

Bylaws & Policies

Northwest Allen County Schools

3000 Policies – Certified Staff

Northwest Allen County Schools

Bylaws & Policies

Adoption Resolution

Resolved, that the bylaws and policies printed and codified in the comprehensive document entitled “Bylaws & Policies of the Northwest Allen County School Corporation School Board” are hereby adopted and that all bylaws and policies heretofore adopted by the Northwest Allen County School Corporation School Board are hereby rescinded, further be it

Resolved, that in the event any policy, part of a policy, or section of the bylaws is judged to be inconsistent with law, inoperative by a court of competent jurisdiction, or is invalidated by a policy or contract duly adopted by this School Board the remaining bylaws, policies, and parts of policies shall remain in full effect.

Take notice that the foregoing resolution was adopted by the Northwest Allen County School Corporation School Board at a public meeting held at Fort Wayne, Indiana on May 3, 1993.

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3111 CREATING A POSITION

The School Board recognizes the need to establish positions which, when filled by competent, qualified Certified staff members, will assist the Corporation in achieving the education goals set by the Board. The Corporation employs only U.S. citizens and others lawfully authorized to work in the United States.

The Board reserves the right to:

- A. create new positions and provide each with a title that conforms with the appropriate certification insofar as possible;
- B. specify the number of persons to be employed with each job category;
- C. set the initial salary for a new position not currently covered by a valid salary schedule.

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

- A. the number of students enrolled;
- B. the special needs of the community;
- C. the special needs of the students;
- D. the operational services of the Corporation.

The Board shall, upon the advice of the Superintendent, consider the advisability of creating a new position or of increasing the number of Certified staff members in an existing position.

The Superintendent will provide to the Board the following provisions when creating a position. This will include but not be limited to:

- A. rationale for the new position
- B. job description
- C. educational requirements and certifications
- D. funding source for the position

I.C. 20-26-5-4

Federal Immigration Reform and Control Act of 1986, 8 U.S.C. 1255a

Revised 6/1997

3120 EMPLOYMENT OF CERTIFIED STAFF

The School Board recognizes that it is vital to the successful operation of the Corporation that positions created by the Board be filled with highly qualified and competent personnel.

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 certified staff member employed by this Corporation.

Individuals employed in the following categories shall be considered members of the certified staff:

- A. assistant superintendent
- B. business manager
- C. building level administrator
- D. classroom teachers
- E. media specialist
- F. guidance counselor
- G. program director

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

All applications for employment shall be referred to the Superintendent.

Should the Board choose to employ a family member as herein defined, both the family member and the Board member must file a conflict of interest statement.

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.

Any certified staff member's intentional misstatement of fact material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The employment of certified 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.

Wherever possible, positions shall be filled by properly-licensed professionals.

No candidate for employment as a certified staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification.

The Board desires that the best possible candidate be employed. To accomplish that goal it is a guideline that applicants maintain a 3.0/4.0 or the equivalent grade point average in undergraduate work, and applicants register a 3.5/4.0 or the equivalent grade point average in student teaching course work.

Recommendations deviating from these guidelines shall be accompanied by a written narrative from the recommending administrator.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all certified staff.

REQUIREMENTS FOR TITLE I TEACHERS

All teachers newly hired for a Title I supported program must be "highly qualified."

"Highly Qualified" means:

- A. full State certification as a teacher or passed State teacher licensing exam and holds current license to teach; certification or license requirements may not be waived on emergency, temporary, or provisional basis;
- B. for elementary teachers new to the profession, this also requires:
 - 1. at least a bachelor's degree;
 - 2. passing a rigorous State test on subject knowledge and teaching skills in reading, writing, math, and other areas of elementary curriculum (State certification test may suffice);
- C. for secondary or middle school teachers new to the profession this also requires:
 - 1. at least a bachelor's degree, and
 - 2. passing a rigorous State test in each of the subject areas s/he will teach (State certification test may suffice), or
 - 3. for each academic subject taught, having an academic major, course work equivalent to an undergraduate major, a graduate degree, or advanced certification or credentialing;
- D. for elementary, middle, or secondary school teachers with prior experience, this also requires:
 - 1. at least a bachelor's degree, and
 - 2. meets standards for new teachers (above), or
 - 3. demonstrates competence in all academic subjects s/he teaches based on a uniform State standard of evaluation (standard for academic subject matter and teaching skills set by the State).

REQUIREMENTS FOR TEACHERS IN CORPORATIONS RECEIVING TITLE I FUNDING

By the 2005-2006 school year, all teachers in a Corporation receiving Title I funds shall be "highly qualified" as described above. The Corporation must have a plan and show annual progress towards meeting these teacher qualification requirements.

I.C. 20-26-5-4, 35-44-1-3, 36-8-12-10.5
20 U.S.C. 6319 & 7801

Revised 6/97
Revised 11/18/02
Revised 1/5/04

3120.04 EMPLOYMENT OF SUBSTITUTES

The School Board recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

The Superintendent shall employ substitutes as services are required to replace temporarily-absent regular staff members. Such assignment of substitutes may be terminated when their services are no longer required.

Professional substitutes must possess a valid Indiana professional certification kept on file in the Office of the Superintendent.

In order to obtain proper certification for substitute teaching, the Superintendent shall submit, on a yearly basis, to the Division of Teacher Licensing of the Indiana Professional Standards Board a certification plan consisting of the following elements:

- A. education requirements for the substitute
- B. documentation of positive work experience with children
- C. the design for in-service training and/or pre-service preparation
- D. pre-employment screening process for criminal background and reference checks
- E. the process for assessing the effectiveness of the substitute teacher

The Superintendent shall sign and submit each application for certification to the Division of Teacher Licensing.

This certification process will apply to all new substitute teachers.

I.C. 20-28-5-12, 20-28-5-14

Revised 9/98

3120.05 EMPLOYMENT OF PERSONNEL IN SUMMER SCHOOL

The School Board recognizes that the success of the summer school program depends in large measure upon the employment of qualified and competent personnel.

The Board shall fix the compensation and set the term of employment for each person employed in the subject programs established for this Corporation. The Board will employ only those candidates recommended by the Superintendent.

A candidate's intentional misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

I.C. 20-28-5-2

3120.06 SELECTING STUDENT TEACHERS / ADMINISTRATIVE INTERNS

The School Board encourages cooperation with State approved colleges and universities in the training of student teachers because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom, but certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a student teacher or administrative intern.

The Superintendent shall make the final placement of student teachers or administrative interns.

Certified staff members of the Board who agree to serve as supervisors of student teachers or administrative interns may accept honoraria or stipends directly from the college/university for those services rendered outside the regular school day and above and beyond the duties and responsibilities specified in their contract.

The following conditions shall also be met:

- A. The institution making the assignment shall provide adequate follow-up supervision.
- B. The institution making the assignment shall provide the School Corporation with a criminal background check on the candidate prior to the placement of the student teacher/administrative intern with the School Corporation.
- C. The supervising teacher must agree to work effectively with both the student teacher and the institutional supervisor.
- D. If at any time the quality of student teaching is judged to be inferior or s/he is disruptive to the on-going program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected students to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate a student-teaching program if one or more aspects of the program are not of high quality or meeting Corporation needs or expectations.

I.C. 20-26-5-23
511 IAC 10-2-8

Revised 2/8/05

3120.07 EMPLOYMENT OF CASUAL RESOURCE PERSONNEL

It is the purpose of this policy to allow the casual employment of personnel in a consulting capacity for administration, in-service, or instruction.

In the general fund of the School Board, money is appropriated annually for special services. This might include resource persons in specialized fields of education that could offer consulting advice on the administration or instructional processes. The Superintendent shall negotiate a reasonable payment with the resource person.

Specialists from industry, business, agriculture, or health occupation fields may be employed in a consulting capacity to assist with program planning, in-services, or directly in the instructional program. Certified staff members employed by the Corporation may be used as casual resource personnel, outside of their regular assignment, at the discretion of the Superintendent.

The Superintendent shall prepare administrative guidelines to ensure proper implementation of this policy.

3120.08 ~~EMPLOYMENT OF PERSONNEL FOR EXTRA-CURRICULAR ACTIVITIES~~

~~The School Board may find it necessary to employ on a part-time basis, coaches or activity sponsors who are not members of the certified staff. Such part-time employees may be members of the Corporation's certified staff, classified staff, or individuals from the community or nearby areas.~~

~~The Board authorizes the Superintendent to recommend candidates for employment by the Board.~~

~~All part-time employees selected as coaches or activity sponsors who are not members of the professional staff are "at-will" employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with such an employee.~~

~~The Superintendent shall establish administrative guidelines to ensure that each person employed as a coach or activity sponsor has the appropriate qualifications, has been properly interviewed. The guidelines shall also provide the conditions of employment and compensation.~~

~~Revised 9/98~~

REPLACED BY: D325 - SEE BOARD DOCS

3120.10 JOB SHARING

The School Board recognizes the value to the Corporation 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 part-time through a job-sharing process.

The Corporation will consider job share requests only if the cost (including benefits) of employing two (2) staff members on a half-time basis does not exceed the cost, including benefits of employing one full-time staff member.

Half-time positions may be approved in which two (2) staff members will be allowed to share one (1) full-time position. Each staff member will be given credit for one (1) full year of seniority for this half-time job assignment.

The Board authorizes the Superintendent to create a job-sharing program provided it does not impact adversely on the Corporation or any current staff member.

Adopted 9/2/97

3121 PERSONAL BACKGROUND CHECK

~~To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the Corporation's certified staff. Such an inquiry shall be made for all substitutes.~~

~~The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as a professional staff member which shall 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 with each former employer~~
- ~~D. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred~~
- ~~E. an Indiana Bureau of Motor Vehicles driver history if the position involves driving~~

~~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.~~

~~Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.~~

~~The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or defend a decision made pursuant to this policy.~~

~~During the course of his/her employment with the School Corporation, each professional employee and substitute teacher shall be required to report his/her conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted employee.~~

~~The Superintendent shall prepare administrative guidelines to implement this policy.~~

~~I.C. 10-13-3, 20-26-2-1.5~~

~~I.C. 20-26-5-10, 11, 20-28-1, 8, 20-28-5-8, 35-42-4~~

~~Revised 9/98~~

~~Revised 3/6/06~~

~~Revised 9/1/09~~

~~Revised 7/6/10~~

REPLACED BY: D325 - SEE BOARD DOCS

3122 ~~NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY~~

~~The School Board does not discriminate on the basis of religion, race, color, national origin, sex, disability, or age in its programs and activities, including employment opportunities.~~

~~The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to staff members and the general public. Any sections of the Corporation's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.~~

~~I.C. 20-33-1-6~~

~~I.C. 20-28-10-12~~

~~I.C. 20-28-10-13~~

~~20 U.S.C. 1681 et seq., Title IX~~

~~29 U.S.C. 701 et seq., Rehabilitation Act of 1973~~

~~42 U.S.C. 1981 et seq.~~

~~42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990~~

~~42 U.S.C. 2000 et seq., Civil Rights Act of 1964~~

~~29 U.S.C. 623 et seq., Age Discrimination in Employment Act of 1967~~

~~U.S. Constitution, XIV Amendment~~

~~Revised 3/6/06~~

REPLACED BY: A100 - SEE BOARD DOCS

3122.01 DRUG-FREE WORKPLACE

The School Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which meets the requirements set forth in the Drug-Free Workplace Act of 1988.

In compliance with the Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, and any drug paraphernalia, by any member of the Corporation's professional staff at any time while on Corporation property or while involved in any Corporation-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with Corporation guidelines.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements.

41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
20 U.S.C. 3224A

Revised 4/7/97

3122.02 NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The School Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

The Board shall only acquire and/or disclose genetic information of an employee or applicant for employment as provided by Federal law and regulation.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

Adopted 11/14/11

3123 MENTOR PROGRAM FOR CERTIFIED STAFF

The School Board intends to provide all first year certified staff members a year-long program of orientation, assistance, and support during their first year of employment in the Corporation.

- A. "Mentor program" means a program of support provided by a Corporation to meet the unique needs of an individual in the first year of employment under a classroom teaching certificate or an educational personnel certificate.
- B. "Mentor" means a person assigned to provide professional support to an individual in the first year of employment under a classroom teaching certificate or an educational personnel certificate.

The Board will implement this policy by means of a Mentor plan to be reviewed by the Board every five (5) years.

The Board directs the Superintendent to develop administrative guidelines to implement this policy.

3124 EMPLOYMENT CONTRACT

The School Board requires that each certified staff member employed by this Corporation sign an employment contract.

Each successful candidate for a building level administrative position shall sign a contract for a period not less than two (2) years.

Each successful candidate for a central office administrative position shall sign a contract for a period of not less than three (3) years.

The employment contract shall include, but not be limited to:

- A. beginning date of employment;
- B. number of days of employment;
- C. total salary to be paid during the school year;
- D. number of salary payments to be made during the school year.

All contracts shall be written and shall not contain tenure provisions other than those stipulated by the Indiana Code.

The Superintendent is authorized to execute employment contracts for the Board upon approval of employment.

I.C. 20-28-10-5

3130 ASSIGNMENT AND TRANSFER

The School Board believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the Corporation.

The Superintendent shall be responsible for the assignment and transfer of all certified staff members.

The Superintendent shall fulfill all legal requirements in making any changes to assignment or transfer of certified staff members.

Revised 12/15/2014

3131 REDUCTION IN STAFF

It is the responsibility of the School Board to provide the staff necessary for the implementation of the educational program of the Corporation and the operation of the schools and to do so efficiently and economically.

The Board reserves the right to abolish positions in the Corporation and to reduce the staff whenever reasons of decreased enrollment of students, return to duty of regular professional staff members after leaves of absence, closing of schools or territorial changes affecting the Corporation, or other good cause warrant.

The Superintendent shall develop administrative guidelines for the reduction of staff which shall be in accordance with the Indiana Code and the best interests of the Corporation and the terms of the negotiated agreement.

3132 PROMOTIONS

It shall be the policy of the School Board to employ the best qualified individual for any Corporation vacancy at any level.

Vacancies shall be announced, and all members of the certified staff shall be eligible for any Corporation vacancy, providing they are properly qualified.

The Superintendent shall establish procedures to facilitate identification and evaluation of candidates for administrative, supervisory, and other leadership positions.

3139 STAFF DISCIPLINE

The School Board believes that reasonable rules of conduct for professional employees are necessary to ensure an effective and orderly instructional environment is present at all times. To this end, the Corporation has adopted the following policy. The purpose of this policy, except in cases of gross misconduct, is to bring a professional employee's performance and conduct up to a satisfactory level.

If the situation warrants, the Corporation may follow a system of progressive discipline geared to correct practices rather than penalize employees. This discipline may include, but is not limited to 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. A staff member may be placed on probation in connection with the written warning for a period of time determined by the supervisor.
- D. A suspension with pay may be invoked. The length of the suspension will be at the discretion of the Superintendent according to the severity of the violation.
- E. A suspension without pay may be invoked. The length of the suspension will be at the discretion of the Superintendent according to the severity of the violation. (Note: Such suspension must be on a weekly basis, i.e. Monday through Friday.)

Exceptions to this disciplinary procedure may be made, in cases where good practice demands immediate suspension or dismissal. Examples include, but are not limited to the following:

- A. reporting for duty under the influence of alcoholic beverages or drugs
- B. bringing alcoholic beverages or drugs onto the school premises or to events sponsored by the Corporation
- C. insubordination
- D. theft of Corporation property
- E. arrest, with subsequent conviction
- F. falsification of application or medical information
- G. threats and/or acts of violence
- H. repeated violations of school regulations

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

I.C. 20-28-9-23
29 CFR Part 541.11B
Auer V Robbins, - U.S. - 117 S.Ct.905(1997)

Adopted 9/98

3140 TERMINATION AND RESIGNATION

TERMINATION

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

RESIGNATION

It is the policy of the Board to accept all resignations upon their submission to the Superintendent, who shall so inform the Board at its next meeting.

A resignation, once submitted, may not then be rescinded unless the Board agrees.

I.C. 20-28-7-1, 5-8-4-1

3142 CANCELLATION OF A TEACHING CONTRACT

The School Board recognizes its obligation to employ only those certified staff members fully trained and equipped to meet the educational needs of the students of this Corporation. The Board shall discharge that obligation by retaining in service only those probationary teachers who meet those standards.

It will be the responsibility of the Superintendent to establish administrative guidelines which are consistent with legal requirements and ensure that all necessary procedures have been followed when a principal has recommended non-renewal of a teacher.

When performance has not been satisfactory the teacher shall be notified of the cancellation of contract in accordance with all procedures and timelines outlined in the applicable statutes.

I.C. 20-28-7-1

I.C. 20-28-7-8 thru 12

Revised 11/14/2011; 12/15/2014

3160 PHYSICAL EXAMINATION

~~The School Board or Superintendent reserves the right to require any employee or candidate to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the Superintendent's guidelines.~~

~~Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate and made a part of an employee's personal record. In the event of a report of a condition that could influence job performance, the Superintendent shall base a nonemployment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities.~~

~~Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA).~~

~~The Board shall assume any uninsured fees for required examinations.~~

~~29 C.F.R. Part 1630~~

~~29 C.F.R. Part 1635~~

~~42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990~~

~~42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act~~

~~Revised 11/14/11~~

REPLACED BY: D350 - SEE BOARD DOCS

3161 UNREQUESTED LEAVES OF ABSENCE

~~It is the policy of the School Board to protect students and employees from the certified staff members who are unable to perform essential job functions with or without accommodation.~~

~~The Board may place a certified staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.~~

~~If the Superintendent believes the staff member is unable to perform essential job functions, the certified staff member will be offered the opportunity for a meeting to discuss these issues.~~

~~If a certified staff member refuses to attend the meeting, the Board may order the certified staff member to submit to an appropriate examination by:~~

- ~~A. a physician designated and compensated by the Board;~~
- ~~B. a physician or institution of the certified staff member's choice provided such physician or institution has been approved by the Board;~~
- ~~C. or both.~~

~~Where the physician designated by the Board disagrees with the physician designated by the certified staff member, the two (2) physicians shall agree in good faith on a third impartial physician who shall examine the certified staff member and whose medical opinion shall be conclusive and binding on the issue of ability to perform assigned duties with or without accommodation. The expenses of a third examination shall be borne by the Board.~~

~~If, as a result of such examination, the certified staff member is found to be unable to perform assigned duties with or without accommodation, the certified staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year. A certified staff member placed on leave without a written request is entitled to a hearing on that action in accordance with I.C. 20-6.1-4-11.~~

~~Should a certified staff member refuse to submit to the examination requested by the Board and the certified staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the certified staff member to disciplinary action.~~

~~Americans with Disabilities Act of 1990~~

~~42 U.S.C. 12101 et seq.~~

~~29 C.F.R. Part 1630~~

~~I.C. 20-28-7-3, 4, 5, 20-28-10-4~~

~~Revised 11/21/95~~

~~Revised 2/8/05~~

REPLACED BY: D350 - SEE BOARD DOCS

3170 SUBSTANCE ABUSE

The School Board recognizes alcoholism and drug abuse as treatable illnesses.

A certified 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 certified staff members having any other illness.

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

No certified 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.

Certified staff members who suspect they may 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.

I.C. 20-26-5-4
29 U.S.C. 794

Revised 5/21/01

3170.01 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board believes that early recognition and treatment of alcohol or drug abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The Corporation encourages the earliest possible diagnosis and treatment for alcoholism and drug abuse and supports sound treatment efforts. Whenever feasible, and subject to the limitations described here, the Corporation will assist staff members in overcoming their alcohol or drug abuse problems. However, the decision to seek diagnosis and accept treatment for alcohol or drug abuse is primarily the individual staff member's responsibility.

Self-Referral

Staff members with personal alcohol or drug abuse problems should request assistance from coordinator of the assistance program or administrator. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services. Staff members who, in dealing with alcohol or drug abuse problems, voluntarily request assistance through the EAP may do so without jeopardizing their continued employment with the Corporation.

Corporation Referral

Staff members who test positive for alcohol and/or drug use/abuse and who are referred, at Corporation request, for counseling or treatment will be limited to one (1) opportunity(s) for counseling or treatment to cease the use of alcohol and or drugs.

Special Considerations

All Corporation-requested staff member treatment and counseling will require, at a minimum, that the staff member immediately cease any alcohol and drug use/abuse and that the staff member be subject to periodic unannounced testing for an eighteen (18) month period following enrollment in the program.

Adopted 5/21/01

3210 STAFF ETHICS

~~An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. To maintain and promote these essentials, the School Board expects all certified staff members to maintain high standards in their working relationships.~~

~~Certified staff members in the performance of their professional duties will:~~

- ~~A. recognize basic dignities of all individuals with whom they interact in the performance of duties;~~
- ~~B. represent accurately their qualifications;~~
- ~~C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;~~
- ~~D. seek and apply the knowledge and skills appropriate to assigned responsibilities;~~
- ~~E. keep in confidence such information as they may secure, unless disclosure is required by law, authorized by the Superintendent, or is necessary to protect the health and welfare of the student or others;~~
- ~~F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;~~
- ~~G. refrain from using their position or public property, or permitting another person to use an employee's position or public property for partisan political or sectarian religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen;~~
- ~~H. avoid accepting anything of value offered by another for the purpose of influencing judgment.~~

REPLACED BY: D225 - SEE BOARD DOCS

3211 WHISTLEBLOWER PROTECTION

The School Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines. The Board encourages staff to report possible violations of these Board expectations to their immediate supervisors.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

After such a report is made, the immediate supervisor will ask that employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

The Superintendent shall develop administrative guidelines necessary for implementation of this policy, including the development of forms upon which such reports may be made.

I.C. 36-1-8-8

Adopted 9/1/09

3213 STUDENT SUPERVISION AND WELFARE

~~Each certified staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities.~~

~~It is the responsibility of the Superintendent to prepare administrative guidelines for the maintenance of the following standards:~~

- ~~A. A certified staff member shall immediately report to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.~~
- ~~B. A certified staff member shall provide proper instruction in safety matters as presented in assigned course guides.~~
- ~~C. Each certified staff member shall immediately report to a building administrator knowledge of threats of violence by students.~~
- ~~D. A certified staff member shall not send students on any personal errands.~~
- ~~E. A certified staff member shall not associate inappropriately with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.~~
- ~~F. If a student approaches a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationship, etc., the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the Corporation or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. Any staff member who determines that a student is in need of services shall report the matter to appropriate authorities. Under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should any such staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.~~
- ~~G. A certified staff member shall not transport students in a private vehicle.~~
- ~~H. A student shall not be required to perform work or services that may be detrimental to his/her health.~~

~~Since most information concerning a child in school, other than directory information described in Policy [8330](#), is confidential under Federal and State laws, any staff member 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 record information.~~

~~Pursuant to the laws of the State and Board Policy [8462](#), each certified staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.~~

~~I.C. 31-33-5~~

~~Revised 1/3/95~~

~~Revised 4/00~~

~~Revised 2/8/05~~

REPLACED BY: D200 - SEE BOARD DOCS

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3214 STAFF GIFTS

~~The School Board discourages the presentation of gifts to certified staff members by students and their parents because it could embarrass students with limited means and gives the appearance of currying favor.~~

~~It is the policy of the Board that no certified 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, though, that gift-giving to certified staff members at Christmas 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 gift(s) in class or comment on item(s) in front of students.~~

~~Upon the recommendation of the Superintendent, 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.~~

~~Certified 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. Furthermore, certified staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, certified staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the Corporation or a vendor with whom the Corporation is doing business, whereby an individual certified staff member receives compensation in any form for services rendered.~~

~~Such compensation includes, but is not limited to cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a certified staff member receives such compensation, albeit unsolicited, from a vendor, the certified staff member shall notify the Superintendent, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the School Corporation.~~

~~An employee of the School Corporation making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44-1-3.~~

Revised 5/21/01

Revised 9/1/09

REPLACED BY: A125 - SEE BOARD DOCS

3215 ~~USE OF TOBACCO BY CERTIFIED STAFF~~

~~The School Board recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.~~

~~For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco.~~

~~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 certified staff members in school building at all times.~~

~~Tobacco may be used on school grounds at designated times and in designated areas.~~

~~I.C. 16-41-37~~

~~20 U.S.C. 6081 et seq.~~

~~U.S.D.O.E. Memorandum, 1995~~

~~Revised 1/3/95~~

REPLACED BY: A250 - SEE BOARD DOCS

3216 STAFF DRESS AND GROOMING

The School Board believes that certified staff members set an example in dress and grooming for their students to follow. A certified staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents a professional image, and encourages respect for authority. These factors act in a positive manner towards the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. All certified staff members shall, when assigned to Corporation duty:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their professional responsibilities which has been typically defined to be at least the level of “business casual” and which does not include, but is not limited to, jeans, t-shirts, sweatshirts, “flip-flop” shoes, or athletic shoes unless approved by the principal for the purpose of carrying out job related duties, such as those typical of a physical education teacher, or in rare cases, as a special day to demonstrate school spirit;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to Corporation property; and
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process or cause a health or safety hazard.

Exceptions to this policy may be granted by the Superintendent if the exceptional dress is a medical necessity that is documented by a licensed physician.

Revised 12/15/2014

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3217 WEAPONS

The School Board prohibits certified staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Corporation for the purpose of school activities approved and authorized by the Corporation including, but not limited to, property leased, owned, or contracted for by the Corporation, a school-sponsored event, or in a Corporation vehicle without the permission of the Superintendent.

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 and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives. A "knife" is defined as "an instrument that: 1) consists of a sharp edge or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and 2) is intended to be used as a weapon." I.C. 35-47-5-2.5(a)

The Superintendent will refer a staff member who violates this policy to law enforcement officials. The staff member also will be subject to disciplinary action, up to and including termination.

This prohibition does not apply to weapons under the control of law enforcement personnel.

Exceptions to this policy include:

- A. items approved by a 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;
- C. starter pistols used in appropriate school related sporting events.

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.

I.C. 20-33-9-1 et seq.

I.C. 35-41-1-8

I.C. 35-47-5-2.5

I.C. 35-47-9

I.C. 41-1-4.3

Adopted 9/98

Revised 4/00

Revised 5/21/01

Revised 11/18/02

Revised 5/7/07

REPLACED BY: A200 - SEE BOARD DOCS

3220 STAFF EVALUATION

Indiana law grants the School Board the power and responsibility to employ and discharge all personnel. To carry out this responsibility, it delegates to the Superintendent the function of establishing and implementing a program of personnel assessment, and the duty to recommend the employment and discharge of employees to the School Board, which the School Board should presume is appropriate unless it has a specific factual basis for challenging such recommendation.

Studies demonstrate that effective schools make a substantial difference in the achievement of students with a primary factor that is an influential component of an effective school is the quality of the instruction within it. To that end, the Superintendent shall develop an evaluation plan along with a representative group of Northwest Allen County Schools teachers and administrators to define the behaviors, activities, and attributes that increase the likelihood of learning among students. The primary purpose of the Performance Evaluation Plan is to promote continuous improvement in instruction for each of our students in an effort to maximize student potential.

The evaluation process shall be used to identify the needs for individual and collective professional learning activities, recognize high quality teaching performance, identify needed areas of continued professional growth, and inform recommendations related to current and future job status. Each teacher's performance evaluation shall also, as required by Indiana law, inform the performance-based compensation program as communicated in the Master Contract between NACS and the Northwest Allen County Educators Association and the Reduction In Force procedures outlined in the NACS Administrative Guidelines for Certified Employees.

The evaluation plan shall:

- A. require each certified employee to be evaluated annually;
- B. outline the process of evaluation;
- C. identify the documents that will be used throughout the evaluation process;
- D. define the instructional and professional expectations of NACS which shall serve as a guide to teachers and evaluators; and
- E. adhere to all legal requirements related to the teacher evaluation process.

I.C. 20-28-11.5

511 IAC 10-6

Revised 12/15/2014

3231 OUTSIDE ACTIVITIES OF STAFF

The School Board directs the Superintendent to promulgate the following guidelines so that staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the Corporation and comply with the dictates of Indiana law. 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 School Corporation.

- A. Staff members may not dedicate work time to an outside interest, activity, or association. Work related to participation in professional organizations that directly relates to or enhances the staff member's effectiveness in completing work for Northwest Allen County Schools may be exempted from this policy provision by the Superintendent.
- B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises contrary to the provisions of I.C. 35-44.1-1-3(f). A staff member may perform services for an educational foundation or other qualified not-for-profit entity, which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code during normal working hours only at the direction and approval of the Superintendent.
- C. Staff members shall not campaign on school property or during work hours on behalf of any political issue or candidate for local, State, or National office. The constitutional right to express political or other opinions as citizens is reserved to all employees when they are not discharging their duties related to their employment.
- D. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.
- E. Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes, without prior approval of the principal.

Research and Publishing

- A. Certified staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.
- B. Materials which might be considered for publication and/or production, which identify the Corporation in any manner, shall be cleared with the Superintendent prior to publication and/or production.
- C. Publications and productions shall be subject to the following copyright provisions:
 - 1. Rights to copyrights of books, and other written materials or images, and patent rights to developed by certified staff members on their own time will be relinquished by the Board upon request of the staff member provided that:
 - a. the books, materials, or inventions were prepared without the use of Corporation data, facilities, and/or equipment or during normal work hours;
 - b. the Corporation is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;
 - c. the staff member does not become involved in any way in the selling such material or product to the Corporation.

The final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data, or equipment shall be the Superintendent's.

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Certified staff members who desire to publish or produce materials on their own time should make such action known to the Superintendent prior to the time such work is started in order that proper procedures can be established to assure that Corporation interests and the interests of the staff member are protected.

2. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of certified staff members shall remain the property of the Corporation. The Corporation shall retain all rights and privileges pertaining to the ownership thereof.

In the event that any such products or materials have commercial value, the Superintendent is authorized to secure copyrights or patents which will ensure the ownership of such by the Corporation.

The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.

I.C. 35-44-2-4(f)

Revised 12/15/2014

3242 PROFESSIONAL GROWTH AND DEVELOPMENT

The School Board believes that continued study is a prerequisite for continued professional growth of staff and, therefore, encourages the participation of certified staff members in in-service and other training programs.

The Superintendent may plan and implement a program of staff development for certified staff members and explore other training programs.

The Board may reimburse staff members for the costs incurred in participation therein.

Participation in the program shall be voluntary and shall not be considered part of the duties of any participating staff member.

3310 FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

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

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the certified staff member's expression could conflict with the Corporation's interests. In situations in which the certified staff member is not engaged in the performance of professional duties s/he should state clearly that his/her expression represents personal views and not necessarily those of the School Corporation.

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

I.C. 20-28-10-14

3362 ANTI-HARASSMENT

General Policy Statement

It is the policy of the School Board to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School Corporation 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 applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex, race, color, national origin, religion, disability, genetic information, or any other unlawful basis, and encourages those within the School Corporation community as well as third parties who feel aggrieved to seek assistance to rectify the problems. 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. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School Corporation community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School Corporation community at school-related events/activities (whether on or off School Corporation property).

Other Violations of the Anti-Harassment Policy

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

Definitions

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

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.

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~~Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.~~

~~Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:~~

- ~~A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.~~
- ~~B. Physical assault.~~
- ~~C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.~~
- ~~D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.~~
- ~~E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.~~
- ~~F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.~~
- ~~G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.~~
- ~~H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.~~
- ~~I. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.~~
- ~~J. Inappropriate boundary invasions by a Corporation employee or other adult member of the School Corporation community into a student's personal space and personal life.~~

~~Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.~~

~~NOTE: Sexual conduct/relationships with students by Corporation employee or any other adult member of the School Corporation community is prohibited, and any teacher, administrator, coach or other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and may also be guilty of the criminal charge of "sexual battery" as set forth in Indiana Code 35-42-4-8. In the case of a child under fourteen (14) years of age, the person may also be guilty of "child molesting" under Indiana Code 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person may also be guilty of "sexual misconduct with a minor" under Indiana Code 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student may be placed on leave with pay until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.~~

~~Race/Color Harassment~~

~~Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the 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. Such harassment may occur~~

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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

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the 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. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the 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. Such 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.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the 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. Such 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. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the School Corporation community and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School Corporation community or third parties who believe they have been unlawfully harassed by another member of the School Corporation community or a third party are entitled to utilize the Board's complaint process. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. Individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The names and titles of the Anti-Harassment Complaint Coordinators with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in the administrative guidelines that supplement this policy. The names and titles of these individuals will be published annually in the parent and staff handbooks and/or on the School Corporation's web site.

The Superintendent shall establish Administrative Guidelines describing both a formal and an informal process for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of harassment was substantiated. This Policy and the Administrative Guidelines will be readily available to all members of the School Corporation community and posted in appropriate places throughout the School Corporation.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Complaint Coordinators. Thereafter, the Complaint Coordinator must contact the

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student if age eighteen (18) or older, or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Complaint Coordinator or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the School Corporation community against a student will be formally investigated.

Privacy/Confidentiality

The School Corporation will respect the privacy of the complainant, 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. All records generated under the terms of this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

Informal Process for Addressing Complaints of Harassment

The administrative guidelines will include an informal complaint process to provide members of the School Corporation community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School Corporation community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The administrative guidelines will include as a requirement the prerequisite that the informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process. Those members of the School Corporation community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Process for Addressing Complaints of Harassment

The administrative guidelines will also include a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

Members of the School Corporation community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one (1) of the Complaint Coordinators identified in the Administrative Guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the Administrative Guidelines.

After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved.

A copy of the written report will also be delivered to the member of the School Corporation community or third party making the complaint and the individual accused of the harassing conduct.

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Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct.

A Complainant who is dissatisfied with the Superintendent's decision may appeal it to the Board by submitting written notice to the Superintendent within ten (10) days of the date of the Superintendent's decision. Upon receipt of a notice of appeal, the Board shall meet in executive session at its next regularly scheduled meeting, which is scheduled to occur at least ten (10) days after the Superintendent's receipt of the appeal notice, to review the complaint and the summary of the investigation. Following the meeting, the Board will issue a decision either affirming, modifying, or rejecting the Superintendent's decision. The decision of the Board shall be final.

The Complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School Corporation community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Indiana Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School Corporation community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and administrative guidelines or in such other manner as deemed appropriate by the Board or its designee.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful 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 Superintendent 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 bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School Corporation community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

Education and Training

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

I.C. 35-42-4-3, 35-42-4-8, 35-42-4-9

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

29 C.F.R. Part 1635

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq.

42 U.S.C. 1983

National School Boards Association Inquiry and Analysis - May 2008

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~~Revised 6/19/06~~

~~Revised 11/14/11~~

REPLACED BY: A100 - SEE BOARD DOCS

3410.04 SUBSTITUTE COMPENSATION

In order to retain well-qualified substitutes for service in this Corporation, the School Board will offer competitive compensation at a rate set annually by the Board. Substitute teacher who agree to donate their services shall meet substitute teacher guidances and agree to follow Corporation policies for certified staff.

3419.01 PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

The School Board provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the treasurer to serve as the Privacy Protection Officer of the group health plans. The Board delegates authority to the Privacy Protection Officer to develop and implement the internal policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Protection Officer is authorized to make necessary amendments to the internal policies and procedures.

The Privacy Protection Officer shall develop administrative guidelines necessary to implement this policy.

The Privacy Protection Officer shall report his/her progress to the Board upon request.

Since the Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule, the Board agrees to indemnify and hold harmless the Privacy Protection Officer for any CMP imposed upon him/her in connection with the performance of his/her duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Protection Officer in the event the CMP was imposed as the result of intentional misconduct or gross negligence by the Privacy Protection Officer.

The Board reserves the right to revoke any or all delegations set forth in this policy at any time for any reason.

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Adopted 1/5/2004

Revised 11/14/2011

3430.01 FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

In accordance with Federal law, the School Board shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible professional staff members for the following reasons:

- A-1. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;
- B-1. 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;
- C-1. the staff member is needed to care for a spouse, son, daughter, or parent if such individual has a serious health condition; or
- D-1. the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

- A-2. A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; and 8) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.
- B-2. 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 while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy.

Duration of Service Member FMLA

- A. When leave is due to a "qualifying exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.
- B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.
- C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General Provisions

Professional staff members are "eligible" if they have worked for the Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time professional staff members are presumed

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to meet the 1,250 hour requirement if they were employed by the Corporation in this capacity for the preceding twelve (12) months. Months and hours that reservists or National Guard members would have worked if they had not been called up for military service count towards the staff member's eligibility for FMLA leave/Service Member Family Leave.

Employment service time may be aggregated when the break in employment service is less than seven (7) years, is for fulfillment of military obligations, or if the employee is subject to recall under a written agreement (NOTE: this includes a collective bargaining agreement).

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member Family Leave, the use of the twenty-six (26) weeks will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- B. continuing treatment by a healthcare provider, including:
 - 1. a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves either in-person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity, absent extenuating circumstances beyond the employee's control, or in-person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;
The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.
 - 2. any incapacity due to pregnancy or for prenatal care;
 - 3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - 4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
 - 5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
- C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently or on a reduced schedule for the birth, adoption, or foster care placement of a child (see A-1 or B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one). Service Member Family Leave may also be taken on an intermittent or reduced-leave schedule when medically necessary.

The taking of such leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken.

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If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment or the staff member is taking Service Member Family Leave, the Superintendent may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule because of reasons (C-1) or (D-1) above or pursuant to Service Member Family Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

Staff Member Notice Requirement

Whenever the leave is foreseeable, the staff member shall provide the Superintendent with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment or taking leave pursuant to Service Member Family Leave, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the Corporation, subject to the approval of the healthcare provider.

Substitution of Paid Leave

The Board shall require the staff member to substitute (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick leave, personal leave, vacation leave, family leave) (per the applicable collective bargaining agreement) for unpaid FMLA leave (see A-1, B-1, and A-2).

The Board shall require the staff member to 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 provided for either reason (C-1) or (D-1) on page one and B-2 on page two.

The staff member may request to 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.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) week period of FMLA leave or twenty-six (26) week period of Service Member Family Leave, the additional weeks of leave to obtain the twelve (12) weeks of FMLA leave or twenty-six (26) weeks of Service Member Family Leave, the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Service Member Family Leave, such leave counts toward the twelve (12) week/twenty-six (26) week maximum leave allowance provided by this policy.

Corporation Notice Requirement

The Superintendent will notify the staff member when the Corporation intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing and should be given within five (5) business days of the request. When verbal notice is given, it will be followed by written notice within five (5) business days. In the case of intermittent or reduced schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent does not have sufficient information about the reason for the staff member's use of paid leave, the Superintendent may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent will notify the staff member within five

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(5) business days that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement. The notification will indicate whether the employee is required to provide a fitness-for-duty certification to return to work.

Limits

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. Additionally, the aggregate number of work weeks of leave to which both the husband and wife may be entitled pursuant to this policy is limited to twenty-six (26) work weeks during the single twelve (12) month period provided for in the Service Member Family Leave provision if the leave is taken pursuant to Service Member Family Leave or a combination of general FMLA leave and Service Member Family Leave.

Certification

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one), or Service Member Family Leave is taken, the staff member must provide medical certification from the healthcare provider of the eligible staff member, his/her immediate family member, or the next of kin of the individual.

The staff member may either:

- A. submit the medical certification to the Superintendent; or
- B. direct the healthcare provider to transfer the medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

Staff members are not eligible for leave pursuant to this policy if they work elsewhere during leave pursuant to this policy.

In the event the staff member fails to provide medical certification, any leave taken by the employee is not FMLA leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days' notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent. The Corporation shall be responsible for maintaining a record of those communications.

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. The staff member may either:

- A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member is not FMLA leave.

A staff member who takes leave for reason (D-1) on page one, prior to returning to work, must provide the Superintendent with a statement from his/her healthcare provider that s/he is able to resume work.

A staff member seeking to take leave pursuant to reason (A-2 or B--2) above must submit, in a timely manner to the Superintendent, an appropriate certification as described by Federal regulations.

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Return from Leave

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. 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. 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.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

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.

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 to leave pursuant to reasons (C-1) or (D-1) above or Service Member Family Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

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

The Superintendent shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

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. Similarly situated persons shall be treated similarly.

The Superintendent shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the Corporation has sufficient information to believe that the employee may qualify for FMLA leave.

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 Superintendent.

29 U.S.C. 2601 et seq.

29 C.F.R. Part 825

P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28, 2008)

P.L. 111-84, Sec. 565 - National Defense Authorization Act (October 28, 2009)

Adopted 2/8/05

Revised 9/1/09

Revised 11/14/11

3437 MILITARY SERVICE

The School Board recognizes that military service by professional staff members is a service benefiting the entire school community and the Board is committed to supporting this service by providing military leave to eligible professional staff members. The Board will comply with leaves of absence for military service and reemployment in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as amended and Indiana law.

I.C. 10-16-7

I.C. 10-17-4

USERRA 38 USC 4301 et seq.

Adopted 7/6/2010

Revised 11/14/2011; 12/15/2014

3440 JOB-RELATED EXPENSES

The School Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any certified staff member of the Corporation incurred in the course of performing services for the Corporation, whether within or outside the Corporation, under the direction of the Board and in accordance with the Superintendent's administrative guidelines.

The validity of payments for job related expenses shall be determined by the business manager.

The Board may pay the expenses of certified staff members when they attend professional meetings approved in accordance with the guidelines established by the Superintendent.

I.C. 20-26-5-4

3531 WORK STOPPAGE

The School Board is obligated and committed to provide certain basic services to students participating in Corporation programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

Recognizing the fact that the Corporation, for various reasons, could have a work stoppage, slowdown, or "work to contract", the Board remains committed to providing services to the schools and will fulfill its obligations.

Certified staff members are required at all times to perform their normal duties as assigned by the Superintendent. Certified staff members who fail to perform their duties when so required will be subject to loss of pay and disciplinary measures in accordance with the policies of this Board, the laws of the State, and may be subject to the loss of benefits as well.

I.C. 20-29-9-1 et seq.