



Book Policy Manual

Section Volume 33, No. 2 - May 2021

Title Revised Policy - Vol. 33, No. 2 - May 2021 - EMPLOYMENT OF PROFESSIONAL STAFF

Code po3120

Status

Adopted April 9, 2013

Last Revised December 9, 2014

### 3120 - **EMPLOYMENT OF PROFESSIONAL STAFF**

The School Board recognizes that it is vital to the successful operation of the School 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 professional staff member employed by this Corporation.

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

- A. 1. teachers
- 2. guidance counselors
- 3. building administrators
- 4. media specialists

B. \_\_\_\_\_

C. \_\_\_\_\_

D. \_\_\_\_\_

E. \_\_\_\_\_

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

☐ Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the Superintendent.

☒ When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

☐ All applications for employment shall be referred to the \_\_\_\_\_.

### Anti-Nepotism

"Relatives" include: children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents/living in the same residence of a staff member.

**[NOTE: Choose Option A or Option B below]**

**[Option A]**

~~[ ] Relatives of Board members may be employed by the Board Corporation, provided the member of the Board involved does not participate in any way in the discussion or vote on the employment. Should the Corporation choose to employ a relative as herein defined, both the relative and the Board member must file a conflict of interest statement. ( ) Except that such relatives may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]~~

**[Option B]**

~~[ ] The Board Corporation will not employ (but may reemploy) the ( ) children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents of a Board member. ( ) children, siblings, spouse, parents, in-laws, or bona fide dependents of a regular full-time professional staff member. [END OF OPTION] ( ) except that such relatives or dependents may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]~~  
~~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.~~

**[NOTE: Choose Option C or Option D below]**

**[Option A]**

[X ] Relatives of staff members may be employed by the ~~Board Corporation~~, provided the relative being employed is not placed in a position in which ~~s/he the relative~~ would be supervised directly by the ~~relative~~ staff member. ( ) Except that such relatives may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]

**[Option B]**

~~[ ] The Corporation will not employ (but may reemploy) the relatives of a regular full-time professional staff member. [END OF OPTION]~~

**[NOTE: The Corporation is not required to have a non-fraternization policy; however, Neola recommends adoption of language regarding non-fraternization for various legal reasons including, but not limited to claims of sexual harassment or potentially being found to be negligent for failure to provide direction especially regarding the supervisor/subordinate relationship.]**

**[ ] Non-Fraternization**

**[NOTE: Choose Option C or Option D below]**

**[Option C]**

~~[ ] Corporation employees may not date, develop romantic relationships with or have sexual relations with individuals who are the employee's supervisor or those that they supervise. [END OF OPTION]~~

**[Option D]**

~~[ ] If Corporation employees in a supervisor-subordinate relationship choose to date, engage in a romantic relationship, or have sexual relations, the employees must notify the Corporation's administration and accept the Corporation's decision to transfer one or both of the employees so that they no longer have a supervisor-subordinate relationship. Anyone employed in a managerial or supervisory role needs to heed the fact that personal relationships with employees who report to them may be perceived as favoritism, misuse of authority, or potentially sexual harassment, and, consequently, are unacceptable. [END OF OPTION]~~

**[NOTE: Other options to be considered]**

[X ] Corporation employees may date and develop friendships and relationships with other employees—both inside and outside of the workplace—as long as the relationships do not have a negative impact on their work or the work of others.

[X ] Any relationship that interferes with the Corporation culture of teamwork, the harmonious work environment, or the productivity of employees, will be subject to discipline, up to and including termination.

[X ] Adverse workplace behavior—or behavior that affects the workplace that arises because of personal relationships—will not be tolerated. Corporation employees who disregard this policy will be subject to discipline, up to and including termination.

~~[NOTE: Other options to be considered]~~

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

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

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

☒ No candidate for employment as a professional staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification. Such certification must indicate all of the areas in which the candidate has been certified. No deletions are acceptable.

☒ The Corporation shall review, in accordance with any applicable terms of the negotiated agreement, a candidate's previous teaching experience at a college, university, or certified nonpublic school in determining his/her position on the salary schedule.

~~☐ SELECT THIS OPTION IF THE CORPORATION IS A COMMUNITY SCHOOL CORPORATION THAT WAS CREATED BY A COMMUNITY SCHOOL REORGANIZATION APPROVED BY THE STATE BOARD AND REGISTERED VOTERS IN THE PROPOSED COMMUNITY SCHOOL CORPORATION IN AN ELECTION HELD BEFORE JULY 1, 2020.~~

~~A teacher who is employed by a school corporation subject to a community school corporation reorganization, loses his/her job in the school corporation due to a community school corporation reorganization, and not later than one (1) year after the teacher loses his/her job is subsequently employed by a community school corporation created by a reorganization shall retain the rights and privileges under I.C. 20-28-6 through I.C. 20-28-10 that the teacher held at the time the teacher lost his/her job in the original school corporation.~~

#### **[END OF OPTION]**

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

#### **VOLUNTEER FIREFIGHTERS**

If a staff member is a volunteer firefighter and has notified the ~~School~~ Corporation in writing that s/he is a volunteer firefighter, the ~~School~~ Corporation may not discipline the staff member for:

- A. being absent from duty by reason of responding to a fire or emergency call that was received prior to the time the staff member was to report to duty;
- B. leaving his/her duty station to respond to a fire or an emergency call if s/he has prior authorization from his/her supervisor to leave duty in response to a call received after s/he has reported to work;

However, when an emergency call is received while the staff member is on duty, the staff member should notify the principal before leaving so coverage for his/her class can be arranged.

- C. an injury or being absent from work because of an injury that occurs while the staff member is engaged in emergency firefighting or other emergency response, provided the staff member's absence from work due to each instance of emergency firefighting activity or other emergency response does not exceed six (6) months from the date of injury.

☐ The Corporation ~~( ) may~~ ☒ shall **[END OF OPTION]** require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence indicating the staff member was engaged in an emergency call at the time of his/her absence.

☐ The Corporation ~~( ) may~~ ☒ shall **[END OF OPTION]** require that the staff member who was injured while engaged in emergency firefighting or other emergency response provide evidence from a physician or other medical authority showing treatment for the injury at the time of his/her absence and a connection between the injury and the employee's emergency response activities. Any such evidence shall be retained in a separate medical file created for the staff member and treated as a confidential medical record.

#### **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~~ GENERALLY**

~~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.~~

The highly qualified status requirements under the No Child Left Behind Act have been replaced by the requirements of the Every Student Succeeds Act (ESSA). Although the reporting of highly qualified teacher status by the Corporation is no longer required, teachers in Title I programs must be highly qualified. Additionally, ESSA requires teachers be "properly licensed." In order to ensure teachers are properly licensed, refer to <https://www.doe.in.gov/licensing/what-can-i-teach-my-indiana-license> for the most recent "assignment code" language.

Although the requirements concerning highly qualified teachers have been removed from the IDEA and Article 7 regulations, the requirement that students be taught by teachers appropriately licensed to teach the subject area remains.

A special education teacher must hold the appropriate licensure based on a student's disability to be assigned as the student's teacher of record. A special education teacher may teach a core academic subject only if the student is being taught to alternate achievement standards. A teacher who holds any special education license is properly licensed to teach any applied course

I.C. 20-23-4-21.6

I.C. 20-26-5-4

I.C. 35-44.1-1-4

I.C. 36-8-12-10.5

511 IAC 7-36-2

511 IAC 7-36-3

~~20 U.S.C. 6319~~

20 U.S.C. 7801

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I.C. 20-23-4-21.6

I.C. 20-26-5-4

I.C. 35-44.1-1-4

I.C. 36-8-12-10.5

511 IAC 7-36-2

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