

CHAPTER 1000 ADMINISTRATION

NOTE: Bold Policy ##### and Bold Title indicates those Administrative Guidelines (AGs) required by Board Policy.

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1100 *Organization of the Cooperative* [see Policy language]

1110 *Assessment of Cooperative Goals* [see Policy language]

AG 1113 Annual School Directory

A. The Board authorizes the Executive Director to annually prepare a school directory containing the names, assignments, addresses, and telephone numbers of all professional and support staff as well as the Board and Executive Director.

B. Directories shall be distributed to all SSSMC personnel, but shall **not** be available to individuals and/or firms for commercial or private gain unless, in the judgment of the Executive Director, such distribution will be of a direct educational benefit to the staff or students.

C. IC 5-14-3-3 (f) prohibits the school corporation, as a public agency, from disclosing lists of names and addresses of employees to commercial entities for commercial purposes. The same statute further provides that commercial entities may not use such lists for commercial purposes.

AG 1130 *Conflict of Interest – Private Practice* (see Policy and I.C. 35-44-1-3)
Under the Indiana Criminal Conflict of Interest statute (Ind. Code§ 35-44-1-3) employees are required to declare a conflict of interest if they have a spouse who works with SSSMC or if the employee, the employee’s spouse, or the employee’s dependent(s) receives any financial benefit as a result of doing business with SSSMC. Conflict of interest forms are available at the Human Resources Office.

It is expected that a full-time employee’s responsibilities with the school district take priority over any outside employment activity. The employee’s position with SSSMC, either full-time or part-time, may be jeopardized if outside employment has a negative impact on job performance with SSSMC.

Consistent with Board Policy, staff members need to be cognizant of the potential conflict of offering tutoring or remedial services for students on their current caseload or classroom assignment. Staff are required to provide written notification to the Executive Director or designee prior to engaging in tutorial or remedial services for any students on their current caseload after school hours or during any calendar breaks, including summer term.

AG 1130.01 *Conflict of Interest – Employment of a Dependent of a Public Servant*
Parts A and B of Section 3(c)(6) of I.C. 35-44-1-3 provide that a public servant must make a disclosure under subsection (d)(1) through (d) (6) **IF** employed by the governing body of a school corporation (SSSMC) **AND** the contract or purchase involves the employment of a dependent (or the payment of fees to a dependent).

The required disclosure required by subsection (d) must:

- A. be in writing;
- B. describe the contract or purchase to be made by the governmental entity;
- C. describe the pecuniary interest that the public servant has in the contract or purchase;
- D. be affirmed under penalty of perjury;
- E. be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase;
- F. be filed within fifteen (15) days after final action on the contract or purchase with:
 - 1. the state board of accounts; and
 - 2. the clerk of the circuit court in the county where the governmental entity takes final action on the contract or purchase.

1200 *Administrator Ethics* [see Policy language]

1210 *Board – Executive Director Relationship* [see Policy language]

AG 1214 *Staff Gifts* [see Policy language]

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 (See 3214/6680). The remainder of this policy is prohibitions for accepting any form of compensation from vendors or those making recommendations to the Board who may have a substantial or pecuniary interest in the Board's decision.

- 1220 *Employment of the Executive Director* [see Policy language]
The term of the initial Regular Teacher's Contract for the executive director is to be at least thirty-six (36) months.
- 1230 *Responsibilities of the Executive Director* [see Policy language]
- AG 1230.01 *Development of Administrative Guidelines (AGs)*
The Board delegates to the Executive Director the function of designing and implementing the guidelines, required actions, and detailed arrangements under which Southside Special Services of Marion County (SSSMC) will operate.
- A. These administrative guidelines shall be consistent with the policies adopted by the Board.
 - B. The Board itself will formulate and adopt administrative guidelines and rules only when required by law, and when the Executive Director recommends Board adoption.
 - C. The Executive Director may also issue such administrative and student handbooks as s/he may consider necessary for the effective administration of the schools and distribute them to employees and students and/or parents.
 - D. As long as the provisions of these administrative guidelines and handbooks are consistent with Board policies and Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees and students.
 - E. A copy of the SSSMC's administrative guidelines manual and a copy of each handbook shall be made a part of the Board's reference materials maintained in the SSSMC central office.
- 1231 *Outside Activities of Administrators* [see Policy language]
- 1240 *Evaluation of the Executive Director* [see Policy language]
- 1241 *Non-Reemployment of the Executive Director* [see Policy language]
- 1260 *Incapacity of the Executive Director* [see Policy language]
- AG 1400 *Job Descriptions/Classifications***
- A. The Board authorizes the Executive Director to maintain job descriptions, which shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.
 - B. All job descriptions shall be defined as administrative guidelines of the Executive Director and each shall contain the following provision: "The employee shall remain free of any alcohol or non-prescribed controlled substance in the workplace throughout his/her employment in the SSSMC."

C. Revisions to job descriptions shall be reviewed with the employees affected prior to their use.

D. Each employee will be provided with a copy of his/her job description at the time of employment and any revisions thereto.

E. Employees will be evaluated, at least in part, against their job descriptions.

The following job descriptions, by employee group, were approved by the Board at its July 17, 2012 session with subsequent additions:

Certificated Administrators

- Associate Director
- Supervisor of Special Services

Non-Certificated Administrators

- Business Manager/Treasurer
- Human Resources Manager/Deputy Treasurer
- Executive Assistant/Office Manager

Certificated Personnel

- Educational Audiologist
- Autism Lead Teacher
- Behavior Specialist (Corporation-based)
- ECAT-Classroom Teacher
- ECAT-School Psychologist
- ECAT-Speech Clinician
- ECAT-Community Preschool Teacher
- ECAT-First Steps Liaison/Community Preschool Teacher
- Special Education Interventionist for MSDPT
- Blind or Low Vision Teacher
- Deaf and Hard of Hearing Teacher
- RLC Life Skills, Behavior Education, MOVE Teachers
- RLC Music/PE Teacher
- RLC Speech and Language Pathologist
- Deaf and Hard of Hearing Teacher Coordinator
- Deaf and Hard of Hearing Speech Pathologist
- Non-public Teacher of Record
- Non-public Autism Lead Teacher

Qualified Personnel

- Occupational Therapist
- Physical Therapist
- RLC Nurse
- ECAT Nurse
- Licensed Practical Nurse/Intervener

Associate Personnel

- Certified Occupational Therapy Assistant
- Physical Therapy Assistant
- RLC Speech Language Assistant
- Braille Specialist

Classified Personnel

- Instructional Assistant
- Educational Interpreters
- Oral Language Facilitators
- Deaf and Hard of Hearing Visual Field Interpreter
- ECAT Office Clerk

- RLC Office Clerk
- RLC Administrative Assistant/ECA Treasurer
- RLC- Instructional Assistant
- Programs and Services Secretary
- Custodians

Professional Administrative Personnel

- Operations Supervisor
- Administrative Assistant (Business/Human Resources)

SSSMC has developed handbooks for the following employee groups: Administrators, Professional Personnel (260 day), Qualified Personnel, and Classified School Year Personnel.

AG 1411 ***Required Reports and Protection of Whistleblowers*** [see Policy 3211]

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.

A. 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.

B. If the words or acts that violate this policy are those of the Executive Director, the required report shall be made to the Board Report.

After a verbal report of a violation of this policy is made, the immediate supervisor will direct that the reporting employee put the report in writing. An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information provided at the time of the report. Employees, however, are subject to disciplinary action up to and including termination for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.

AG 1422 ***Nondiscrimination and Equal Employment Opportunity***

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.

1430 ***Leaves of Absence*** [see Policy language]

AG 1520 ***Employment of Administrators in Addition to the Executive Director***

The employment of administrators 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.

A. The Board shall approve the employment, fix the compensation, and establish the term of employment for each administrator employed by SSSMC.

B. Individuals employed in the following certificated positions covered by the Indiana State Teachers’ Retirement Fund (TRF) shall be considered administrators:

1. Associate or Assistant Director
2. Principal or Assistant Principal
3. Supervisor

C. The contract entered into between the Board and an administrator must be the Regular Teacher's Contract as prescribed by the State Superintendent.

1. A Board employee assigned to any other administrative position shall also sign an initial Regular Teacher's Contract with a term equivalent of at least two (2) school years. After an initial contract the length of a subsequent contract between the Board and an administrator shall be established by agreement of the parties.

2. In the contract with an administrator, the Board may provide compensation for services performed for a time, either before or after the school term, as considered necessary by the Board.

3. Upon the recommendation by the Executive Director of a candidate for employment, the basic contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the Board and the administrator if the contract, when reduced to writing, is consistent with Indiana law.

4. When any recommended candidate has been rejected by the Board, the Executive Director shall make a substitute recommendation.

D. Wherever possible, positions shall be filled by properly licensed administrators.

1. No candidate for employment as an administrator shall receive recommendation for such employment without having proffered documentary evidence of his/her license or pending application for license from the Indiana Department of Education.

2. Such license must indicate all of the areas in which the candidate has been licensed. No deletions are acceptable.

E. The Board shall review a candidate's previous work experience in determining his/he salary.

F. Prior to employment, the candidate's eligibility to work shall be checked using E-verify.

1. The candidate shall execute the verification of eligibility to work under penalty of perjury as required by I.C. 12-32-1-6.

2. The candidate's written verification of eligibility to be employed shall be retained in the employee's personnel file for no less than five (5) years.

G. Relatives of administrators 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.

1. Should the Board choose to employ a spouse or dependent of administrator, the administrator shall submit a Uniform Conflict of Interest Disclosure using Form 54266 from the State Board of Accounts.

2. This disclosure form shall be submitted for acceptance by the Board before the Board considers the approval of the employment of the spouse or dependent.

H. Any administrator's intentional misstatement of fact or omission relevant to qualifications for employment or the determination of salary shall be considered by the Board as a reason for contract cancellation.

AG 1521 ***Personal Background Checks and Mandatory Reporting of Convictions and Arrests*** (includes Policies 3121, 4121, 8121) [11/14/13 SSSEA review]

Under IC 20-26-5-10(b) an employee (referred to as an applicant) may not be required to obtain (and pay for) an Expanded Criminal History (ECH) check more than once during a five (5) year period. During this five year validity period, however, a school employer may obtain an ECH through a vendor at any time as long as the ECH can be completed without effort and at no cost to the employee. There is no prohibition or restriction against a school employer for requiring an employee to obtain and pay for a Limited Criminal History (LCH) at any time.

On January 5, 2011 SSSMC entered into an Agreement with Safe Hiring Solutions to implement its procedures for obtaining personal background information on each candidate (administrators, certified, non-certified, substitute teachers, volunteers, student teachers as well as all non-certified substitutes on non-permanent, part-time assignments such as technicians, custodians) pending final employment to include the following:

- A. An expanded national criminal history check (as defined by I.C. 20-26-2-1.5) of the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or another method of positive identification;
- B. A search of the national sex offender registry maintained by the United States Department of Justice;
- C. Telephone inquiry or written communication with each former employers identified by the candidate;
- D. Explanations of any employment gaps to ensure the candidate have not omitted an employer where an offense occurred;
- E. Verification of the applicant's eligibility to work using the E-verify database maintained by the Federal government as required by I.C. 12.32-1;
- F. A detailed background history including all prior employment and volunteer positions;
- G. A Indiana Bureau of Motor Vehicles Driver history if the position involves driving.

Arrests - During the course of his/her employment with SSSMC, each administrator, professional employee and substitute teacher shall be required to report his/her arrest or the filing of criminal charges against the employee and conviction of criminal charges to the Executive Director within two (2) business days of the occurrence. The Executive Director shall obtain a review of each reported arrest and/or conviction and shall recommend appropriate action to the Board considering the risk to members of the SSSMC community presented by the continued employment of the convicted administrator. Failure to self-report within two (2) business days may lead to a recommendation of termination for insubordination.

Citizenship - Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a U.S. citizen or a qualified alien.

Contractors - Each employee of contractors and sub-contractors is required to provide a personal background check if he/she is likely to have direct, on-going contact with children within the scope of his/her employment (see Policy 8121).

A. Screening shall only be required one (1) time during the period of the current contract with SSSMC as long as the contractor:

1. has continuously screened new hires, and required the same of its sub-contractors and,
2. required that these employees report arrest and the filing of criminal charges against them.

B. Compliance with this requirement shall be verified by either:

1. inclusion of the requirement as a material term of the contractor's or sub-contractor's contract; or
2. execution of a certificate of compliance with this policy which shall be maintained with the contract in the SSSMC's files.

C. Non-compliance with these requirements shall be a breach of a material term of any contract between a contractor/sub-contractor and the SSSMC.

D. Failure of a contractor or sub-contractor to remove an employee from direct contact with students, upon a request from the Executive Director, shall be considered to be a material breach of the contractor's or sub-contractor's contract with SSSMC.

Convictions - The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

Fees - Any costs associated with obtaining the Expanded Criminal History (ECH) check are to be borne by the applicant (currently \$36.75 by cashier's check payable to SSSMC or \$16.95 for a Limited Background Check (LCH) for volunteers).

High School Students – Students enrolled in public or nonpublic high schools seeking service hours through on-site observations for a limited period must be sponsored by an official of his/her high school. The sponsoring school teacher or school official is to first contact the Principal or Program Supervisor to make the initial request. The follow-up is to include a written request, e.g., e-mail to the Principal or Program Supervisor stating: student(s) name(s), dates/ time period for the observations, and the purpose of the high school students assignment. Although no background check is required, each visiting high school student is expected to bring a Student Identification Badge (added 8/1/14).

A background check is not required for visiting high school and college students on educationally related assignments such as career day, job shadowing, or brief orientation/observations under the supervision of a teacher or university instructor. *Parents of minors will be requested to sign the hold **harmless form**, which is also to be signed by emancipated students. (See AG 8120)*

Pendings - Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the background report, the Executive Director may provide for a substitute or employ the applicant as a substitute.

Renewals (Certified) - SSSMC may invoke a Limited Criminal History (LCH) background check, for example, to coincide with a renewal of an IDOE licensure or other state agency certification or permit at the employee's expense. After the five (5) year validity period the certified employee will be required to obtain and pay the associated fees for an Expanded Criminal History (ECH) check.

Renewals (Noncertified) – Classified personnel not holding IDOE licensure will be required to obtain and to pay the associated fees for an Expanded Criminal History (ECH) check after every five (5) year period of employment.

University - In regard to candidates for student teaching, field experiences, mentoring, practicum, observations, etc. the Institution of Higher Education making the field assignment shall provide adequate follow-up supervision (see Policy 3126.06).

Student teachers/interns accepting assignments for a period of eight (8) weeks or longer will be expected to assume major responsibilities for interacting directly with students during their pre-professional experiences at SSSMC. For those field work requests of eight (8) weeks or longer, the candidate must file an SSSMC application with fee payment for its comprehensive (expanded) background check prior to engagement with school-age students. The expectations and responsibilities of the field assignment, not the length of time, dictate the requirement for an expanded background check.

The university student-in-training who, for example, is seeking a practicum assignment for a few hours or days during an academic period shall provide SSSMC with a current college-based 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 (revised 7/14/14).

Volunteers - Each volunteer who is in direct contact with students will be required to submit a Limited Criminal History Record Check. Personally identifiable information reported to SSSMC in the implementation of this policy and its procedures shall not be released except as necessary to implement this policy or to defend a decision made pursuant to the policy.

1530 *Evaluation of Administrators* [see Policy language]

1537 *Military Service* [see Policy language]

AG 1543 *Non-Renewal of Administrative Contracts* (Revised 7/29/14)

Before March 1st of the year in which the contract of an SSSMC administrator (associate director) is due to expire and before February 1st of the year in which the contract of an SSSMC administrator (supervisor), the Board or an employee at its direction shall give written notice of renewal or refusal to renew the individual's contract for the following year. If the notice is not given before March 1st, or before February 1st in the case of an SSSMC supervisor, the contract then in force shall be reinstated only for the ensuing year.

At least thirty (30) days before giving written notice of refusal to renew a contract, the Board or an employee at its direction shall inform the administrator by written preliminary notice that:

- A. the Board is considering a decision not to renew the contract; and
- B. if the administrator files a request for a private conference not later than five (5) days after receiving the notice, the administrator is entitled to a private conference with the Executive Director.

If the administrator files a request with the Board for an additional private conference not later than five (5) days after the initial conference with the Executive Director, the administrator is entitled to an additional private conference with the Board before being given written notice of refusal to renew the contract.

The written preliminary notice must include the Board's reasons for considering a decision not to renew the contract. If the non-renewal is for cause, the Executive Director shall have provided the administrator with a written evaluation of his/her performance at least sixty (60) days prior to the preliminary notice to provide time for the administrator to show progress toward eliminating deficiencies identified in the evaluation.

If the employing district has one or more administrators that may be considered for contract nonrenewal, then the board should take action to grant the Executive Director the authority to give such notices as the Executive Director deems appropriate at the January board meeting. This could be a part of the personnel report on a consent agenda, for example, and does not need to name any particular employee as receiving the notice. The following would suffice:

"The Executive Director or designee is authorized to deliver any notice required to advise an employee that the employee's contract is being considered for nonrenewal".

In addition to the above, the process requires the reasons for considering a decision not to renew to be outlined within the preliminary notice. Non-renewal requires attention to both the administrative contract and underlying teacher's contract in the non-renewal process.

1613 *Student Supervision and Welfare* [see Policy language]

1615 *Use of Tobacco by Administrators* (Added 7/31/14)

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by administrators (as well as professional and support staff) at all times within any facility owned or leased or contracted by the Board. Such prohibition also applies on school grounds, on school buses, and at any school-related event.

The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or lease or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas and will remain in effect at all times.

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, van, trucks, and cars.

The Executive Director or principal shall ask an individual who is smoking in violation of this policy to refrain from smoking. An individual who continues smoking in violation of this policy and fails to refrain from smoking is to be removed from SSSMC property after being asked to refrain from smoking.

AG 1617 Weapons (also applies to AGs 3217 and 4217) (revised 8/12/14)

The Board prohibits administrators (as well as professional and support staff) from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of SSSMC for the purpose of school activities approved and authorized by SSSMC including, but not limited to, property leased, owned, or contracted for by the SSSMC, a school-sponsored event, or in an SSSMC vehicle. Exceptions to this policy include:

- A. items approved by the principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; working firearms and ammunition shall never be approved;
- B. theatrical props used in appropriate settings; and
- C. starter pistols used in appropriate school related sporting events.

Generally, the possession of a firearm in or on school property, in or on property that is being used by a school for a school function, or on a school bus is a felony (I.C. 35-47-9-2) and is prohibited by Board policy. The prohibition does not apply to weapons under the control of law enforcement personnel, such as a School Resource Officer or other school security personnel who may legally possess a firearm.

As an exception under State law a person who may legally possess a firearm is not prohibited from possessing a firearm or ammunition that is locked in the trunk of the staff member's vehicle, kept in the glove compartment of the staff member's vehicle, or stored out of plain sight in the staff member's vehicle. This exception does not apply to students or former students if the person is no longer enrolled in school due to a disciplinary action within the previous twenty-four (24) months.

The term "weapon" means any object which, in the manner in which it is used, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health or safety of persons. Weapons include, but are not limited to, firearms, tasers, handguns, stun guns, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, chemical weapons, metallic knuckles, martial arts weapons, ammunition, and destructive devices (bombs, incendiary, grenade, Molotov cocktail, rocket with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as an instrument that

(1) consists of a sharp edge or sharp pointed blade capable of inflicting a cutting, stabbing, or tearing wound; and (2) is intended to be used as a weapon (I.C. 35-47-5-2.5(a)).

Staff members must report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination. The Executive Director will report to law enforcement officials any administrator, professional staff member, support staff member who violates this policy. The staff member who violates this policy will also be subject to disciplinary action, up to and including termination.

1630.01 *Family & Medical Leaves of Absence* [also see Policy 3430.01]

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.

AG 1662 Anti-Harassment

[See Policy language as well as provisions in AG 3362.]