or directly in the instructional program. The differentiation between the two resource personnel noted herein is the concept of control.
- B. Professional staff members employed with SSSMC may be used as casual resource personnel, outside of their regular assignment, at the discretion of the Executive Director.
- C. In either the general, state, or federal fund budgets money is appropriated annually for consulting services. The Executive Director shall negotiate a reasonable payment with the resource person.

**AG 3120.08    *Employment of Personnel for Extra-curricular Activities*** (revised 4/17/15)

The Board authorizes the Executive Director to recommend candidates for employment by the Board. No other representative of SSSMC has the authority to enter into any agreement for employment for any specified period of time with such an employee.

- A. The Board may find it necessary to employ coaches or activity sponsors on a part-time basis, who are not members of the professional staff.
- B. Part-time employees may be members of either the SSSMC's classified or support staff or individuals from the community or nearby areas.
- C. Each person employed as a coach or activity sponsor must be properly interviewed and have the appropriate qualifications.
- D. All part-time employees selected as coaches or activity sponsors who are not members of the professional staff are "at-will" employees whose employment can be terminated with or without cause at any time.

NOTE: *Educational Interpreting Services for Extracurricular Activities (see 2700.02)*

3120.09            Employment of Occupational Therapist/Physical Therapist  
 Placement on the pay schedule will be based on verified total years of experience (regardless of the setting) as a practicing licensed therapist effective for any newly employed therapist beginning the 2012-13 school year. (This stipulation was not retroactive for therapists employed prior to July 1, 2012.) The pay schedule's annual salary is based on working 183 days and 7.75 hours daily including a thirty (30) minute duty-free lunch time. All therapists shall be paid twenty-four (24) payments and shall participate in the Direct Deposit program.

**AG 3120.10      *Job Sharing***

The creation and maintenance of a job-sharing program is at the discretion of the Executive Director and is not to impact negatively on any current staff member. The intent is to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills on a part-time basis.

- A. The Executive Director will only consider job share requests if the cost (including benefits) of employing two (2) staff members on a half-time basis does not exceed the cost of employing one full-time member.
- B. By April 1 prior to the following school year the employee making a job share request is expected to recommend a partner for the consideration of the Executive Director.
- C. Half-time positions may be approved in which two (2) currently employed members will be allowed to share one (1) full-time position.
- D. Each half-time staff member serving 120 school days during a school year will be given credit for one (1) year of experience for the half-time job assignment.

3121                *Personal Background Check* [see AG 1521]

AG 3122            *Nondiscrimination and Equal Employment Opportunity* [see AGs 1422/2260/4122]

The Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected category, in its programs and activities, including employment opportunities.

The Executive Director shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with applicable



Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access.

**AG 3122.01     *Drug-free Workplace*** (revised 4/17/15) [includes 4122.01]

The Board's intent is to establish and maintain an educational setting, which is not tainted by the use or evidence of use of any controlled substance consistent with the requirements of the Drug-Free Workplace Act of 1988. The Executive Director is expected to make a good faith effort to continue to maintain a drug-free workplace through the implementation of these administrative guidelines.

- A. The Executive Director is to establish whatever programs and procedures are necessary to meet the Federal certification requirements in concert with any SSSEA collective bargaining agreements.
- B. No SSSMC staff member is permitted to manufacture, possess, use, distribute or dispense any chemically similar substance, including alcohol or any drug paraphernalia, at any time while on SSSMC property or while involved in any SSSMC-related activity or event.
- C. Non-compliance with the intent of this policy and guidelines will be cause for appropriate disciplinary action up to and including termination of employment.

It shall not be a violation of SSSMC policy for an employee to possess or use a controlled substance if the drug is in its original container and is taken strictly as prescribed by a licensed physician or other medical professional having the power to prescribe medications pursuant to a current prescription written for that employee.

**AG 3122.02     *Non-discrimination Based on Genetic Information*** (includes 4122.02)

The Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment in accordance with Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).

- A. The Executive Director shall appoint the Human Resources Manager as the GINA Compliance Officer to oversee the Board's compliance with its policy, guidelines, and full implementation of requirements of GINA in all activities of SSSMC.
- B. Genetic Information includes:
  - 1. an individual's genetic tests,
  - 2. the genetic tests of that individual's family members,
  - 3. the manifestation of disease or disorder in family members of the individual (family medical history),
  - 4. an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, or
  - 5. the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.
- C. The term "genetic information" does not include information about the sex or age of the individual or family members, or information about the race or ethnicity of the individual

- D. The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment.
- E. The Board does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information.
  - 1. Applicants for employment are directed NOT to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Board's application for employment process.
  - 2. Applicants and employees are directed NOT to provide genetic information, including their individual's family medical history, in response to necessary requests for medical information with the exception that:
    - a. family medical history may be provided as part of the certification process for FMLA leave, or
    - b. when an employee is asking for leave to care for an immediate family member with a serious health condition.
  - 3. Employees and applicants for employment shall NOT be penalized for providing genetic information in good faith in response to a request from a Board employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Board.
- F. Harassment of a person because of genetic information is also prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.
- G. The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books and magazines, periodicals, television shows or the Internet. The Board prohibits its employees and agents, including commercial background investigation agents, from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.
- H. If genetic information about an employee or applicant is obtained in error, it shall immediately be redacted and not shared beyond the point of first receipt. If the Board's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

**AG 3123**

***Section 504/ADA: Prohibition Against Disability Discrimination in Employment***  
(includes 4123)

- A. The Board prohibits discrimination against any employee applicant based upon his/her disability as defined in the applicable policy and will NOT:
  - 1. engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified

individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other term, conditions and privileges of employment.

2. limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability.
3. participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

B. The Human Resources Manager serves as the Corporation Compliance Officer for Section 504/ADA (Title II) and:

1. provides copies of the implementing regulations upon request;
2. oversees the investigation of any complaints of discrimination based on disability; and
3. oversees the training of SSSMC employees regarding:
  - a. their rights and responsibilities under Section 504/ADA; and
  - b. information from the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.
4. post notice of the Board's policy on discrimination in employment practices and the identity of the Corporation Compliance Officer throughout SSSMC
5. publish notice of the Board's policy on discrimination in the SSSMC recruitment statements or general information publications.

D. For facilities constructed or altered after June 3, 1977, SSSMC will comply with applicable accessibility standards.

**AG 3124**

***Employment Contracts*** (revised 8.28.14)

- A. The Board requires that each employee it employs in a certificated position sign either a Regular teacher contract, a Supplemental teacher contract, or a Temporary teacher's contract using the contract form promulgated by the Superintendent of Public Instruction pursuant to I.C. 20-28-6-3.
- B. Each Board employee assigned to an administrative position shall sign an initial Regular Teacher's Contract designating the position as a specific type of administrator, which by Statute shall have a term equivalent to at least two (2) school years. After an initial (two-year) contract the length of a subsequent contract between the Board and an administrator shall be established by agreement of the parties.
- C. A Board employee assigned to any other administrative position shall also sign an initial Regular Teacher's Contract with a term equivalent to at least two (2) school years.
- D. The minimum length of Executive Director's initial Regular teacher's contract shall be thirty-six (36) months.
- E. Contracts employing professional employees shall be approved by a majority of the full Board and shall be signed by the professional employee and the President and Secretary of the Board in compliance with I.C. 20-28-6-5 and I.C. 20-26-4-8. In the absence of either the President or Secretary of

the Board, the Vice President shall sign the contracts with the Board officer who is present.

**AG 3125      *Mentor Program for Certificated Professional Staff***

The Board intends to provide all first year professional staff members a year-long program of orientation, assistance, and support during their first year of employment in the SSSMC. The Mentor Plan may be developed cooperatively with other corporations and is to be reviewed by the Board every five (5) years. [NOTE: HR to develop a checklist showing assigned mentor and related details.]

The goal of the mentoring program is to provide support to employees new to SSSMC. The mentoring program will be supervised by the Executive Director with assistance from coordinators and department chairs in serving as a mentor or assigning mentors to new employees. Any SSSMC employee may be considered to serve as a mentor. Employees who are selected and volunteer to be mentors are considered leaders within our educational field consistent with the following criteria:

- A. complies with all SSSMC policies and procedures;
- B. completes IEPs in a timely and accurate manner;
- C. exhibits good attendance;
- D. volunteers for school committees and events;
- E. has served at least one (1) school year in the assigned program; and
- F. demonstrates knowledge and skills about the program curriculum.

Depending on individual needs, one's mentor may not necessarily be from one's discipline. The mentor will be responsible for orienting the new employee to the special education cooperative and familiarizing the new employee to his/her school(s). This includes assisting the new employee with SSSMC and school policies/procedures. The following serves as a guide for the roles and responsibilities of the mentor:

- A. For employees participating in IMAP, the mentor will assist in fulfilling all necessary requirements as outlined by the Indiana Department of Education.
- B. If at all possible, the mentor will invite the new employee to join him/her at the SSSMC Opening Day Meeting. This pertains to mentors assigned prior to the start of the school year.
- C. The mentor will conduct an orientation with the new employee that includes but is not limited to:
  - 1. Touring the facility or facilities in which the employee will be working.
  - 2. Identifying locations of restrooms, lunchroom, conference room(s), supply cabinet(s), mailroom, workroom(s), copy machine(s), and fax machine
  - 3. Introducing the new employee to colleagues, co-workers, office staff, etc.
  - 4. Providing the new employee with a copy of his/her Job Description and reviewing the job description with the employee. At this time, the mentor will also address any pertinent procedural documents that are specific to the new employee's job, school(s), or assigned district(s).
- D. Following the opening day meeting, the mentor will review the opening day packet with the new employee to answer any questions.
- E. The mentor will assist the new employee with any questions regarding licensing and certification (if applicable)

F. The mentor will help the new employee secure necessary materials and work in cooperation with the technology department with needs such as:

1. ID badge
2. Building access key(s)
3. Computer, e-mail, and printer access
4. Accessing and navigating contents of the SSSMC website

G. If applicable, the mentor will assist the new employ with IIEP (or the current online IEP system). This includes helping secure access and providing or supporting any necessary training.

H. If applicable, the mentor will assist in scheduling training for the new employee on the current teacher evaluation system.

I. The mentor will develop a check-in schedule with the new employee that consists of a minimum of one time per grading period. The mentor will contact the new employee to inquire about any questions or concerns and conduct a meeting if both deem it necessary.

J. Possible incentives for employees who meet the responsibilities of a mentor as set-forth by these guidelines might include professional growth points, credit for professional development, certificate of recognition, or stipend.

AG 3130 *Assignment and Transfer*

The appropriate placement of qualified and competent staff is essential to the successful function of the SSSMC.

- A. The Executive Director is responsible for the assignment and transfer of all professional staff members regardless of years of experience or current placement.
- B. Teachers and therapists may submit a written request for transfer consideration to the Executive Director.

AG 3131 *Justifiable Decrease in Certificated Staff Positions (RIF) [revised 4/28/14]*

The following procedure will first be applied only to probationary and professional teacher in the school, facility, program, or department ("area") to be reduced when the area to be reduced has both established teachers and probationary and/or professional teachers assigned to it. If the area being reduced has only established teachers assigned to it, or if all probationary and professional teachers in the area are already subject to reduction and more reductions are needed, the procedure will then be applied to established teachers in the area to be reduced. An established teacher who is licensed in another content area cannot be subject to the reduction in force if the established teacher is able to replace a probationary or professional teacher in that license area [added from CCHA 4/2/2015].

The Board shall eliminate certificated positions and reduce the number of certificated staff as warranted when the Board finds that curricular changes, changes in enrollment, return to duty from leave of a certificated staff member, closing of schools, territorial changes, fiscal reasons, or when other good cause warrants.

- A. Once the positions to be eliminated are identified by the Board, the certificated staff member(s) to be dismissed shall be identified on the basis of ~~performance~~ licensure and merit not years of service or seniority. Performance shall be determined by evaluation data from the prior school year if available

and/or performance data from the current school year without student achievement data.

B. Where two (2) certificated staff members are in the same performance category, the following factors may be considered to identify the staff member to be terminated:

1. the academic needs of students in SSSMC,
2. the results of an evaluation conducted under I.C. 20-28-11.5,
3. the attainment of either additional content area degrees beyond the requirements for employment; or additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under I.C. 20-29.
4. the assignment of instructional leadership roles, including the responsibility for conducting evaluations under I.C. 20-28-11.5(a),
5. the number of years of a teacher's experience,

C. Certificated staff member(s) identified for contract termination pursuant to this policy shall receive the initial notification of possible contract cancellation required by I.C. 20-28-7.5-2(a)(2) between May 1<sup>st</sup> and July 1<sup>st</sup> preceding the proposed cancellation of the contract with the Board.

AG 3139      *Staff Discipline* (see 4150 for Support Staff) [revised 5/5/14]

The Board has adopted a policy of *progressive discipline* to be applied except in cases of gross misconduct in which case the discipline considerations are whether the misconduct warrants suspension without pay or termination. The principle of progressive discipline means imposition of the least severe sanction that the Board determines, in its sole discretion, to be likely to prevent a recurrence of the offense. If the fact finding supports the use of progressive discipline, the Board may impose a penalty which may include, but not limited to, one or more of the following:

- A. Verbal counseling/oral warning in which a verbal conference between the employee and his/her supervisor is held.
- B. A written warning which is a formal notice of a performance problem or inability to follow established policy. This notice serves as a warning that continued infractions will not be tolerated and may result in recommendation for discharge.
- C. Probation for a period of time determined by the supervisor and/or Executive Director in connection with the written warning.
- D. Administrative leave with pay.
- E. Suspension without pay imposed in compliance with the applicable Indiana statutes.
- F. Termination imposed in compliance with applicable Indiana statutes.

Exceptions to the principle of progressive discipline may be made in cases in which the Board finds that the interests of students and the school community make the application of the principle inappropriate. Examples include, but are not limited to the following:

- A. Reporting for duty under the influence of an alcoholic beverage, an illegal drug, or a prescription drug used other than in accordance with a prescription.

- B. Possession or use of alcoholic beverages or drugs on school property or at an event sponsored by the Board.
- C. Willful refusal to follow established rules or standard for the conduct of a professional employee, i.e., insubordination.
- D. Theft, fraud, or another violation of criminal law.
- E. Arrest and subsequent conviction of a crime.
- F. Falsification or omission of a material fact in the application for employment by the Board.
- G. Threats of and/or acts of violence to a person or substantial property damage.
- H. Poor professional judgment resulting in a risk of physical harm to a person.
- I. Harassment in violation of Board policy on harassment.
- J. Unacceptable results from a periodic criminal background check that may be required by the Board.

In the event a professional staff member is recommended for suspension without pay or dismissal, the procedures required by Indiana law will be implemented.

Professional employees of the Board shall be paid on a “salary basis” and suspension of a professional employee without pay shall not negate the professional employee’s exemption from overtime provisions under the Fair Labor Standards Act pursuant to 29 C.F.R. 541.303.

Employees are required to participate in investigations of work-related misconduct and any refusal to do so may subject them to discipline. The act of advising the employee of the *Garrity* rule automatically prohibits the employee’s answers from being used against him/her in a criminal proceeding (known as “use immunity”). Because “use immunity” can adversely impact a criminal prosecution, the employer should consult with legal counsel before conducting a *Garrity* rule interview (particularly if the investigation involves serious allegations). “Use immunity” only prevents a prosecutor from using the employee’s statements made during the interview, as well as information obtained as a result of those statements.

The *Garrity* rule applies whenever a public employer’s questioning of an employee about work-related misconduct might result in the employee giving a self-incriminating answer; the answer(s) could result in criminal liability for the employee.

The preliminary step is to first ask the employee if he/she would like to make a **voluntary** statement. It should be made clear that there is no penalty for refusing. The employer should next consider the nature of the misconduct under investigation and the questions that the employer intends to ask.

If the *Garrity* rule applies, then the employer must give the employee the following two notices before it can conduct the interview and impose discipline for refusal to answer:

- A. First, the employer must:**
  - 1. Inform the employee of the purpose of the interview, and**
  - 2. Explain that any answer given during the interview, as well as information obtained as a result of the answer, cannot be used (by the**

**prosecutor) against the employee in a subsequent criminal proceeding.**

**B. Second, the employer must inform the employee that he/she may be disciplined for refusing to answer any question during the interview.**

The employer's questions should be specific, direct, and narrow as related to the performance of the employee's official duties.

If the employee refuses to answer a question, the interviewer should reiterate these notices and give the employee another opportunity to respond. If the employee still refuses, the employer should document the specific question that the employee refused to answer. The employer should not make any disciplinary decisions until it has had an opportunity to review the results of the interview with the assistance of legal counsel.

Should the employee ask to be represented by counsel, the employer is advised to make reasonable efforts to accommodate the request. The employer should give the employee the same two notices noted above even if the employee has legal representation.

AG 3140 *Termination and Resignation (revised 4/17/15)*

An employment contract may be suspended or terminated, upon a majority vote of the Board, for violation of the policies of the Board or reasons set forth in law. In such cases, the Board shall abide by due process procedures in compliance with applicable Indiana statutes.

It is the policy of the Board to consider all resignations upon their submission to the Executive Director, who shall so inform the Board at its next meeting. A resignation, once submitted, may not then be rescinded unless the Board agrees.

AG 3140.01 *Exit Procedures for Employees (same for 4140.01)*

The goal is to have a smooth yet timely flow between HR, Payroll, and Technology in processing exiting employees from all SSSMC systems.

A. Standard Separation– Retirement, voluntary resignation, involuntary separation

1. Employees need to have a Separation Appointment with HR Manager. Once HR has received notification of their separation, an appointment will be scheduled.

2. RLC Office personnel should direct separating employees to HR

B. Priority Separation – Unexpected/Immediate departure

1. Employees need to have a Separation Appointment with HR Manager.

C. Procedures

1. SSSMC receives notification of an employee separation:

- resignation letter
- letter of intent to retire
- documentation to support involuntary separation

2. Employee meets with HR Manager to go over financial/insurance information:

- answer questions



- 31 day notification of Conversion/Portability (get employee signature) – basic life, voluntary life, long term care
  - Benefit Information Chart will be given to employees documenting all of their coverage ending dates (copy goes in personnel file-get employee signature)
3. HR Manager will inform HR Assistant that an employee is leaving.
  4. HR Assistant will start the Employee Exit Checklist – this begins the insurance termination processes.
    - Employee Checklist is completed and filed in the employee red medical file – this document is used to ensure all of the necessary terminations have been completed.
    - Technology Information Form is completed and given to Technology Manager with termination date for email account, alarm code, voice mail, etc....
  5. HR Assistant will schedule a time on the employees last day for collection of ID badge, technology (Ipad/laptop), etc.

**AG 3142      *Cancellation of a Teaching Contract*** (see RIF #3131)

This Policy and Policy 3131 (Reduction in Force in Certificated Staff) address the Board’s obligation to employ only those professional staff members best trained and equipped to meet the educational needs of its students.

- A. The Board will continue to employ only those “probationary”, “professional”, and “established” teachers who meet the performance standards established in the evaluation plan adopted by the Board.
  1. Probationary – a teacher who first serves under a contract with SSSMC after June 30, 2011 and has not received a rating, or receives a rating of ineffective, or has not received three (3) ratings in a five (5) year period of effective or highly effective in an evaluation under I.C. 20-28-11.5.
  2. Professional – a teacher who receives a rating of effective, highly effective, or a combination thereof for at least three (3) years in a five (5) year or shorter period. The first year to be eligible to achieve professional status will be at the conclusion of the 2014-15 school year, which is the third successive year of being rated effective or highly effective.
  3. Established – a teacher who served a school corporation under contract before July 1, 2012, and before this same date entered into another contract for further service. In practical terms, this included teachers under contract for the 2010-11 school year who signed their contracts for the 2011-12 year. It also included probationary teachers newly hired for the 2011-12 year who sign their 2012-13 contract before July 1, 2012 according to David Emmert (ISBA School Law Seminar held on June 10, 2011).
  
- B. In acting on SSSMC administrator’s preliminary determination that a teacher’s contract be cancelled, the Board will be guided by the procedure set out in I.C. 20-28-7.5, which provides, in part, that:

1. A principal may decline to continue a probationary teacher's contract if the probationary teacher:
  - (a.) receives an ineffective designation on a performance evaluation;
  - (b.) receives two (2) consecutive improvement necessary ratings on a performance evaluation;
  - (c.) is subject to a justifiable decrease in the number of teaching positions or any reason relevant to the school corporation's interest.
2. A principal may not decline to continue a professional or established teacher's contract unless the teacher is subject to a justifiable decrease in the number of teaching positions (with the exception of reasons of immorality, insubordination, incompetence, neglect of duty, conviction of a listed offense, or other good or just cause).

**AG 3160**      ***Fitness for Duty Examination*** (includes 4160)

The Board reserves the right to require a current employee or applicant for employment (after a conditional offer of employment) to submit to a Fitness For Duty (FFD) examination by a qualified healthcare provider to determine his/her ability to meet the qualification standards and perform the essential functions of a position in which one is performing or for which one is being considered.

- A. The cost of the examination shall be paid for by the Board.
  1. An employee shall be paid for the time required for the exam and for travel at the per mile rate established by the Board.
  2. A candidate for employment shall not be eligible for mileage reimbursement.
- B. The healthcare provider (examiner) and the examinee shall agree that no treatment relationship or privileged communication shall occur between the examiner and the applicant or employee.
  1. Employees and applicants referred for such an examination will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the examiner's results to be released to the Board and allow the Executive Director to contact the examiner if necessary.
  2. The examiner shall be advised not to seek, collect, or report genetic information, including the examinee's family medical history.
- C. The report of the examiner may be shared with the employee or candidate and maintained separately in a confidential file from the standard personnel record of the employee or applicant.
- D. The report is the property of the Board and shall be exempt from disclosure pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3).

3161      *Unrequested Leaves of Absence* [see Policy language]

3170      *Substance Abuse* (new 4/17/15) [see AG 3122.01]

The Board recognizes alcoholism and drug abuse as treatable illnesses. A staff member having an illness or other problem relating to the use/abuse of alcohol or other drugs

will receive the same careful consideration and offer of assistance that is presently extended to staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a substance abuse problem rests with the staff member. Failure to do so, for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board.

Staff members who suspect they have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service. No staff member will have his/her job security or promotion opportunities jeopardized solely on the basis of his/her request for counseling or referral assistance.

**3170.01**        *Employee Assistance Program (New 4.17.15)*

Employee Assistance Programs (EAPs) are designed to provide counseling and referral services for employees with substance abuse or other personal problems. There are no federal or state legal requirements for employers. Although SSSMC will refer employees who report drug or alcohol problems to appropriate counseling, it has not created a contractual relationship with any independent health care organization.

An employee's request for aid through an EAP is confidential so as not to violate any of the employee's health privacy rights. Although employees are not forced to seek treatment after a referral, the EAP does not interfere with SSSMC's ability to discipline employees when rules have been violated.

**AG 3179**        *Professional Concerns (Nongrievable Concerns)*

NOTE: The Professional Grievance Procedure is outlined in the 2015-16 Collective Bargaining Agreement (Article III).

- A. If any staff member has a nongrievable concern about the behavior of a fellow professional or about some aspect of the operation of SSSMC and/or the RISE Learning Center (RLC) that is not functioning, the staff member(s) should make arrangements to discuss the matter with the principal or supervisor as soon as feasible
- B. If the matter is not or cannot be rectified satisfactorily with the principal or supervisor, the staff member(s) may request a meeting with the Executive Director.
- C. After reviewing the request, the Executive Director will either meet with the staff member(s) or provide a written decision explaining the SSSMC position on the matter of concern.
- D. The Executive Director's decision will be final and may NOT be appealed to the Board.

**3210**        *Staff Ethics* [see Policy language]

**AG 3211**        *Required Reports and Protection of Whistleblowers* (includes 4211)

- A. An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or

administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor.

B. An employee making a report required as required by this policy shall be protected from discipline, retaliation, or reprisal as long as the employee had a good faith belief in the truth and accuracy of the information reported.

C. Employees, however, are subject to disciplinary action, up to and including termination for knowingly or recklessly making a false report or failing to make a required report.

D. A report is not required if the employee (or supervisor) confirms that another employee has reported the same words or actions.

E. After a verbal report of a violation, the immediate supervisor will direct the reporting employee to file a written report and shall provide assistance to the reporting employee if necessary.

F. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the required report to the Executive Director.

G. If the words or acts are those of the Executive Director, the report shall be made to the President of the Board.

3213            *Student Supervision and Welfare* [see Policy language]

AG 3214        *Staff Gifts* [see Policy and AG 1214]

It is the policy of the Board that no professional staff member should expect or accept gifts for carrying out the terms of his/her teaching contract. If a staff member has provided an unusual amount of extra help for a student and the parents insist on showing appreciation, expression other than money may be accepted.

The Board does recognize that gift-giving to professional staff members during the holiday season fits the spirit of the season and gift-giving at the close of an academic year is a part of tradition. At these times, gifts other than money may be accepted; however, teachers should not open gifts in class or comment on items in front of students.

Professional staff members shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services.

Upon the recommendation of the Executive Director, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

3215            *Use of Tobacco by Professional Staff* [see AG 1615 and Policy language]

3216            *Staff Dress and Grooming* [see Policy language]

AG 3217        *Possession of Firearms and Weapons by Professional Staff* [see content in AG 1617]

AG 3220      *Staff Evaluations* [see I.C. 20-28-11.5-1]

The Board shall adopt a plan for annual performance evaluations for each certificated employee as defined in I.C. 20-29-2-4 employed by the Board. An individual may evaluate a certificated employee only if the individual has received training and support in evaluation skills.

This plan shall be implemented beginning with the 2012-13 school year and may be subsequently amended as needed and is to include the following components:

- A. annual performance evaluations for all certificated employees;
- B. objective measures of student achievement and growth to significantly inform the evaluation, which must include:
  - 1. student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;
  - 2. methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and
  - 3. student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessment.
- C. rigorous measures of effectiveness, including observations and other performance indicators;
- D. an annual designation of each certificated employee in one (1) of the rating categories:
  - 1.) Highly Effective, 2.) Effective, 3.) Improvement Necessary, 4.) Ineffective
- E. an explanation of the evaluator's recommendations for improvement and the time in which the improvement is expected;
- F. a provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective; and
- G. discussion of the evaluation between the evaluated employee and the evaluator.
- H. A copy of the completed evaluation, including any documentation related to the evaluation, must be provided to a certificated employee not later than seven (7) days after the evaluation is conducted.
  - 1. If a certificated employee receives a rating of ineffective or improvement necessary, the evaluator and the certificated employee shall develop a remediation plan of not more than ninety (90) school days in length to correct the deficiencies noted in his/her evaluation.
  - 2. A teacher who receives a rating of ineffective may file a request for and is entitled to a private conference with the Executive Director or designee not later than five (5) days after receiving notice of the rating.
  - 3. Before August 1 of each year each school corporation is required to provide the IDOE with results of the staff performance evaluations, including the number of certificated employees (no names or other personally identifying information) placed in each performance category noted in G. above.
- I. See Certificated and Qualified Employee Evaluation Handbooks

**AG 3221**      ***Professional Standards for Substitute Teachers***

Experience as a classroom teacher or substitute teacher is desirable but not required.

Each substitute must provide satisfactory evidence that she/he has:

1. been awarded a baccalaureate degree from an accredited college or university OR holds a substitute teacher permit from the Indiana Department of Education;
2. demonstrated a satisfactory background check at his/her expense through the SSSMC application process.

Substitute teachers are expected to maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities. Substitute teachers are also expected to establish and maintain professional staff-student boundaries that are consistent with their legal, professional and ethical duty of care for students (see Policy 3213).

**AG 3231**      ***Outside Activities of Staff***

Consistent with Board policy, professional and qualified staff members need to be cognizant of the potential conflict of providing special education and related services for students on their current caseload or corporation assignment.

- A. Staff members are expected to provide written notification to the Executive Director or designee prior to engaging in tutorial/remedial or childcare/respite services for any student(s) with an IEP/ISP on their current caseload or in one of the four member districts.
- B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.
- D. Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes.
- E. If non-school activities threaten a staff member's effectiveness within the school system, the Board reserves the right to evaluate the impact of such activity upon a staff member's responsibility to the students and to the Board.
- F. Staff members shall not campaign on school property on behalf of any political issue or candidate for local, State, or National office.

3241      *Professional Associations* [see Policy language]

3242      *Professional Growth Requirements* [see Policy language]

**AG 3243**      ***Professional Development Activities*** (see AG 6470.01 – Stipends)

The Board encourages opportunities for professional staff members to develop increased competence through attendance at professional meetings beyond that which they may attain through the performance of their assigned duties. **Six (6) weeks prior to attending** a conference, workshop, or professional development activity, either within the district or off-site, the staff member(s) must receive approval prior to attending the event by completing the SSSMC Professional Development (PD) form available on the SSSMC website.

- A. The completed PD form requires a signature of approval from one of the following: principal, supervisor, or local director as applicable.
- B. A single copy of the endorsed form is to be forwarded to the attention of Executive Administrative Assistant (Melissa Cunniff) at the SSSMC central office.
- C. If the Executive Director approves the PD request, the staff member(s) will be notified by e-mail, which will include approved expenses for reimbursement as well as any forms to be submitted upon completion of the PD activity. The staff member(s) will also receive an e-mail should the request be denied.
- D. The reimbursement form is to be filed immediately upon completion of the PD activity and returned to Business Manager (Sally Graybeal) with:
  - 1. original, itemized receipts if previously approved for reimbursement (usually either mileage or lodging),
  - 2. total mileage (not odometer readings) if approved for reimbursement,
  - 3. certificate of attendance or other supporting evidence for audit purposes, and
- E. General rules for reimbursement related to professional development are as follows:
  - 1. If one is asked by an SSSMC administrator to attend a conference, the cost of the registration fee will be paid via purchase order or corporate credit card and travel expenses (generally either mileage or lodging) will likely be reimbursable.
  - 2. If a member school corporation is requesting the conference attendance of an SSSMC staff member, it is expected that the local corporation would reimburse expenses according to its procedures.
  - 3. If a SSSMC staff member is requesting to attend a conference at his/her own expense, the staff member must file the professional leave form and pre-pay the conference registration. If the requested leave is approved, the staff member will be notified if the cost of the registration will be reimbursed by claim/receipt after the event.

Failure to comply with the process and procedures may result in a staff member not being granted to PD leave day with pay and/or loss of reimbursement of expenses.

**AG 3310      *Freedom of Speech in Non-instructional Settings***

The Board acknowledges the right of its professional staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues, however, are related to SSSMC, a professional staff member's expression must be balanced against the interests of SSSMC.

These guidelines are intended to clarify and, therefore, avoid situations in which a professional staff member's expression could conflict with the interests of the SSSMC. In situations outside the performance of professional duties involving issues of public concern the professional staff member is advised to:

- A. state clearly that his/her expression represents personal views and not necessarily views of the SSSMC;
- B. not discuss with others any individual with whom he or she would normally be in daily contact in the performance of duties, in order to avoid the disruption of SSSMC staff relationships;

- C. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;
- D. not make abusive or personally defamatory comments about co-workers, administrators, or officials of the SSSMC;
- E. refrain from making public expressions which he/she knows to be false or are made without regard for truth or accuracy; and
- F. not make threats against co-workers, supervisors, or SSSMC officials.

Violations of these guidelines may result in disciplinary action up to and including termination.

AG 3311 Social Media [added 7/15/15 from Brent Borg CCHA law firm]

The SSSMC Board understands that social media can be an entertaining and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, the following guidelines have been established for appropriate use of social media.

Carefully read these guidelines and ensure your postings are consistent with the intent of the policy. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

In the rapidly expanding world of electronic communication, “social media” can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with SSSMC, as well as any other form of electronic communication.

The same principles and guidelines found in SSSMC policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects members, customers, suppliers, people who work on behalf of SSSMC’s legitimate business interests may result in disciplinary action up to and including termination.

Be Respectful

Always be fair and courteous to fellow employees, customers, members, suppliers, or people who work on behalf of SSSMC. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by contacting your supervisor than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct



might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

#### Be Honest and Accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives contain almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about SSSMC, fellow employees, members, customers, suppliers, people working on behalf of SSSMC or competitors.

#### Post Only Appropriate Content

Maintain the confidentiality of SSSMC's trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology.

Do not post internal reports, policies, procedures or other internal business-related confidential communications. Do not create a link from your blog, website or other social networking site to SSSMC's website without identifying yourself as an employee of SSSMC.

Respect all copyright and other intellectual property laws. For SSSMC's protection, as well as your own, it is critical that you show proper respect for the laws governing fair use of intellectual property. This applies to intellectual property owned by SSSMC, as well as intellectual property owned by others.

Express only your personal opinions. Never represent yourself as a spokesperson for SSSMC. If SSSMC is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of SSSMC, fellow employees, members, customers, suppliers, or people working on behalf of SSSMC. If you do publish a blog or post online related to the work you do or subjects associated with SSSMC, make it clear that you are not speaking on behalf of SSSMC. It is best to include a disclaimer such as, *"The postings on this site are my own and do not necessarily reflect the views of SSSMC."*

#### Using Social Media at Work

Refrain from using social media while on work time or on equipment provided by SSSMC, unless it is work-related as authorized by your manager. Do not use SSSMC's email addresses to register on social networks, blogs or other online tools utilized for personal use.

#### Retaliation is Prohibited

SSSMC prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

This policy is not intended to prevent employees from engaging in discussions regarding their wages, hours, or working conditions with any other employee or engaging in protected concerted activity. Employees will not be disciplined or retaliated against for such discussions. If you have questions or need further guidance, please contact Pamela Johnson, Human Resources Manager at 317/789-1661.

**AG 3362      *Anti-Harassment*** (see Policy with same provisions for 1662/4362/5517)

[5/13/14 revision]

It is the policy of the Board to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all SSSMC operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy and guidelines apply to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

Sanctions and Monitoring

The Board vigorously enforces its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s).

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargain agreement(s)

Where the Board becomes aware that a prior sanction has been imposed against a member of the SSSMC community, all subsequent sanctions imposed by the Board and/or Executive Direct shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the SSSMC member or third party alleging the harassment pursues the complaint.

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Executive Director or designee shall provide appropriate training to all members of the SSSMC community related to the implementation of this policy and these administrative guidelines. All training regarding the Board's policy, guidelines, and harassment in general will be age and content appropriate.

### Complaint and Investigation Process

Dr. Scott Carson, Associate Director, and Pamela Johnson, HR Manager, serve as Anti-Harassment Compliance Officers for SSSMC. Their names, titles, and contact information will be published **annually** in the parent and staff handbooks and on the SSSMC website. One of these compliance officers is to be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the SSSMC community, and third parties who seek support or advice when informing another individual about “unwelcome” conduct, or to intercede informally on behalf of a student.

The Compliance Officer shall maintain all public records created as a part of an investigation of a complaint of harassment in accordance with the Board’s records retention policy. Any records that are considered in accordance with the *Family Educational Rights and Privacy Act (FERPA)* will be maintained in a manner consistent with the provisions of Federal law.

All SSSMC employees, including administrators, professional staff and support staff shall report any incident of alleged harassment that the employee observes or which is reported to the employee. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Any SSSMC employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within **two (2) business days**. SSSMC employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination of employment. The Compliance Officer or designee must contact the student if eighteen or older or the student’s parent within **two (2) business days** to advise him/her/them of the intent to investigate the alleged misconduct as a formal complaint.

Upon receipt of a complaint either directly or through a school employee either an informal or formal investigation process will be initiated depending on the request of the complainant or the nature of the alleged harassment. The Compliance Officer may designate a specific individual to conduct the process. In the case of a formal complaint, the investigation may be conducted by an external person and the Compliance Officer will prepare or oversee the preparation of recommendations for the Executive Director.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to a **file a complaint within thirty (30) calendars** after the conduct occurs while the facts are known and potential witnesses are available.

Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school. SSSMC employees who fail to report any incident of alleged harassment that the employee observes or which is reported to the employee also are

subject to appropriate disciplinary action, up to and including termination of employment.

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

The informal and formal complaint procedures are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the USDOE, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC), or the Equal Employment Opportunity Commission (EEOC).

Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

#### Privacy/Confidentiality

SSSMC will respect the privacy of the Complainant, the Respondent (the individual(s) against whom the complaint is filed), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent.

Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

#### Child Abuse/Sexual Misconduct

If, during the course of a harassment investigation, the Compliance Officer or designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board policy.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Office or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Executive Director.

State law requires any teacher or school employee who knows or suspect that a child under the age of eighteen (18) is victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services.

#### Informal Complaint Procedures

The goal of the informal procedures is to stop inappropriate behavior and to investigate and facilitate resolution through informal means. The informal procedure, however, is not required as a precursor to the filing of a formal complaint and will only be utilized if both the alleged target of the harassment and the alleged harasser(s) agree to participate in this less formal option. Individuals who seek resolution may request that the informal process be terminated at any time to move to the formal complaint procedure.

An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing:

(1) to a teacher, other employee, or building administrator; or (2) directly to one of the Compliance Officers; and /or (3) to the Executive Director or other corporation-level employee.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate, or appoint another individual, to facilitate an informal resolution.

Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, the informal resolution is to provide a range of options which may include, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the alleged harasser works or attends.
- C. If both parties agree, the Compliance Officer may facilitate a meeting between the individual and the alleged harasser to work out a mutual resolution (except in circumstances involving sexual violence).

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

#### Formal Complaint Procedures

Employees, other members of the SSSMC community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal process by filing an oral or written complaint with a teacher, principal or Compliance Officer. The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or Executive Director as designee.

All complaints of harassment involving an adult in the SSSMC community or a third party against a student and any allegations of sexual violence will be formally investigated. Counseling must be offered to all students who have been subjected to harassment.

All formal complaints must include the following information to the extent it is available:

- A. the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation;
- B. a detailed description of the facts upon which the complaint is based;
- C. a list of potential witnesses; and
- D. the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview; the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Once the formal complaint process is begun, the investigation will be completed in a timely manner such as within **fifteen (15) business days** of the complaint being received.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. After consultation with the Executive Director and/or Board Attorney the Compliance Officer may take whatever actions s/he deems appropriate if the Complainant is unwilling to consent to any change determined necessary by the Compliance Officer.

If the Compliance Office or designee has reason to believe that the Complainant has been the victim of criminal misconduct as defined under State law, such knowledge should be reported to a local law enforcement agency.

#### Investigation

Within **two (2) business days** of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Compliance Officer or designee (Investigator) will inform the individual alleged to have engaged in the harassing or retaliatory conduct (Respondent) that:

- A. a complaint has been received,
- B. the nature of the allegations,
- C. a copy of the Board's anti-harassment policy is to be provided, and
- D. the opportunity to submit a written response to the allegations within **five (5) business days**.

The Investigator will attempt to complete an investigation of the allegations within **fifteen (15) business days** of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;

- C. interviews with any witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. instructions to all interviewees about the importance of maintaining confidentiality; and
- E. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

#### Final Report/Final Decision

At the conclusion of the investigation, the Compliance Officer or designee may consult with the Board's legal counsel before finalizing and presenting a written report to the Executive Director that summarizes the evidence gathered and his/her recommendations based on the preponderance of evidence standard as to whether the Complainant has been the subject of unlawful harassment or retaliation. The recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

In cases where the complaint investigation results in a finding that the allegation of harassment is substantiated, action must be taken by the Compliance Office to remedy the past effects of such harassment. This may include, but is not limited to, providing a contact person to monitor the harassed student, providing a contact person to monitor the harassed student, providing tutoring to the student, allowing the student to retake test or assignments, and counseling that must be offered to all students who have been subjected to harassment.

The Executive Director has **five (5) business days** (absent extenuating circumstances) to either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. If additional investigation is requested, the Executive Director must specify the additional information that is to be gathered. The additional investigation must be completed within five (5) business days. A copy of the Executive Director's final decision will be delivered to both the Complainant and the Respondent.

#### Appeal

A Complainant or Respondent who is dissatisfied with the final decision of the Executive Director may file an appeal through a signed written statement to the Board within **five (5) business days** of his/her receipt of the Executive Director's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within **twenty (20) business days** of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within **ten (10) business days** of the Board meeting. The decision of the Board will be final.

If either the Complainant or Respondent is not satisfied with the Board's decision, either party will have an **additional sixty (60) days to appeal** the decision to the USDOE, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC).

### Definitions

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws (See Policy and AG 5517.01).

Bullying is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation and may involve: a.) teasing; b.) threats; c.) intimidation; d.) stalking; e.) cyberstalking; f.) cyberbullying; g.) physical violence; h.) theft; i.) sexual, religious, or racial harassment; j.) public humiliation; or k.) destruction of property.

In the bullying context, "harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

If, during an investigation of a reported act of bullying and/or harassment under Policy 5517.01, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment such act must be reported to a Compliance Officer who shall investigate the allegation.

Disability Harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like, as well as conducted, directed at, or pertaining to a person's genetic information.

National Origin Harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Race/Color Harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.



Sexual Harassment may involve the behavior of a person of either gender against a person of the same or opposite gender. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

See Policy 3362 language for examples of prohibited acts and kinds of conduct that constitute sexual harassment. Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

Any employee accused of sexual relations with a student may be placed on leave until school administrative proceedings are completed.

**AG 3362.01**    ***Threatening and/or Intimidating Behavior toward Staff Members*** (includes 4362.01)

- A. Any student, parent, visitor, staff member, or agent of the Board who is found to have threatened or intimidated a member of the SSSMC staff will be subject to discipline and reported to the Principal, or Supervisor, or Executive Director.
- B. The Principal, or Supervisor, or Executive Director shall report the incident to the local law enforcement agency.
- C. In contrast to harassment as an obscene message for the purposes of this guideline the terms "threat" and "intimidation" have the meanings set forth in I.C. 35-45-2-1 as follows:

Intimidation – a person who communicates a threat to another person, with the intent:

- that the other person engage in conduct against the other person's will;
- that the other person be placed in fear of retaliation for a prior lawful act; or
- of causing a dwelling, a building, or another structure or a vehicle to be evacuated
- commits intimidation (a Class A misdemeanor).

Threat means an expression, by words or action of an intention to:

- unlawfully injure the person threatened or another person, or damage property;

- unlawfully subject a person to physical confinement, or restraint;
- commit a crime;
- unlawfully withhold official action, or cause such withholding;
- unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
- expose the person threatened to hatred, contempt, disgrace, or ridicule;
- falsely harm the credit or business reputation of the person threatened; or
- cause the evacuation of a dwelling, a building, another structure, or vehicle.

**AG 3410.01     *Compensation for Part-time Staff***

Part-time certificated, qualified, and professional staff members are to be compensated in an amount equivalent to the portion of the time worked, whether it be a fraction of a day or a fraction of a year. Deduction amounts for benefit premiums will be pro-rated based on employment status.

3410.04           *Substitute Compensation* [see Policy language]

**AG 3415           *Severance Pay*** [revised 4.29.14]

All full-year professional staff members (non-certified), not covered by terms of a negotiated agreement, who present evidence of retirement from active service with the Board, shall be granted severance pay for their accrued but unused sick leave days. Qualified personnel (OT and PT) shall be provided the same retirement, severance, and death benefits provided SSSMC professional teaching staff covered by terms of a negotiated collective bargaining agreement. Retirement is defined under the Indiana Public Retirement System (INPRS) and does include disability retirement. Therapists employed by SSSMC shall be provided the same retirement, severance, and death benefits provided to teachers employed by SSSMC.

3419               *Group Health Plans* (added 4/17/15)

The Board has discretion to establish and maintain group health plans for the benefit of eligible employers with health benefits currently offered through the Hoosier School Benefit Trust. Since the SSSMC offers health insurance that is affordable and provides minimum value under the Affordable Care Act, employees are not entitled to premium tax credits or subsidies through the Health Insurance Marketplace.

The Board, through the SSSMC HR Department, has notified all employees of health insurance coverage options through the Health Insurance Marketplace on the date the requirement took effect. New employees are notified of this policy within fourteen (14) days of his/her employment start date.

**AG 3419.01       *Privacy Protections of Self-funded Group Health Plans*** (includes 4419.01)

The Board has established the following self-funded group health plans: Medical, Prescription Drug, Dental, and Employee Assistance. The Board acknowledges that its

self-funded group health plans noted above are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law. The Business Manager/Treasurer is appointed by the Board to serve as the Privacy Official of the group health plans as well as the Security Official under the HIPAA Security Rule.

3419.02 *Privacy Protections of Fully Insured Group Health Plans* (includes 4419.02)

The Board has established the following fully insured group health plans: Vision, Long Term Care (not long-term disability), Basic Term Life, Voluntary Term Life, Long Term Disability, and Short Term Disability.

The Board acknowledges that the fully insured group health plans noted above are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans. The Business Manager/Treasurer or designee is appointed to serve as the Security Official of the group health plans and is delegated the authority to perform a risk analysis as well as develop risk management procedure, if necessary.

**AG 3420** *Benefits for Non-represented Staff* [see Handbooks]

Benefits for all professional staff members not covered by the terms of a currently valid negotiated agreement are determined by the Board upon the recommendation of the Executive Director. Benefits may vary by job classification for Therapists (Qualified), Non-certified (classified) School Year Support Staff, and Non-certified (Professional Support) Full Year Personnel. Personnel working thirty (30) hours or more a week are eligible for participation in the SSSMC approved group program.

The following description of available benefits are not considered legal plan descriptions, are not a contract to provide benefits, and do not contain all the details under each benefit. Costs for these plans may change from year to year. In addition, the waiting periods for participation in these plans vary from plan to plan. In the event of a conflict between the following descriptions and the plan description or applicable law, the plan description or applicable law controls.

The Board provides coverage to eligible employees under self-funded group health plans as follows:

A. Health and Dental Insurance -- Employees may participate in health insurance (including an employee assistance and dental insurance programs offered by the Board to support staff employees. Coverage for eligible new employees shall be effective on the first day of the month following 30 days of employment as long as the application is received within the first 30 days of employment. Selection of plans (tiers) is opened annually for a specified period of time. [See Appendix in the current Handbook for Non-Certified Professional Personnel for a current premium schedule.]

The Board has established the following fully insured group health plans for eligible employees as follows:

B. Term Life Insurance -- The Superintendents' Governing Board will pay the entire yearly premium less one dollar (\$1.00) which the employee is required to

pay. The term life insurance coverage is \$50,000 with Accidental Death and Dismemberment. New employees have 31 days to enroll after employment.

C. Flexible Benefits Program – The SSSMC Board maintains Flexible Savings Account provisions under a Generation I and Generation II Flexible Benefit Program. This program is intended to qualify as a “Cafeteria Plan” within the meaning of Section 125 of the Internal Revenue Code and any other applicable provision of law.

D. Short Term Disability -- The Superintendents’ Governing Board provides payroll deductions for a program of income protection insurance. Participation in the program selected by the employer is an individual decision and a financial responsibility of the employee.

E. Long Term Disability -- The Superintendents’ Governing Board will pay the cost of Long Term Disability insurance. The employee will in all cases be required to pay a minimum of one dollar (\$1.00) per year. The Plan will be selected by the Hoosier School Benefit Trust.

3421 *Benefits for Administrators* [see Policy language]

3421.01 *Federal Group Health Continuation (COBRA)* (added 4/14/15)

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to the employee and to other members of his/her family who are covered under the Plan should the employee otherwise lose group health coverage through a “qualifying event”. SSSMC employees are to contact the Human Resources Department for referral to the Benefits Workshop (Jacksonville, FL), which directly administers COBRA continuation coverage for SSSMC personnel.

**AG 3430** *Leaves of Absence* [reference for AG 4430] (revised 4/8/13)

All full-year professional (non-certified) staff members and full-time Occupational and Physical Therapists (qualified) not otherwise covered by the terms of a currently valid negotiated agreement shall be entitled to the same leave benefits provided in the master agreement with Southside Special Services Education Association. Consistent with the current master agreement a teacher may not use paid leave days, for the purpose of extending scheduled breaks or for personal convenience.

The Board requires the staff member to substitute (i.e. run concurrently) any of his/her earned or accrued paid leave for FMLA leave for the following reasons:

- A. the birth of a child and/or the care of a newborn child within one (1) year of the child’s birth;
- B. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child’s arrival; and
- C. a “qualifying exigency” arising out of a covered family member’s (spouse, son, daughter, or parent) covered active duty or call to covered duty in the United States Armed Forces including the National Guard and Reserves (see Policy 3430.01).

Although the 12 weeks under FMLA excludes vacation periods, the period of paid days may be reduced by interruptions with vacation periods. The twelve (12) month period is

measured forward from the date the staff member's first FMLA begins (i.e. the "leave year" is specific to each individual staff member).

A. Maternity Leave – FMLA permits the employee to elect to take up to 12 weeks of continuous leave to care for a newly born or newly adopted child. FMLA leave based on pregnancy may include the following two considerations: (1) medical reasons either pre- or post-birth, and (2) post-birth care for the newborn child. Therefore, the employee may elect to take any available FMLA leave, as well as any paid leave, that has not been spent to bond with the child up to 12 weeks. Beyond the FMLA covered 12 weeks of continuous leave there are no other maternity benefit days other than a request to the Board for an unpaid leave of absence. All requests for unpaid leaves of absence by professional staff members up to one (1) year shall be presented by the Executive Director to the Board for approval.

B. Unpaid Leave - Any professional staff member granted an unpaid leave of absence by the Board shall be prohibited from all work with SSSMC until the completion of the leave. Exceptions may be made at the discretion of the Executive Director in cases where the best interest of SSSMC might be served.

C. Military leaves of absence are in addition to a regular vacation period without loss of pay or time as specified in the policy and not to exceed a total of fifteen (15) days in any calendar year. A professional staff member who has worked at least 1,500 hours as an employee for at least twelve (12) months immediately preceding the day the leave begins and is a defined relative of active duty military personnel are entitled to an unpaid leave under certain conditions (see full text in Policy 3430).

D. Ambassador for Education – Any professional staff member so selected by the State Superintendent of Public Instruction as Teacher of the Year and who agrees to this ambassador assignment shall be granted a one (1) year professional leave for the term. SSSMC is obligated to provide the professional staff member all benefits of employment other than salary. Upon completion of the leave, the professional staff member may return to SSSMC to the same or a comparable position as he/she held prior to the leave without loss of accrued benefits or seniority.

**AG 3430.01     *Family & Medical Leaves of Absence* – (4/22/14 revision) [See full text in Policy 1630.01]**

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Executive Director. *If a same sex marriage was valid in the place where it was entered into (the "place of celebration"), then the individuals are considered spouses.* (sentence added 3/16/15).

In accordance with Federal law, the Board shall provide up to twelve (12) weeks of unpaid leave in any twelve (12) month period to eligible professional staff members who have worked for least 1,250 hours over the twelve (12) months prior to the leave request. All full-time professional staff members are presumed to meet the 1,250 hour requirement if they were employed by the SSSMC in this capacity for the preceding twelve (12) months.

- A. The twelve (12) month period is measured forward from the date the staff member's first FMLA begins (i.e., the "leave year" is specific to each individual staff member).
- B. There is a 12 week limit for benefit coverage after which the employee is responsible for 100% (COBRA) payment of all benefits.
- C. In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child.
- D. Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Executive Director to minimize disruption to the students' program.
- E. The Board requires the staff member to:
  - 1. substitute (i.e., run concurrently) any of his/her earned or accrued paid leave (e.g., sick leave, personal leave, assault leave, vacation leave, family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave;
  - 2. substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave for reasons of:
    - a. care for a spouse, son, daughter, or parent if such individual has a serious health condition, or a staff member's own serious health condition, or
    - b. to care for a covered family who has incurred an injury or illness, or
    - c. to care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury in the line of duty while on covered active duty.
  - 3. substitute any of his/her earned or accrued paid vacation, personal leave, family leave or sick leave (per the applicable collective bargaining agreement) for unpaid Service Member Family leave.
- F. A staff member who is granted leave for reason of one's own serious health condition, which prevents him/her from performing the functions of his/her position, must provide the Executive Director with a statement from his/her healthcare provider that he/she is able to resume work prior to returning to work. The Board reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final.
- G. The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.
- H. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.
  - 1. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period.

2. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

I. If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member leave pursuant to reasons caring for a family member (see C-1 in policy) or the staff member's own serious health condition (see D-1 in policy), or Service Member Family Leave, or for circumstances beyond the control of the staff member, the staff member is required to reimburse the Board for health insurance premiums paid by SSSMC during the unpaid FMLA leave period.

J. A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

K. In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner, i.e., similarly situated persons shall be treated similarly.

L. A notice of Rights and Obligations must be provided each time an employee requests FMLA leave or SSSMC has sufficient information to believe that the employee may qualify for FMLA leave.

M. A copy of the policy is to be provided to all staff members and a record is to be retained of how and when the policy was distributed.

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment.

AG 3431      *Return to Work* [Pending SSSEA Discussion - Revised 6/15/15]

Absences Due to Illness

If an employee is absent from work for three (3) consecutive days due to medical reasons, injury, or health concerns, before returning to work the employee is required to contact and inform the HR Manager when the employee is expected to return to work with or without restrictions. The employee may be required to provide written medical clearance from a licensed medical professional that shows either the employee is allowed to return to work with no restrictions or he/she may return to work on a limited basis with specified restrictions. The employee may also be required to submit to a Fitness for Duty examination pursuant to SSSMC policy/administrative guideline 3160.

Absences Due to Personal Injury While Employed

In the event an employee is required to be absent due to an injury sustained as a result of an assault and/or battery, or accident in the course of employment while properly discharging his/her duties, the absence shall not be charged against the employee's sick/personal leave. If the injury is determined to be compensable under workers' compensation laws, the employee (professional and support staff) is to receive the equivalent of a full day's pay for all eligible work days. The employee's workers' compensation check(s) will be mailed directly to the HR office to be copied for payroll adjustment purposes. The HR office will contact the employee to pick up his/her check.

The employee will keep the workers' compensation check(s) and be paid the remaining daily balance for the eligible work days on the SSSMC payroll schedule.

The employee must comply with the workers' compensation reporting provisions in order to receive the benefits enumerated under workers' compensation provisions. The Governing Board may require an independent medical or psychological examination at the Board's expense if there is a question as to the condition of the employee at any time.

No employee will be allowed to return to work without proper notification of why there was an absence from work and/or to what degree the employee is able to perform the expected duties of his/her job. On a case-by-case basis the HR Manager and the employee's supervisor will consider whether it is possible for the employee to return to work on a limited basis. Once a medically approved, light duty transitional assignment is deemed appropriate, a transition plan will be put into place in anticipation of a return to full duty, or vocational rehabilitation, if necessary. Any modified work schedule is considered time-limited and temporary. The transition plan is intended to reduce any financial impact an injured employee may experience due to lost time at work.

3437            *Military Service* [see Policy language]

**AG 3440            *Job-related Expenses*** (also applies to 4440)

The Board provides for the payment of the actual and necessary expenses, including travel expenses, of any certificated, qualified staff (including certified occupational therapy assistants and physical therapy assistants) employed by SSSMC. The validity of payments for job related expenses is determined by the Executive Director. Mileage reimbursement will be at the prevailing IRS rate. Odometer reading columns are only to be used when the distance between points cannot be determined by fixed mileage or official highway maps. Reimbursed expenses are those incurred in the course of performing services for SSSMC whether within or outside the district. Reimbursement for expenses requires authorization by the designated supervisor, e.g., a mileage claim form or approved professional leave form. Submission of a claim form with original, itemized receipts and/or other documentation of expenses incurred must be timely submitted to the designated supervisor prior to processing by the SSSMC business office.

AG 3441            *Access Card and Fee for Replacements* [SSSEA Review 12/11/14]

For the purposes of building access and security SSSMC-issued Access Cards/identification (ID) badges are to be worn by all employees at all times during the work day as a condition of employment with the following expectations:

- A. Each employee is solely responsible for the safe-keeping of his/her ID badge.
- B. Any lost ID badges are to be immediately reported by the employee to the HR office.
- C. The cost for replacement of an ID badge is **\$10** payable by a Money Order drafted to SSSMC.
- D. The employee is to deliver the Money Order to the HR office to obtain a replacement ID badge.



E. Employees are to return his/her ID badge to the HR office upon termination of employment for any reason.

Lost identification badges without SSSMC/RLC building access *or those damaged by a student* will be replaced at no cost. *The Executive Administrative Assistant and the Technology Manager clarified that vendors (food, etc.) and contractors will be issued limited access ID cards (no fee) with photo as needed upon request by contacting either one of these managers (Informal conversation 4/9/2015).*

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*Work Stoppage* [See Policy language]