

Bylaws

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE)

All Board meetings will be open to the public except those portions that are executive sessions. The Board will make reasonable efforts to ensure that all meetings are held in an appropriate facility that can adequately accommodate all members of the public who wish to attend. The Superintendent will attend all Board meetings. Members of the Superintendent's staff may attend Board meetings at the Superintendent's discretion. The Board may also request that additional people attend.

Regular Board meetings will take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified. Any Board meeting may be adjourned to a future date and time if approved by a majority of the Board present. Further, if a meeting date falls on a legal holiday, interferes with other area meetings, or Board member attendance will be less than a quorum, the Board will select a date for a postponed meeting at the prior regular meeting, and it will direct the District Clerk to notify all members. The District Clerk will provide the Board members written notice of the time of and agenda for each regular meeting before the meeting.

When the Board schedules a meeting on at least one week's notice, it will give or electronically transmit public notice of the time and place to the news media and conspicuously post the notice in one or more designated public locations at least 72 hours before the meeting. Notice of other meetings will be given or electronically transmitted, to the extent practicable, to the news media and conspicuously posted at one or more designated public locations at a reasonable time before the meeting. When the District Board has the ability to do so, it will conspicuously post the meeting notices on ~~its~~ the District's website.

~~If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting will inform the public, identify all the locations for the meeting, and state that the public has the right to attend at any of the locations. If a meeting is streamed live over the Internet, the public notice will inform the public of the website's Internet address. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.~~

The Superintendent will prepare the meeting agenda during the week before the meeting and review it with the Board President. The agenda will then be distributed to Board members no later than the Friday before the regular meeting. The President or other Board members will submit requests to place matters on the agenda to the Superintendent. Whenever individuals or groups wish to bring a matter to the attention of the Board, they will submit a written request to the Superintendent.

District records available to the public under the Freedom of Information Law, as well as any proposed resolution, rule, regulation, policy, or amendment scheduled to be discussed at a Board meeting will be made available upon request, to the extent practicable at least 24 hours before the meeting. Copies of these records may be made available for a reasonable fee. These records will be posted on the District's website to the extent practicable at least 24 hours before the meeting.

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SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMETARY PROCEDURE) (Cont'd.)**Using Videoconferencing to Conduct Board Meetings**

If videoconferencing is used to conduct a Board meeting:

- a) The Board will provide an opportunity for the public to attend, listen, and observe the meeting at any location where a Board member is participating; and
- b) The public notice for the meeting will inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Voting may be done through videoconferencing provided that Board members can be both seen and heard voting and participating from remote locations.

Extraordinary Circumstances

In extraordinary circumstances, the Board may, in its discretion, permit Board members to participate in a Board meeting remotely by videoconference from locations that are not open to the public. For purposes of this policy, this is referred to as extraordinary circumstances videoconferencing.

However, in order for the Board to utilize extraordinary circumstances videoconferencing, the following conditions must be met:

- a) The District must maintain an official website.
- b) The Board must have adopted a resolution, following a public hearing, authorizing the use of extraordinary circumstances videoconferencing:
 1. For itself and its committees or subcommittees; or
 2. Specifying that each committee or subcommittee may make its own determination.
- c) The Board must have established written procedures governing Board member and public attendance at meetings where extraordinary circumstances videoconferencing is being used that are consistent with law and those procedures must be conspicuously posted on the District's website.
- d) Board members must only participate in meetings remotely from locations that are not open to the public in an extraordinary circumstance. How the Board defines extraordinary circumstances must be set forth in the Board's resolution and written procedures related to extraordinary circumstances videoconferencing. Extraordinary circumstances may include disability, illness, caregiving responsibilities, or other significant or unexpected factor or

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SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

event which precludes the Board member's physical attendance at a meeting. Except for an extraordinary circumstance, Board members must be physically present at meetings unless a state disaster emergency has been declared or a local state of emergency has been proclaimed and the Board has determined that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.

- c) At the meeting where extraordinary circumstances videoconferencing is being used:
1. The public must be able to attend, listen, and observe the meeting in at least one physical location at which a Board member is participating.
 2. A minimum number of Board members must be present to fulfill the quorum requirement in the same physical location or locations where the public can attend.
 3. Except in the case of executive sessions, Board members must be able to be heard, seen, and identified while the meeting is being conducted, including, but not limited to, any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
 4. The minutes of the meeting must include which, if any, Board members participated remotely and must be made available in accordance with law.
 5. The public notice must inform the public that: videoconferencing will be used; where the public can view and/or participate in the meeting; where required documents and records will be posted or available; and identify the physical location(s) for the meeting where the public can attend.
 6. The meeting must be recorded. The recordings must be posted or linked on the District's website within five business days following the meeting, and must remain available for a minimum of five years thereafter. Upon request, these recordings must be transcribed.
 7. The Board must provide the opportunity for the public to view the meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and must ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.
 8. The Board must utilize technology to permit access by individuals with disabilities consistent with the 1990 Americans with Disabilities Act, as amended, and corresponding guidelines.

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SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)**Recording Meetings**

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded and/or transmitted by means of audio or video, in a non-disruptive manner, and it supports the use of this technology to facilitate the open communication of public business.

Quorum

The quorum for any Board meeting is ^{four}~~five~~ members. No formal action will be taken at any meeting where a quorum is not present. Unless otherwise required by law, official action will only be taken by approval of the majority of the full Board.

Use of Parliamentary Procedure

The Board will use pertinent portions of the latest edition of Robert's Rules of Order to conduct its business.

Public Comment

The Board encourages courteous and respectful public comment at Board meetings. All speakers must conduct themselves in a civil manner. Obscene language, harassing language, defamatory statements, and threats of violence are prohibited. All participants are required to comply with the *District Code of Conduct*.

The Board will designate a specific portion of its meeting agenda for public comment for a period of up to 30 minutes on agenda items only. The public is not permitted to discuss topics unrelated to the District, matters unrelated to the agenda, and/or matters involving specific individuals. Each speaker will be allowed up to three minutes. The Board may request, but will not require, speakers identify themselves. The Board is not required to allow speakers to cede their remaining time to other speakers. Written comments may be directed to the Board.

If there are a large number of individuals who want to address the Board, the Board President may limit the number of repetitive comments being made so that the time limit on public comment is not exceeded.

If individuals engage in disruptive or unruly behavior during the meeting, the Board President will remind the audience of this policy and the requirement to conduct themselves in a civil manner and comply with the *District Code of Conduct*. The Board President may call for the removal of disruptive or unruly individuals from the meeting. When appropriate, law enforcement may be called to remove disruptive or unruly individuals. In some instances, individuals engaging in disruptive or unruly behavior may be subject to criminal sanctions.

These rules apply to residents and nonresidents equally.

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SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMETARY PROCEDURE) (Cont'd.)

Education Law §§ 1708, 2504, and 2801
General Construction Law § 41
Penal Law § 240.20
Public Officers Law Article 7
8 NYCRR § 100.2

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board
#1540 -- Executive Sessions
#6211 -- Employment of Relatives of Board Members

Adopted: 1/25/01
Revised: 10/9/03; 2/14/13; 8/7/14; 8/6/15; 8/8/19; 9/8/22;

Bylaws

SUBJECT: MINUTES

The Board minutes are a legal record of the activities of the Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings will be kept by the District Clerk or, in his or her absence, by the Superintendent or his or her designee. ~~And accurate, and maintained in accordance with law, *and posted on the District website.*~~ All minutes must be signed by the District Clerk when approved. Unless otherwise provided by law, minutes will be available to the public and posted on the District website within two weeks from the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

~~However, m~~ Minutes minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

The minutes of each meeting of the Board will state:

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, including a record or summary of all motions, proposals, resolutions and other matters formally voted upon, with evidence of those voting in the affirmative and the negative, and those abstaining.

~~All Board minutes must be signed by the District Clerk when approved and maintained in accordance with law. Unless otherwise provided by law, minutes will be available to the public within two weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction. If action is taken by a formal vote in executive session, minutes will be taken and will be available to the public within one week of the date of the executive session.~~

Minutes of Executive Sessions

Minutes will be taken at executive sessions of any action that is taken by formal vote. The minutes will consist of a record or summary of the final determination of such action, the date and the vote. However, such summary need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

If action is taken by a formal vote in executive session, minutes will be available to the public and posted on the District website within one week of the date of the executive session.

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SUBJECT: MINUTES

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Education Law §§ 2121 and 3020-a
Public Officers Law §§ 103 and 106

Adopted: 1/25/01
Revised: 10/9/03; 8/7/14; 8/6/15;

Community Relations

SUBJECT: ~~NON DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT~~

Overview

~~The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. It is just one component of the District's overall commitment to maintaining a discrimination and harassment free educational and work environment.~~

~~In accordance with applicable federal and state laws and regulations, the District does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the District prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class including, but not limited to:~~

- ~~a) Race;~~
- ~~b) Color;~~
- ~~c) Religion;~~
- ~~d) Disability;~~
- ~~e) National origin;~~
- ~~f) Sexual orientation;~~
- ~~g) Gender identity or expression;~~
- ~~h) Military status;~~
- ~~i) Sex;~~
- ~~j) Age; and~~
- ~~k) Marital status.~~

~~The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination and/or harassment. The District will promptly respond to reports of discrimination and/or harassment, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.~~

(Continued)

~~SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT~~
~~(Cont'd.)~~

~~Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)).~~

~~Scope and Application~~

~~This policy outlines the District's general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:~~

- ~~a) — Students;~~
- ~~b) — Employees;~~
- ~~e) — Applicants for employment;~~
- ~~d) — Paid or unpaid interns;~~
- ~~e) — Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;~~
- ~~f) — Volunteers; and~~
- ~~g) — Visitors or other third parties.~~

~~Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.~~

~~Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.~~

~~The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.~~

(Continued)

~~SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)~~

Definitions

For purposes of this policy, the following definitions apply:

- a) ~~"School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.~~
- b) ~~"School function" means a school sponsored or school authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.~~

What Constitutes Discrimination and Harassment

~~Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the District; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide for individuals in determining what may constitute discrimination and/or harassment. These examples should not be construed to add or limit the rights that individuals and entities possess as a matter of law.~~

~~Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his or her membership in a protected class; denying an individual access to facilities or educational benefits on the basis of his or her membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.~~

~~Generally stated, harassment consists of subjecting an individual, on the basis of his or her membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures.~~

(Continued)

**SUBJECT: ~~NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT~~
(Cont'd.)**

~~This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well being; or otherwise adversely affecting an individual's employment or educational opportunities. Petty slights or trivial inconveniences generally do not constitute harassing conduct.~~

Civil Rights Compliance Officer

~~The District has designated the following District employee(s) to serve as its CRCO(s):~~

~~Superintendent or designee, 1225 Rt. 19, (585) 495-6222.~~

~~The CRCO(s) will coordinate the District's efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.~~

~~Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.~~

Reporting Allegations of Discrimination and/or Harassment

~~Any person may report discrimination and/or harassment regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the CRCO, or by any other means that results in the CRCO receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the CRCO.~~

~~Reports of discrimination and/or harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment will be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.~~

~~All District employees who witness or receive an oral or written report of discrimination and/or harassment must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.~~

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**SUBJECT: ~~NON DISCRIMINATION AND ANTI HARASSMENT IN THE DISTRICT~~
(Cont'd.)**

~~In addition to complying with this policy, District employees must comply with any other applicable District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).~~

~~If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.~~

~~Grievance Process for Complaints of Discrimination and/or Harassment~~

~~The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and/or harassment based on any legally protected class and will promptly take appropriate action to protect individuals from further discrimination and/or harassment. The CRCO will oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.~~

~~If an investigation reveals that discrimination and/or harassment based on a legally protected class has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third party contract, or other document such as the District's *Code of Conduct*.~~

~~Knowingly Makes False Accusations~~

~~Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination and/or harassment will face appropriate disciplinary action.~~

~~Prohibition of Retaliatory Behavior (Commonly Known as "Whistle Blower" Protection)~~

~~The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination and/or harassment.~~

~~Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.~~

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~~SUBJECT: NON DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)~~

~~Where appropriate, follow up inquiries will be made to ensure that the discrimination and/or harassment has not resumed and that those involved in the investigation have not suffered retaliation.~~

~~**Confidentiality**~~

~~To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.~~

~~**Training**~~

~~In order to promote familiarity with issues pertaining to discrimination and harassment in the District, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to employees and students. As may be necessary, special training will be provided for individuals involved in the handling of discrimination and/or harassment complaints.~~

~~**Notification**~~

~~Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or legal guardians, employees, and other relevant individuals of the District's established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The District's website will reflect current and complete contact information for the CRCO(s).~~

~~A copy of this policy and its corresponding regulations and/or procedures will be available upon request and will be posted and/or published in appropriate locations and/or District publications.~~

~~**Additional Provisions**~~

~~Regulations and/or procedures will be developed for reporting, investigating, and remedying allegations of discrimination and/or harassment.~~

42 USC § 1324b

Age Discrimination Act of 1975, 42 USC § 6101 et seq.

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC § 621 et seq.

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.

Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC § 2000ff et seq.

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~~National Labor Relations Act (NLRA), 29 USC § 151 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX, 20 USC § 1681 et seq.
USERRA, 38 USC § 4301 et seq.
28 CFR Part 35
29 CFR Chapter I – National Labor Relations Board
29 CFR Chapter XIV – Equal Employment Opportunity Commission
34 CFR Parts 100, 104, 106, 110, and 270
Civil Rights Law §§ 40, 40 e, 47 a, 47 b, 48 a, and 115
Correction Law § 752
Education Law §§ 10-18, 313, 313 a, 2801, 3201, and 3201 a
Labor Law §§ 194 a, 201 d, 201 g, 203 e, 206 e, 215
New York State Human Rights Law, Executive Law § 290 et seq.
Military Law §§ 242, 243, and 318
8 NYCRR § 100.2
9 NYCRR § 466 et seq.~~

~~NOTE: Refer also to Policies #3421 Title IX and Sex Discrimination
#6120 Equal Employment Opportunity
#6121 Sexual Harassment in the Workplace
#6122 Employee Grievances
#7550 Dignity for All Students
#7551 Sexual Harassment of Students
#8130 Equal Educational Opportunities
District Code of Conduct~~

~~Adopted: 1/25/01~~

~~Revised: 10/9/03; 7/13/06; 10/23/08; 5/26/11; 2/14/13; 8/6/15; 9/7/16; 2/11/21~~

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT**Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

In accordance with applicable federal and state laws and regulations, the District does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the District prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class or category including, but not limited to:

- a) Age;
- b) Race;
- c) Creed;
- d) Religion;
- e) Color;
- f) National origin;
- g) Citizenship or immigration status;
- h) Sexual orientation;
- i) Gender identity or expression;
- j) Military status;
- k) Sex;
- l) Disability;
- m) Predisposing genetic characteristics;

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**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
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- n) Familial status;
- o) Marital status; and
- p) Status as a victim of domestic violence.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination and/or harassment. The District will promptly respond to reports of discrimination and/or harassment, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)).

Scope and Application

This policy outlines the District's general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:

- a) Students;
- b) Employees;
- c) Applicants for employment;
- d) Paid or unpaid interns;
- e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f) Volunteers; and
- g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

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Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

Definitions

For purposes of this policy, the following definitions apply:

- a) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

What Constitutes Discrimination and Harassment

Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the District; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide for individuals in determining what may constitute discrimination and/or harassment. These examples should not be construed to add or limit the rights that individuals and entities possess as a matter of law.

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of their membership in a protected class; denying an individual access to facilities or educational benefits on the basis of their membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

Generally stated, harassment consists of subjecting an individual, on the basis of their membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures.

This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Under New York State Human Rights Law (NYSHRL), discrimination or harassment does not need to be severe or pervasive to be illegal. It can be any discriminatory or harassing behavior that rises above petty slights or trivial inconveniences. Every instance of discrimination or harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether discriminatory or harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

Civil Rights Compliance Officer

The District has designated the following District employee(s) to serve as its CRCO(s):

Superintendent or designee, 1225 Rt. 19, (585) 495-6222.

The CRCO(s) will coordinate the District's efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.

Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

Reporting Allegations of Discrimination and/or Harassment

Anyone who experiences, witnesses, or becomes aware of potential instances of discrimination or harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Individuals should not feel discouraged from reporting discrimination or harassment because they do not believe it is bad enough or conversely because they do not want to see someone punished for less severe behavior.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

Reports of discrimination and/or harassment may be made verbally or in writing. A written complaint form is posted on the District's website if an individual would like to use it, but the complaint form is not required. Individuals who are reporting discrimination and/or harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

Reports may be made to a CRCO in person, by using the contact information for a CRCO, or by any other means that results in a CRCO receiving the person's verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for a CRCO.

Reports of discrimination and/or harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

In addition to complying with the reporting requirements in this policy, District employees must comply with any other applicable reporting requirements contained in District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

Supervisory Responsibilities

Supervisors, building principals, other administrators, and the CRCOs are responsible for helping to maintain a discrimination and harassment-free educational and work environment.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

All supervisors, building principals, and other administrators who receive a complaint or information about suspected discrimination or harassment, observe what may be discriminatory or harassing behavior, or for any reason suspect that discrimination or harassment is occurring, are required to report the suspected discrimination or harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Supervisors, building principals, and other administrators should not be passive and wait for an individual to make a claim of discrimination or harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in discriminatory or harassing behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected discrimination or harassment or allowing discrimination or harassment to continue after they know about it.

While supervisors, building principals, and other administrators have a responsibility to report discrimination and harassment, they must be mindful of the impact that discrimination and/or harassment and a subsequent investigation has on victims. Being identified as a possible victim of discrimination or harassment and questioned about discrimination or harassment can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced discrimination or harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Grievance Process for Complaints of Discrimination and/or Harassment

All complaints or information about discrimination or harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination or harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a discrimination or harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

The CRCO will generally oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

District employees may be required to cooperate as needed in an investigation of suspected discrimination or harassment. The District recognizes that participating in a discrimination or harassment investigation can be uncomfortable and has the potential to retraumatize an individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

Various District policies and documents address discrimination and harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Dignity Act Coordinators (DACs) or Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination and/or harassment based on a legally protected class has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

Knowingly Makes False Accusations

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination and/or harassment will face appropriate disciplinary action.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The District prohibits all retaliation. Any individual that reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint is protected from retaliation. No one should fear reporting discrimination or harassment if they believe it has occurred. Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Any District employee who retaliates against anyone involved in a discrimination or harassment investigation will face disciplinary action, up to and including termination.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Where appropriate, follow-up inquiries will be made to ensure that the discrimination and/or harassment has not resumed and that those involved in the investigation have not suffered retaliation.

Confidentiality

To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.

Training

In order to promote familiarity with issues pertaining to discrimination and harassment in the District, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to employees and students. As may be necessary, special training will be provided for individuals involved in the handling of discrimination and/or harassment complaints.

Notification

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or legal guardians, employees, and other relevant individuals of the District's established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The District's website will reflect current and complete contact information for the CRCO(s).

A copy of this policy and its corresponding regulations and/or procedures will be available upon request and will be posted and/or published in appropriate locations and/or District publications.

Additional Provisions

Regulations and/or procedures will be developed for reporting, investigating, and remedying allegations of discrimination and/or harassment.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT
(Cont'd.)**

8 USC Section 1324b
 29 USC Section 206
 42 USC Section 1981
 Age Discrimination Act of 1975, 42 USC Section 6101 et seq.
 Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.
 Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.
 Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.
 Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.
 Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.
 Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.
 Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
 Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
 Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
 Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.
 28 CFR Part 35
 29 CFR Chapter I – National Labor Relations Board
 29 CFR Chapter XIV – Equal Employment Opportunity Commission
 34 CFR Parts 100, 104, 106, 110, and 270
 45 CFR Part 86
 Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a
 Civil Service Law Sections 75-b and 115
 Correction Law Section 752
 Education Law Sections 10-18, 313, 313-a, 2801, 3201, and 3201-a
 Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, 215, and 740
 New York State Human Rights Law, Executive Law Section 290 et seq.
 Military Law Sections 242, 243, and 318
 8 NYCRR Section 100.2
 9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination
 #6120 -- Equal Employment Opportunity
 #6121 -- Sexual Harassment in the Workplace
 #6122 -- Employee Grievances
 #7550 -- Dignity for All Students
 #7551 -- Sexual Harassment of Students
 #8130 -- Equal Educational Opportunities
 #8220 -- Career and Technical (Occupational) Education
District Code of Conduct

Adopted: 1/25/01

Revised: 10/9/03; 7/13/06; 10/23/08; 5/26/11; 2/14/13; 8/6/15; 9/7/16; 2/11/21;

SUBJECT: ADMINISTRATION OF THE BUDGET

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget. This includes, but is not limited to:

- a) Acquainting District employees with the final provisions of the program budget and guiding them in planning to operate efficiently and economically within these provisions.
- b) Providing direction to the District in maintaining those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary.
- c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets.

Unless otherwise provided by law, no claim against the District will be paid unless such claims have been audited and approved by the Claims Auditor.

Budget Transfers

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds between and within functional unit appropriations for teachers' salaries and ordinary contingent expenses. Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

~~Statement of the Total Funding Allocation~~

~~When required by law, the District will annually submit, prior to July 1, to the Commissioner of Education and the Director of the Budget a detailed statement of the total funding allocation for each school in the District for the upcoming school budget year. This statement will be in a form developed by the Director of the Budget, in consultation with the Commissioner of Education. This statement will be made publicly available and posted on the District website.~~

Education Law §§ 1604(35), 1709(20-a), 1711, 1718, 1724, 1950(4)(k), 2508, 2523-2526, 2554(2-a), and 2554(2-a)-and-3614
8 NYCRR §§ 170.12(c) and 170.2(l)

Adopted: 1/25/01
Revised: 8/9/18; 8/8/19;

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE**Operation and Maintenance**

~~— The Board, through the Superintendent and his or her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program will include periodic preventive maintenance activities, long range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.~~

Overview

The District is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the District will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of District facilities.

Construction and Remodeling of School Facilities

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, e, the State Energy Conservation Construction Code, the Manual of Planning Standards, and the Commissioner's regulations. ~~Relevant documentation regarding all new buildings must be formally submitted to the State Education Department (SED) no matter the size or cost.~~ The New York State Education Department (NYSED) The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on their official website.

~~Plans and specifications for the erection, enlargement, repair, or remodeling of District facilities of the District will be submitted to the Commissioner consistent with applicable law and regulation.~~

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and applicable law and Commissioner's regulations. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Carbon Monoxide Detection Requirements

~~— All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings~~

(Continued)

Non-Instructional/Business
Operations**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

~~include school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.~~

~~The District may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms or detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.~~

All District facilities will have carbon monoxide alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

Inspections

~~The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board informed of the results of these inspections in a timely fashion.~~

Asbestos Inspections

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly written notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

Lead Testing

The District will triennially test potable water for lead contamination from all outlets as required by law and regulation. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet ~~for drinking and cooking purposes~~, and it will remediate the lead level of the outlet before allowing ~~these~~ its uses. The District will make all required notifications and issue all mandated reports to the public, local health department, ~~or and the~~ NYSED. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**Comprehensive Long-Range Plan**

The District will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

- a) The educational philosophy of the District, with resulting administrative organization and program requirements;
- b) Present and projected student enrollments;
- c) Space use and state-rated student capacity of existing facilities;
- d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;
- e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- f) The provision of additional facilities.

Comprehensive Public School Building Safety Program (RESCUE)

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. ~~For this reason, the District will develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's regulations.~~

~~The program will be reevaluated and made current at least annually, and will include, at a minimum, the following:~~

- ~~a) A five year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and state-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.~~

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

- b) ~~A District wide building inventory, which will include information pertaining to each building including, but not limited to:~~
 - 1. ~~Type of building, age of building, size of building;~~
 - 2. ~~Rated capacity, current enrollment;~~
 - 3. ~~List of energy sources and major systems (lighting, plumbing, electrical, heating); and~~
 - 4. ~~Summary of triennial Asbestos Inspection reports.~~
- e) ~~A building condition survey will be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.~~
- d) ~~A District wide monitoring system which includes:~~
 - 1. ~~Establishing a Health and Safety Committee;~~
 - 2. ~~Development of detailed plans and a review process of all inspections;~~
 - 3. ~~Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.~~
- e) ~~Procedures to ensure the safety of the building occupants while a construction or renovation project is taking place. These procedures will include:~~
 - 1. ~~Notification to parents, staff, and the community at least two months in advance of a construction project of \$10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, notice will be provided as far in advance of the start of construction as is practicable;~~
 - 2. ~~A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;~~
 - 3. ~~An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and~~
 - 4. ~~An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.~~

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

The Comprehensive Public School Safety Program will consist of the following components:

a) Building Condition Surveys

Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

b) Visual Inspections

Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

c) Five-Year Capital Facilities Plan

The District will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the District will use the safety rating of each occupied school building. The plan must be consistent with all District planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
 - (a) Current or proposed new construction ranked in priority order;
 - (b) Current or proposed additions to school facilities ranked in priority order;
 - (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
 - (d) Major repairs ranked in priority order;
 - (e) Major system replacement and repairs, and maintenance ranked in priority order; and
 - (f) Energy consumption.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

2. A District-wide building inventory that includes, but is not limited to:

- (a) The number and type of facilities owned, operated, or leased by the District;
- (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
- (c) The energy sources for the buildings;
- (d) Probable useful life of each building and its major subsystems;
- (e) Need for major system replacement and repairs, and maintenance;
- (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and
- (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

d) Monitoring System

The District will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from District officials, staff, bargaining units, and parents.
2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.
6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:
 - (a) Provide for a written response to all written complaints. The written response will describe:
 - 1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
 - 2) The results of any investigations, inspections, or tests which address the complaint;
 - 3) The actions, if any, taken to solve the problem; and
 - 4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.
 - (b) A copy of the response will be forwarded to the health and safety committee.
 - (c) Copies of all correspondence will be kept in a permanent project file.
 - (d) These records will be made available to the public upon request.
7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.
8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

~~Asbestos Inspection: 40 CFR Part 763, Subpart E
15 USC Sections 2641-2656
Carbon Monoxide Detection: 10 NYCRR Section 1228.4
Fire Inspection: Education Law 807-a
8 NYCRR Section 155.4
Health and Safety Committee: 8 NYCRR Section 155.4(d)(1)
Lead Testing: 10 NYCRR Section 67.4.1, et seq.
Legionella Protection: 10 NYCRR Section 4.1.1, et seq.~~

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

~~Plans and Specifications: Education Law Sections 408, 408-a and 409~~

~~8 NYCRR Sections 155.1 and 155.2~~

~~19 NYCRR Sections 1221-1240~~

~~Structural Safety Inspections: Education Law Sections 409-d, 409-e, 3602 and 3641(4)~~

~~8 NYCRR Sections 155.1, 155.3, and 155.4(b)(1)~~

15 USC Sections 2641-2656

40 CFR Part 763, Subpart E

Education Law Sections 408, 409, 409-d, 3602, and 3641

Executive Law Section 378

Public Health Law Section 1110

8 NYCRR Sections 155.1, 155.2, 155.3, and 155.4

10 NYCRR Sections 4-1.1 et seq. and 67-4.1 et seq.

19 NYCRR Sections 1219-1240

Adopted: 1/25/01

Revised: 10/23/08; 9/7/16; 8/10/17;

SUBJECT: SCHOOL SAFETY PLANS

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of violent incidents, declared state disaster emergency involving a communicable disease or local public health emergency declaration and other emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

The Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-wide school safety plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-level emergency response plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-level emergency response plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management, and the provision of remote instruction during an emergency school closure, at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors. The District-wide school safety team will consider, as part of their review of the comprehensive District-wide school safety plan, the installation of a panic alarm system. At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

The District-wide school safety plan will include, but not be limited to:

- a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which includes suicide;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

- b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence;
- c) Appropriate prevention and intervention strategies, such as:
 - 1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
 - 2. Nonviolent conflict resolution training programs;
 - 3. Peer mediation programs and youth courts; and
 - 4. Extended day and other school safety programs;
- d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;
- e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;
- f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B, State and Local Natural and Man-Made Disaster Preparedness;
- g) The identification of District resources which may be available for use during an emergency;
- h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;
- i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal or emergency school closure;
- j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

- k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;
- l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel including bus drivers and monitors, parents and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;
- m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;
- n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;
- o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;
- p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;
- q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;
- r) A system for informing all educational agencies within the District of a disaster or emergency school closure;
- s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:
 - 1. Coordinating the communication between school staff, law enforcement, and other first responders;

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);
 3. Ensuring staff understanding of the District-wide school safety plan;
 4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;
 5. Assisting in the selection of security related technology and development of procedures for the use of the technology;
 6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;
 7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and
 8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner; and
- t) Protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c; and
- u) An emergency remote instruction plan.

Building-Level Emergency Response Plan

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

Education Law § 2801-a
Labor Law § 27-c
8 NYCRR § 155.17

Adopted: 1/25/01
Revised: 5/26/11; 8/10/17; 8/8/19; 12/10/20; 9/9/21;

SUBJECT: ~~SEXUAL HARASSMENT IN THE WORKPLACE~~

Overview

~~— The District is committed to creating and maintaining an environment which is free from discrimination and harassment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace. It is just one component of the District's overall commitment to maintaining a discrimination and harassment free educational and work environment.~~

~~Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.~~

~~— The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sexual harassment in the workplace. The District will promptly respond to reports of sexual harassment in the workplace, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.~~

~~— Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).~~

Scope and Application

~~— This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co worker, supervisor, or third party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:~~

- ~~a) — Employees;~~
- ~~b) — Applicants for employment;~~
- ~~c) — Paid or unpaid interns; and~~
- ~~d) — Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.~~

(Continued)

Personnel

SUBJECT: — SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

— Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school sponsored or school authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

— Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to sexual harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved and where the alleged sexual harassment occurred. These documents must be read in conjunction with this policy. Applicable policies or documents may include: Policy #3420 — Non-Discrimination and Anti Harassment in the District; and Policy #3421 — Title IX and Sex Discrimination.

— The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

What Constitutes Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Under New York State Human Rights Law, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- a) — Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- b) — Such conduct is made either explicitly or implicitly a term or condition of employment; or

(Continued)

Personnel

SUBJECT: ~~SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd)~~

- e) ~~Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.~~

~~A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.~~

~~Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.~~

~~Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.~~

~~Examples of Sexual Harassment~~

~~—The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:~~

- a) ~~Physical acts of a sexual nature, such as:~~
- ~~1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and~~
 - ~~2. Rape, sexual battery, molestation or attempts to commit these assaults.~~
- b) ~~Unwanted sexual advances or propositions, such as:~~
- ~~1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and~~
 - ~~2. Subtle or obvious pressure for unwelcome sexual activities.~~
- e) ~~Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.~~

(Continued)

Personnel

SUBJECT: ~~SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)~~

- d) ~~Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.~~
- e) ~~Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.~~
- f) ~~Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:~~
 - 1. ~~Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;~~
 - 2. ~~Sabotaging an individual's work; and~~
 - 3. ~~Bullying, yelling, or name calling.~~

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

~~Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).~~

~~The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:~~

- a) ~~Made a complaint of sexual harassment, either internally or with any anti discrimination agency;~~
- b) ~~Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti discrimination law;~~
- e) ~~Opposed sexual harassment by making an oral or informal complaint of harassment to a supervisor, building principal, other administrator, or the CRCO;~~

(Continued)

Personnel

SUBJECT: — SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- d) — Reported that another employee has been sexually harassed; or
- e) — Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Allegations of Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

— District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 — Non-Discrimination and Anti Harassment in the District, and Policy #3421 — Title IX and Sex Discrimination.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained in this policy.

Supervisory Responsibilities

— All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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Personnel

SUBJECT: ~~SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)~~

~~In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.~~

~~Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.~~

Investigating Complaints of Sexual Harassment

~~All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.~~

~~An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.~~

~~The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.~~

~~While the process may vary from case to case, investigations should be done in accordance with the following steps:~~

- ~~a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate.~~

~~If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.~~

- ~~b) All complaints of sexual harassment will be investigated regardless of the form in which these complaints are made. For oral complaints, the individual will be encouraged to complete the complaint form, which is available on the District website, in writing. If he or she refuses, a complaint form based on the oral report will be prepared. The complainant will be provided a copy of the completed complaint form.~~

(Continued)

Personnel

~~SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)~~

- ~~e) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.~~
- ~~d) Request and review all relevant documents, including all electronic communications.~~
- ~~e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.~~
- ~~f) Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:
 - ~~1. A list of all documents reviewed, along with a detailed summary of relevant documents;~~
 - ~~2. A list of names of those interviewed, along with a detailed summary of their statements;~~
 - ~~3. A timeline of events;~~
 - ~~4. A summary of prior relevant incidents, reported or unreported; and~~
 - ~~5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).~~~~
- ~~g) Keep the written documentation and associated documents in a secure and confidential location.~~
- ~~h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.~~
- ~~i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in this policy.~~

~~— Additionally, other District policies and documents address sexual harassment. These policies and documents may include: Policy #3420 — Non-Discrimination and Anti-Harassment in the District; and Policy #3421 — Title IX and Sex Discrimination. All complaints will be handled in accordance with the applicable District policies and/or documents.~~

~~— The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.~~

Personnel

SUBJECT: ~~SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)~~

~~— If an investigation reveals that sexual harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third party contract, or other document such as the District's *Code of Conduct*.~~

Annual Training

~~— The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:~~

- ~~a) — An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;~~
- ~~b) — Examples of conduct that would constitute unlawful sexual harassment;~~
- ~~e) — Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;~~
- ~~d) — Information concerning employees' rights of redress and all available forums for adjudicating complaints; and~~
- ~~e) — Information addressing conduct by supervisors and any additional responsibilities for such supervisors.~~

Notification

~~— The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.~~

~~At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.~~

~~This notice will be provided in English and in the language identified by the employee as his or her primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.~~

~~— The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.~~

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Personnel

SUBJECT: ~~SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd)~~

Legal Protections and External Remedies

~~Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.~~

~~Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.~~

~~In addition to those outlined below, individuals may have additional legal protections.~~

State Human Rights Law (HRL)

~~The HRL, codified as N.Y. Executive Law, art. 15, Section 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the HRL may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.~~

~~Complaints with DHR may be filed any time within one year (three years beginning August 12, 2020) of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.~~

~~Complaining internally to the District does not extend the time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.~~

~~Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.~~

~~DHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring the District to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees, and civil fines.~~

~~DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: www.dhr.ny.gov.~~

~~Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.~~

(Continued)

Personnel

SUBJECT: — SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC Section 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov, or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments Act of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/does/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

(Continued)

Personnel

SUBJECT: ~~SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd)~~

~~Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.
29 CFR § 1604.11(a)
34 CFR Subtitle B, Chapter I
Civil Service Law § 75-b
New York State Human Rights Law, Executive Law § 290 et seq.
Labor Law § 201-g~~

NOTE: ~~Refer also to Policies #3420 Non-Discrimination and Anti Harassment in the District
#3421 Title IX and Sex Discrimination
#6122 Employee Grievances
#7551 Sexual Harassment of Students~~

Adopted: 10/11/18
Revised: 12/12/19; 9/9/21

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**Overview**

The District is committed to creating and maintaining an environment which is free from harassment and discrimination. This policy addresses sexual harassment and gender discrimination in the workplace. It is intended to inform covered individuals of: their right to work in an environment that is free from sexual harassment and discrimination; what sexual harassment and discrimination look like; how they can prevent and report sexual harassment and discrimination; how they are protected from retaliation after taking action; and the general process for investigating a claim of sexual harassment and discrimination that falls under this policy. This policy is just one component of the District's overall commitment to maintaining a harassment and discrimination-free educational and work environment.

Under New York State Human Rights Law (NYSHRL), it is illegal for an employer to discriminate based on age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, or criminal history. These different identities impact an individual's perception and understanding of the world. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the process for reporting and investigating discrimination based on other protected classes is generally the same. However, the exact process may vary depending on a number of factors including, but not limited to, who is involved. Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* detail the specific process for reporting and investigating discrimination based on other protected identities.

Sexual harassment is a form of workplace discrimination that subjects individuals to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the District recognizes that discrimination can be related to or affected by other identities beyond gender.

Discrimination of any kind, including sexual harassment, is unlawful, a violation of District policy, and may subject the District to liability for the harm experienced by targets of discrimination. All individuals are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace.

Harassers may also be individually subject to liability and supervisors who fail to report or act on harassment may be liable for aiding and abetting sexual harassment and discrimination. Employees at every level who engage in harassment or discrimination, including supervisory personnel who engage in harassment or discrimination or who allow such behavior to continue, will be subject to remedial and/or disciplinary action by the District.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sexual harassment in the workplace. The District will promptly respond to reports of sexual harassment in the workplace, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).

Scope and Application

This policy applies to all instances of sexual harassment and gender discrimination perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered individual" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace. These non-employees include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are non-employees providing equipment repair, cleaning services, or any other service through a contract with the District.

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to sexual harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved and where the alleged sexual harassment occurred. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**What Constitutes Sexual Harassment**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating individuals differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression, and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Under NYSHRL, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which a covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of District policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- a) The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The impacted individual does not need to be the intended target of the sexual harassment;
- b) Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- c) Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of the behavior. These decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- a) Hostile work environment which includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- b) Quid pro quo harassment which occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.

Any covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any covered individual who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- a) Physical acts of a sexual nature, such as:
 - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another individual's body, or poking another individual's body; or
 - 2. Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.
- b) Unwanted sexual comments, advances, or propositions, such as:
 - 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

2. Subtle or obvious pressure for unwelcome sexual activities; or
 3. Repeated requests for dates or romantic gestures, including gift-giving.
- c) Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- d) Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
1. Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 2. Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as:
1. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 2. This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
1. Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 2. Sabotaging an individual's work;
 3. Bullying, yelling, or name-calling;
 4. Intentional misuse of an individual's preferred pronouns; or

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

5. Creating different expectations for individuals based on their perceived identities:
 - (a) Dress codes that place more emphasis on women's attire;
 - (b) Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. This policy applies to all instances of sexual harassment perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student.

Sexual harassment does not happen in a vacuum and discrimination experienced by an individual can be impacted by biases and identities beyond an individual's gender. For example:

- a) Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- b) An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- c) Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can occur while covered individuals are traveling for District business or at District or industry-sponsored events or parties. Calls, texts, emails, and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Sexual harassment can occur when covered individuals are working remotely. Any behaviors outlined above that leave a covered individual feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the covered individual is working remotely when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. Adverse actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- a) Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- b) Publicly releasing personnel files;
- c) Refusing to provide a reference or providing an unwarranted negative reference;
- d) Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- e) Undermining an individual's immigration status; or
- f) Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Retaliation is unlawful under federal, state, and (where applicable) local law. The NYSHRL protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- b) Testified or assisted in a proceeding involving sexual harassment or discrimination under the NYSHRL or any other anti-discrimination law;

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- c) Opposed sexual harassment or discrimination by making a verbal or informal complaint, or by simply informing a supervisor, building principal, other administrator, or the CRCO of suspected harassment;
- d) Reported that a covered individual has been sexually harassed or discriminated against; or
- e) Encouraged a covered individual to report harassment.

The District prohibits all retaliation. Any individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment or discrimination if they believe it has occurred. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of sexual harassment or discrimination.

Any District employee who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All covered individuals who believe they have been subject to retaliation should inform a supervisor, building principal, other administrator, or the CRCO.

All employees and covered individuals who believe they have been a target of retaliation may also seek relief from government agencies, as explained in this policy.

Reporting Allegations of Sexual Harassment

Anyone who experiences, witnesses, or becomes aware of potential instances of sexual harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough or conversely because they do not want to see someone fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and could include education counseling, suspension, or termination.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is posted on the District's website if a covered individual would like to use it, but the complaint form is not required. Individuals who are reporting sexual harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Reports may be made to a CRCO in person, by using the contact information for a CRCO, or by any other means that results in a CRCO receiving the person's verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for a CRCO.

Reports of sexual harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

District employees must comply with reporting requirements in any other applicable District policy or document.

Covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained in this policy.

Supervisory Responsibilities

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors, building principals, other administrators, and the CRCOs have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report the suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Supervisors, building principals, and other administrators should not be passive and wait for a covered individual to make a claim of harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

While supervisors, building principals, and other administrators have a responsibility to report harassment and discrimination, they must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any individual witnessing harassment as a bystander is encouraged to report it. A supervisor, building principal, or other administrator that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

- a) A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
- b) A bystander who feels unsafe interrupting on their own can ask a third-party to help intervene in the harassment;
- c) A bystander can record or take notes on the harassment incident to benefit a future investigation;
- d) A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
- e) If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace.

Grievance Process for Complaints of Sexual Harassment in the Workplace

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

The CRCO will generally oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

District employees may be required to cooperate as needed in an investigation of suspected sexual harassment. The District recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize a covered individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the CRCO:

- a) Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate.

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

- b) Will investigate all complaints of sexual harassment regardless of how those complaints are reported and treat all complaints with equal priority. For verbal complaints, the individual will be encouraged to complete, in writing, the complaint form. If the individual reporting prefers not to fill out the complaint form, a complaint form or equivalent documentation based on the verbal reporting will be prepared. The individual reporting the harassment will be provided a copy of the completed complaint form.
- c) Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails, or phone records that may be relevant to the investigation. The CRCO will consider and implement appropriate document request, review, and preservation measures, including for electronic communications.
- d) Will seek to interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- e) Will create written documentation of the investigation (such as a letter, memo, or email), which contains the following:

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 2. A list of names of those interviewed, along with a detailed summary of their statements;
 3. A timeline of events;
 4. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- f) Will keep the written documentation and associated documents in a secure and confidential location.
- g) Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document. Any corrective action taken will be in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.
- h) Will inform the individual(s) who reported the harassment of the right to file a complaint or charge externally as outlined in this policy.

Other District policies and documents address sexual harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

Annual Training

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Notification

The District will provide this policy to all employees in-person or digitally through email upon hiring and will be posted prominently in all work locations. In addition to sending the policy through email, this policy will also be available on the District's website.

At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as their primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District, but it is also prohibited by state, federal, and, where applicable, local law.

The District's internal process outlined in the policy above is one way for covered individuals to report sexual harassment. Covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, covered individuals may also seek the legal advice of an attorney.

In addition to those outlined below, individuals may have other legal protections.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)New York State Division of Human Rights (NYSDHR)

The NYSHRL, NY Executive Law, Art. 15, Section 290 et seq., applies to all employers in New York State and protects covered individuals, regardless of immigration status. A complaint alleging violation of the NYSHRL may be filed either with the NYSDHR or in New York State Supreme Court.

Complaints of sexual harassment filed with NYSDHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with NYSDHR, they can bring a lawsuit directly in state court under the NYSHRL, **within three years** of the alleged sexual harassment. An individual may not file with NYSDHR if they have already filed a NYSHRL complaint in state court.

Complaining internally to the District does not extend the time to file with NYSDHR or in court. The three years are counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with NYSDHR, and there is no cost to file with NYSDHR.

NYSDHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, NYSDHR has the power to award relief. Relief varies, but it may include requiring the employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

NYSDHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with NYSDHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to NYSDHR. The website also contains contact information for NYSDHR's regional offices across New York State.

Call the NYSDHR sexual harassment hotline at **1-800-HARASS-3 (1-800-427-2773)** for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 USC Section 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 calendar days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov, or via email at info@eeoc.gov. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

If an individual filed an administrative complaint with the NYSDHR, then NYSDHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance. The United States Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments Act of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if a law exists.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
29 CFR Section 1604.11(a)
34 CFR Subtitle B, Chapter I
Civil Service Law Section 75-b
New York State Human Rights Law, Executive Law Section 290 et seq.
Labor Law Sections 201-g and 740

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#6122 -- Employee Grievances
#7551 -- Sexual Harassment of Students

Adopted: 10/11/18
Revised: 12/12/19; 9/9/21;

Personnel

SUBJECT: EVALUATION OF PERSONNEL**All Staff Members**

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the District. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The Wyoming Central School District is committed to supporting the development of effective teachers and administrators. To this end, the District will provide procedures for the evaluation of all professional staff. The District ~~plans for Annual Professional Performance Review (APPR) of teachers and principals will be developed~~ an Annual Professional Performance Review (APPR) plan/educator evaluation plan in accordance with applicable laws, ~~Commissioner's~~ and regulations, ~~and Rules of the Board of Regents.~~

The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

Disclosure of APPR/Educator Evaluation Ratings

The Commissioner is required to disclose professional performance review/evaluation data for teachers and building principals on the New York State Education Department website and in any other manner to make this data widely available to the public. The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.

Education Law Sections 3012-c, and 3012-d
Public Officers Law Sections ~~87 and 89~~ Article 6
8 NYCRR Subpart 30-3
8 NYCRR §§ 80-1.1 and 100.2(o)

Adopted: 1/25/01

Revised: 2/14/13; 8/7/14; 9/7/16;

SUBJECT: PROBATION AND TENURE

The Board will comply with all applicable laws and regulations regarding probation and tenure. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different probationary and tenure rules may apply for teachers or building principals in certain circumstances.

Probation

Generally, teachers, all other members of the teaching staff, principals, administrators, supervisors, and all other members of the supervising staff will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

The probationary period will not exceed three years for teachers previously appointed to tenure in any district or BOCES within the state, provided that the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in ~~his or her~~ their final year of service there.

Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during ~~his or her~~ their probationary period upon the recommendation of the Superintendent and by majority vote of the Board.

Any staff member not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before ~~his or her~~ their probationary period expires.

(Continued)

SUBJECT: PROBATION AND TENURE (Cont'd.)**Tenure**

~~The Board will comply with all applicable laws and regulations regarding tenure.~~

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure those who have been found competent, efficient, and satisfactory and, in the case of teachers and building principals, those who have received APPR ratings of effective or highly effective in at least three of the preceding four years, exclusive of any breaks in service.

If a teacher or building principal receives an APPR rating of ineffective in their final probationary year after receiving APPR ratings of effective or highly effective in the preceding probationary years, they will not be eligible for tenure. However, the Board may extend that teacher's or building principal's probationary time by an additional year. The teacher or building principal may be eligible for immediate tenure if ~~he or she~~ they successfully appeals the ineffective rating.

The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

A teacher or building principal will remain on probationary status until the end of the school year in which ~~he or she has~~ they have received APPR ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service. During this time, the Board may grant tenure contingent upon a teacher's or building principal's receipt of a minimum APPR rating in the final year of ~~his or her~~ their probationary period. If the contingency is not met after all appeals are exhausted, the grant of tenure will be void and unenforceable and the teacher's or building principal's probationary period may be extended for an additional year in accordance with law.

Resolutions Making Appointments

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of ~~his or her~~ their time;
- c) The date probationary service or service on tenure commences in each area;
- d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and building principals, the resolution must state that:

(Continued)

SUBJECT: PROBATION AND TENURE (Cont'd.)

1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and
 2. If the teacher or building principal receives an ineffective composite or overall APPR rating in ~~his or her~~ their final year of probation, ~~he or she~~ they will not be eligible for tenure at that time; and
- c) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3012-d, 3014, and 3031
8 NYCRR § 30-1.3

NOTE: Refer also to Policy #6217 -- Professional Staff: Separation

Adopted: 1/25/01
Revised: 5/26/11; 9/7/16; 12/10/20;

SUBJECT: LEAVES OF ABSENCE

In general, leaves of absence will be administered by the Superintendent. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

Leaves of absence, contractual, et al

a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by such employees where the requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

c) Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each such contract.

Leaves of absence, unpaid, not covered above

a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.

1. For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.
2. At the expiration of a paid sick leave of absence, to extend this a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.

b) Unpaid leaves of absence will not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

- d) Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

Other leaves of absence

Other leaves of absence include, but are not limited to, the following:

a) **Emergency Service Volunteer Leave**

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

b) **Screenings for Cancer**

Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

c) **Blood Donation**

The District must either, at its option:

1. Grant three hours of leave of absence in any 12-month period to an employee who seeks to donate blood. According to Commissioner's Guidelines, leave granted to employees for off-premises blood donation is not required to be paid leave.

The leave may not exceed three hours unless agreed to by the Superintendent or designee;
or

2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

c) Nursing Mothers (Breastfeeding/Lactation)

The District will provide reasonable unpaid break time or permit the use of paid break time or meal time ~~each day~~ to allow an employee to express breast milk for ~~her~~ their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth. ~~The District will make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express milk in privacy. The District will not discriminate against an employee who chooses to express breast milk in the workplace.~~

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

~~Reasonable unpaid break time is generally no less than 20 minutes and no more than 30 minutes dependent upon the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every three hours if requested by the employee.~~

At the employee's option, the District will allow the employee to work before or after ~~her~~ their normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within the District's normal work hours.

~~The District will provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. This notice may either be provided individually to affected employees or to all employees generally through publication of the notice in the employee handbook or posting of the notice in a central location.~~

~~Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.~~

The District will provide a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

1. Inform employees of their rights pursuant to law;
2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;
3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.

The District will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

f) Witnesses or Victims of Crimes

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise ~~his or her~~ their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

To use this leave, the employee will provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the District Attorney, or exercising his or her rights as provided under the law.

g) **Victims of Domestic Violence**

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

h) **Military Leave**

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and regulation.

i) **Jury Duty**

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to ~~his or her~~ their term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

j) **Voting**

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

(Continued)

Personnel

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of ~~his or her~~ their working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

29 USC Section ~~207~~(+)218d
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC §§ 4301-4333
Civil Service Law §§ 71-73 and 159-b
Education Law §§ 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b
General Municipal Law §§ 92, 92-c, and 92-d
Election Law § 3-110
Executive Law § 296(22)
Judiciary Law §§ 519 and 521
Labor Law §§ 202-a, 202-i, 202-j, 202-l and 206-c
Military Law §§ 242 and 243
Penal Law § 215.14

Adopted: 1/25/01

Revised: 10/9/03; 10/23/08; 5/26/11; 8/10/17; 8/9/18; 12/10/20;

Personnel

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making this determination, the District must consider the factors set forth in state regulations.

A certification of the determination that an individual is an employee will now be required when the District initially reports to the New York State and Local Retirement System (NYSLRS) certain covered professionals, including — those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Definitions

"Employee" means an individual performing services for the District for which the District has the right to control the means and methods of what work will be done and how the work will be done.

"Independent contractor" means a consultant or other individual engaged to achieve a certain result for the District, but who is not subject to the direction of the ~~employer~~ District as to the means and methods of accomplishing the result. The District will not enter into agreements with independent contractors for instructional services except under the limited circumstance permitted by the New York State Education Department (NYSED).

Employees to be Reported to NYSLRS

~~Only persons who are active members of NYSLRS and who have been assigned a registration number will be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data, and mandatory contributions will be accumulated by the District and the accumulation will be included with the first monthly report which is due after the employee's registration number has been assigned. All persons employed by the District will be included in the reporting requirements. The District will provide the information deemed necessary by the retirement system for all employees except those who actively participate in another public retirement system or program. In the case of employees who are in the process of being registered to membership, all service, salary, and deduction data and mandatory contributions will be accumulated by the District and the accumulation will be included with the first monthly report which is due after the employee's registration or identification number has been assigned.~~

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

~~The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making this determination, the District must consider the factors set forth in state regulations.~~

(Continued)

Personnel

**SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR
INDEPENDENT CONTRACTOR (Cont'd.)**

~~The District will also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. When making a determination as to an individual's status as an employee or independent contractor, no single factor will be considered to be conclusive of the issue. All factors will be considered in making an assessment of an individual's status when engaged to perform services.~~

~~Written Explanation by District: Employer Reporting of Certain Professions~~

In the case of an individual whose service has been engaged by the District in the capacity of attorney, physician, engineer, architect, accountant or auditor and the District has determined that the individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District will submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

When making a determination as to an individual's status as an employee or independent contractor, no single factor will be considered to be conclusive of the issue. All factors will be considered in making an assessment of an individual's status when engaged to perform services.

The District will also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS 2414) as promulgated by the Office of the New York State Comptroller.

Legal ServicesCharging for Legal Services

An attorney will not simultaneously be an independent contractor and an employee of the District for the purpose of providing legal services to the District.

An attorney who is not an employee of the District will not seek to be or be considered, treated or otherwise reported by the District as an employee ~~thereof~~ for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

Reports Regarding Attorneys

The District will, on or before the 45th day after the commencement of its fiscal year, file with ~~the State Education Department~~ NYSED, the State Comptroller, and the Attorney General a report specifying:

- a) All attorneys who provide legal services to the District or Board;

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)

- b) Whether the District or Board hired those attorneys as employees; and
- c) All remuneration and compensation paid for legal services.

Protection Against Fraud

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system, or who receives certain benefits or payments in excess of statutory limits, as a result of those acts, will be guilty of criminal conduct, and will be punished under the laws of New York State.

Education Law §§ 525, 2050-2054
Retirement and Social Security Law §§ 11, 34, 311, and 334
2 NYCRR §§ 315.2 and 315.3

NOTE: Refer also to Policy #1337 -- Duties of the School Attorney

Adopted: 5/26/11
Revised: 8/10/17; 8/9/18;

Students

SUBJECT: REMOTE LEARNING*INSTRUCTION**~~Use of Remote Learning in the District Overview~~**

The District may offer remote or distance ~~earning~~ instruction to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an ~~extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation~~ emergency condition, including, but not limited to, extraordinary adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of a school building, or a communicable disease outbreak.

In the event the District remains in session and provides remote instruction when it would otherwise close due to an emergency condition, the remote instruction provided by the District will be consistent with the District's emergency remote instruction plan, located in the District-wide school safety plan.

When making decisions about remote ~~learning~~ instruction, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. When implementing remote instruction, ~~the~~ District will ~~also~~ ensure that it is complying with applicable teaching and learning requirements.

Extraordinary Circumstances

~~— In the event of an extraordinary circumstance that requires long term and widespread use of remote learning, a plan will be developed that outlines how the District will accomplish remote learning. This plan will outline the number of students involved, modes of remote learning, asynchronous and synchronous learning opportunities, internet and device access among students, and alternatives available for students who have neither a device nor consistent access. It will also address the needs of different populations of students including, but not limited to, vulnerable students, younger students, students with disabilities, and English language learners.~~

~~— If warranted, the District may use a hybrid model of in-person instruction and remote learning.~~

Definitions

- a) "Asynchronous instruction" means instruction where students engage in learning without the direct presence (remote or in-person) of a teacher.
- b) "Non-digital and/or audio-based instruction" means instruction accessed synchronously and/or asynchronously through paper-based materials where the student to teacher interaction occurs via telephone or other audio platforms.

(Continued)

Students

SUBJECT: REMOTE LEARNING*INSTRUCTION

- c) "Remote instruction" means instruction provided by an appropriately certified teacher who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.
1. Remote instruction will encompass synchronous instruction provided through digital video-based technology and may also include asynchronous instruction intended to complement synchronous instruction. Digital video-based technology includes online technology and videoconferencing technology.
 2. Remote instruction may encompass non-digital and audio-based asynchronous and/or synchronous instruction where this instruction is more appropriate for a student's educational needs.
- d) "Synchronous instruction" means instruction where students engage in learning in the direct presence (remote or in-person) of a teacher in real time.

Formats and Methods of Remote Learning-Instruction

~~Remote learning instruction may be delivered by teachers through a variety of formats and methods. Instruction may be provided through video, audio, and/or written materials. Communication between teachers and students may occur through video conferencing, prerecorded videos, online discussion boards, and/or other instruction that relies on technology. Remote learning can occur synchronously, which involves real-time interaction and collaboration between teachers and students, or asynchronously, which involves delayed interactions between teachers and students and self-directed learning. Determinations about how to best deliver remote learning instruction will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the District and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.~~

Remote Instruction During an Emergency ConditionEmergency Remote Instruction Plan

The District-wide school safety plan will include plans for the provision of remote instruction during any emergency school closure. The emergency remote instruction plan will include:

- a) Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction and policies and procedures to ensure students receiving remote instruction under emergency conditions will access Internet connectivity. The Superintendent will survey students and parents and persons in parental relation to obtain information on student access to computing devices and access to Internet connectivity to inform the emergency remote instruction plan;

(Continued)

Students

SUBJECT: REMOTE LEARNING*INSTRUCTION

- b) Expectations for school staff as to the proportion of time spent in synchronous and asynchronous instruction of students on days of remote instruction under emergency conditions with an expectation that asynchronous instruction is supplementary to synchronous instruction;
- c) A description of how instruction will occur for those students for whom remote instruction by digital technology is not available or appropriate;
- d) A description of how special education and related services will be provided to students with disabilities and preschool students with disabilities in accordance with their individualized education programs to ensure the continued provision of a free appropriate public education; and
- e) If the District receives foundation aid, the estimated number of instructional hours the District intends to claim for state aid purposes for each day spent in remote instruction due to emergency conditions.

Reporting of Computer and Connectivity Survey Results

No later than June 30 of each school year, the Superintendent will report to the Commissioner of Education the results of the survey on student access to computing devices and access to Internet connectivity on a form and format prescribed by the Commissioner.

Minimum Instructional Hours

Remote instruction provided on days when the District would have otherwise closed due to an emergency condition may be counted toward the annual hourly requirement for the purpose of state aid. The Superintendent will certify to the New York State Education Department, on a form prescribed by the Commissioner, that an emergency condition existed on a previously scheduled school day and that the District was in session and provided remote instruction on that day and indicate how many instructional hours were provided on that day and certify that remote instruction was provided in accordance with the District's emergency remote instruction plan.

Remote Learning-Instruction Support

As necessary, the District will provide instruction on using remote ~~learning~~-instruction technology and IT support for students, teachers, and families. The District will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote ~~learning~~-instruction experience.

(Continued)

SUBJECT: REMOTE LEARNING*INSTRUCTION (Cont'd.)**Compliance with District Policies, Procedures, and the Code of Conduct**

Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the Code of Conduct at all times while engaged in remote learning-instruction. Violations of the Code of Conduct and/or engaging in prohibited conduct may result in disciplinary action as warranted.

Privacy and Security of Student and Teacher Data

~~In compliance with law, regulation, and District policy,~~ The District will take measures to protect the personally identifiable information of students and teachers from unauthorized disclosure or access when using remote learning-instruction technologies in compliance with law, regulation, and District policy. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, deidentifying data, and ~~the use of~~ using encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

8 NYCRR Sections 100.1, 100.5, 155.17, and 175.5

NOTE: Refer also to Policies #5681 -- School Safety Plans
#7220 -- Graduation Options/Early Graduation/Accelerated Programs

Adopted: 12/10/20
Revised:

Students

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**Corporal Punishment**

Corporal punishment as a means of discipline will not be used against a student by any teacher, administrator, officer, employee or agent of this District.

Whenever a school employee uses physical force against a student, the school employee will immediately report the situation to his or her Principal/Supervisor. The Principal/Supervisor will, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent will submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Wyoming Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Such emergency interventions will only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) or person(s) in parental relation of the student will be notified on the same day whenever an emergency intervention is utilized. When the student's parent or person in parental relation cannot be contacted on the same day after reasonable attempts are made, the building principal will record the attempts and, when applicable, report the attempts to the committee on special education (CSE).

(Continued)

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)

The District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;
- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

Education Law § 4402
8 NYCRR §§ 19.5, 100.2(l)(3), and 200.22(d)

NOTE: Refer also to Policy #7312 -- Suspension of Students

Adopted: 1/25/01
Revised: 10/23/08;

Students

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM**General Principles and Eligibility**

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform with the Commissioner's regulations, as well as the established rules of the New York State Public High School Athletic Association (NYSPHSAA) and the New York State Education Department (NYSED).

Athletic eligibility requires that the student:

- a) Provide written parental or guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) as specified in the Commissioner's regulations.
- b) Have a current health examination and, if the health examination was not completed within 30 days of the start of the season, a completed and signed interval health history form.
- bc) Obtain medical clearance from the ~~school physician or nurse practitioner or the student's personal physician~~ District's Medical Director. ~~The school physician or nurse practitioner retains final approval on any physicals performed by a student's personal physician.~~
- ed) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and ~~the NYSPHSAA.~~
- de) Comply with all District rules, codes, and standards applicable to athletic participation.

Title IX Compliance

The Board supports equal athletic opportunities for members of both sexes through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider, among other factors:

- a) ~~Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance)~~ Whether the selection of sports and levels of competition effectively accommodate all students' interests and abilities;
- b) The provision of ~~E~~equipment and supplies;
- c) Scheduling of games and practice time;
- d) Travel costs and opportunities for travel;

(Continued)

Students

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- e) Assignment and compensation of coaches;
- f) The provision of locker rooms, practice facilities, and competitive facilities;
- g) Available medical and training facilities and services; and
- h) The nature and extent of support, publicity, and promotion.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District's Civil Rights Compliance Officer will coordinate the District's efforts to comply with and carry out its responsibilities under Title IX. ~~This person~~ The Title IX Coordinator(s) will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the Athletic Director.

Booster Clubs

The District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services, and opportunities regardless of their source. When determining equivalency, ~~therefore,~~ benefits, services, and opportunities attained through private funds—including donations, fundraising, and booster clubs—must be considered in combination with all benefits, services, and opportunities.

Athletic Placement Process for Interscholastic Athletic Programs (APP)

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for students in grades no lower than seventh grade to compete on interscholastic athletic teams organized for senior high school students, and for senior high school students to compete on interscholastic athletic teams organized for students in the seventh and eighth grades. The Superintendent will implement procedures for the APP, and will direct the Athletic Director to maintain records of students who have successfully completed the APP.

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**Student Athletic Injuries**

~~No injured student will be allowed to practice or play in an athletic contest. An appropriate medical professional should diagnose and treat an athlete's injuries.~~ The coach should ensure that any player injured while under ~~his or her~~ their care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform ~~his or her~~ their coach of all injuries, even if it happens outside of school. No student will be allowed to practice or compete if there is a question whether ~~he or she is~~ they are in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

Athletic Program-Safety

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

- a) Requiring timely medical examinations of participants;
- b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;
- c) Providing or requiring certified or licensed officials to officiate all competitions;
- d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;
- e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and
- f) Providing professional development and training opportunities for all coaching staff.

Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

- a) "Athletic activities" means participation in sessions for instruction and practice in skills, attitudes, and knowledge through participation in individual, group, and team activities organized on an intramural, extramural, interschool athletic, or inclusive athletic basis to supplement regular physical education class instruction, otherwise known as extraclass periods in physical education or extraclass activities.

(Continued)

Students

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

The District promotes safe athletic activities and strives to prevent incidents of sudden cardiac arrest in students by:

- a) Including information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest in any document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports, including a permission or consent form;
- b) Immediately removing from athletic activities any student who displays signs or symptoms of pending or increased risk of sudden cardiac arrest;
- c) Prohibiting any student from resuming athletic activities until the student has been evaluated by and received written and signed authorization from a licensed physician and until the student has been evaluated and received clearance from the District's Medical Director to resume athletic activities;
- d) Requiring the licensed physician's written and signed authorization to be kept on file in the student's permanent health record;
- e) Abiding by any limitations or restrictions concerning school attendance and athletic activities issued by the student's treating physician;
- f) Requiring coaches of extra periods in physical education to hold a valid certification in first aid knowledge and skills including instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; and
- g) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of NYSED and the New York State Department of Health.

Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.

34 CFR Sections 106.8, 106.41, and 106.45

45 CFR Section 86.41

~~45 CFR Part 86~~

Education Law Sections 305, 923, and 3208-a

8 NYCRR Sections ~~135 and 136~~ 135.4, 135.5, 136.3, 136.5, and 136.9

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District

#3421 -- Title IX and Sex Discrimination

#7520 -- Accidents and Medical Emergencies

#7522 -- Concussion Management

#8240 -- Instruction in Certain Subjects

Adopted: 1/25/01

Revised: 10/9/03; 8/7/14; 12/10/20;

Students

SUBJECT: STUDENT PHYSICALS**~~Health Examination and Certificate~~Health Examination****Health Examination**

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 12 months prior to the commencement of the school year of the student's entrance into:

- a) A District school at any grade level;
- b) Prekindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

Health Certificate

Each student must submit a health certificate attesting to the health examination within 30 calendar days after ~~his or her~~ their entrance into:

- a) A District school at any grade level;
- b) Prekindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

If a student does not submit the required health certificate within 30 calendar days after their entrance, ~~the building principal or designee will send a notice to the student's parent or, or person in parental relation to, any student who does not present a health certificate, stating that if the required health certificate is not furnished-submitted within 30 calendar days from the date of the notice, the Director of School Health Services will conduct an examination by health appraisal will be made of the student by the Director of School Health Services.~~

The health certificate will be filed in the student's cumulative record. The health certificate must:

- a) Be on a form prescribed by the Commissioner;

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

- b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;
- c) State the results of any test conducted on the student for sickle cell anemia;
- d) State whether the student is in a fit condition of health to permit ~~his or her~~ their attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of ~~such~~ work to prevent injury to the student;
- e) State the student's body mass index (BMI) and weight status category; and
- f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:
 - 1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or
 - 2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

Dental Health Certificate

The District will request a dental health certificate from each student at the same time that health certificates are required.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

- a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and
- b) State whether the student is in fit condition of dental health to permit ~~his or her~~ their attendance at a District school; and
- c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:
 1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or
 2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

Examination by Health Appraisal

The building principal or designee will report to the Director of School Health Services the names of all students who are required to and have not submitted the required health certificate or who are students with disabilities. The Director of School Health Services will ~~examine~~ separately and carefully examine and test students who are required to, ~~but~~ and have not submitted, the required health certificate and students with disabilities ~~to be separately and carefully examined and tested to ascertain~~ determine whether any student has impaired sight or hearing, or any other physical disability which may ~~tend to~~ prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

Each examination will also include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless ~~otherwise~~ prohibited by law, if it is ~~ascertained~~ determined that a student has impaired sight or hearing, or ~~a~~ other physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student's parent or person in parental relation as to the existence of the disability. If the parent or person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the Director of School Health Services, who then has the duty to provide relief for the student.

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)**District Reporting of BMI and Weight Status Category**

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report ~~BMI results~~ this information ~~on-line using the Department of Health's Health Provider Network secure website~~ online. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in ~~such~~ this survey.

Lead Screenings

Prior to or within three months after initial enrollment of a student under six years old, the District will obtain from the student's parent or person in parental relation evidence that the student has been screened for lead. If the District does not receive evidence that the student has been screened for lead, the District will provide the student's parent or person in parental relation with information on lead poisoning in children and lead poisoning prevention, as well as refer the parent or person in parental relation to a primary care provider or the local health authority for a blood lead test.

Health Screenings

The District will provide a:

- a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within 90 calendar days after the finding;
- b) Vision screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school; and
- c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. In addition, all students will receive a hearing screening in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school.

(Continued)

Students

SUBJECT: STUDENT PHYSICALS (Cont'd.)

The results of all health screenings will be recorded in the student's cumulative health record which will be maintained by the school for at least as long as the minimum retention period for such these records.

Student Health Records

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that the examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case he or she they may require supporting documents.

Students in Temporary Housing

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 USC § 1232g
Education Law Sections 903-, 904, 905, and 3220
Public Health Law Section 1370-d
8 NYCRR §§ 136.1, 136.3

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of Students
#7132 -- Education of Students in Temporary Housing
#7420 -- Sports and the Athletic Program
#7450 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors
#7510 -- School Health Services
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adopted: 1/25/01

Revised: 10/9/03; 7/13/06; 10/23/08; 5/26/11; 2/14/13; 8/7/14; 8/9/18; 8/8/19;

Students

SUBJECT: CONCUSSION MANAGEMENT

~~The Board recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of District students is a primary concern. As such, the District supports the proper evaluation and management of concussion injuries.~~

A concussion is a type of mild traumatic brain injury (MTBI) ~~that occurs when normal brain functioning is disrupted~~ caused by a bump, blow, or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academic performance as well as their athletic pursuits. As such, the District supports the proper evaluation and management of concussion injuries.

Concussion Management Team (CMT)

~~The District is authorized, at its discretion, to~~ may establish a Concussion Management Team (CMT) which may be composed of the ~~certified Athletic Director and/or Director of Physical Education, a school nurse, the school physician/District's Medical Director, a coach of an interscholastic team and/or physical education teacher, a certified athletic trainer, or such~~ and other appropriate personnel as designated by the District. If established, ~~the~~ CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, school nurses, and certified athletic trainers who work with and/or provide instruction to ~~pupils~~ students engaged in school-sponsored athletic activities complete training relating to MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBIs to parents and persons in parental relation (parents) throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse, and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities will complete a ~~course of instruction~~ training every two years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI. Since concussion symptoms may manifest themselves in any setting, all staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.-

Components of the training will include, but not be limited to:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;

(Continued)

Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The ~~course-training can~~ must be completed by means of instruction approved by the New York State Education Department (NYSED) which include, but are not limited to, courses provided online and by teleconference.

~~The CMT will utilize the District's existing system to document all required training and professional development for District staff. Upon completion of the training each year, staff will forward their course completion certificate to the appropriate staff for entry into the system. Each time a staff member completes this training or a related professional development course, they must forward proof of completion to the CMT or, if a CMT has not been established, a designated District staff member who will enter the information into the District's existing system for tracking completed trainings and professional development courses. The system will also use an email to remind staff of the need to complete the training each year as needed. Because concussion symptoms may manifest themselves in any setting, all school staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.~~

Information to Parents and Students

The District will include the following information on MTBIs or concussions in any permission or consent form or similar document that may be required from a parent ~~or person in parental relation~~ for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education, health or mental health classes. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website to ~~list of information from~~ on the NYSED's and New York Department of Health's websites.

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Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**Identification of Concussion and Removal from Athletic Activities**

The District requires the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a MTBI or concussion. Any student demonstrating signs, symptoms, or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity will be removed from the class, game, or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

The District may, in collaboration with their Medical Director, allow ~~un~~credentialed District staff who are appropriately licensed or certified healthcare professionals and credentialed to use validated neurocognitive computerized testing ~~as a concussion assessment tool~~ to review and obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose ~~and treat~~ a concussion or clear a student to return to activities. The District must seek authorization from the parent/guardian prior to the testing. Additionally, parents/guardians should be given a copy of the results ~~upon request~~.

Return to School Activities and Athletics

~~The~~A student will not return to physical activity (including athletics, physical education class, and recess) until ~~he or she has~~ they have been symptom-free for at least 24 hours, and ~~has~~ have been evaluated and received written and signed authorization from a licensed physician. This written authorization should be sent to the school for review by the District's Medical Director. ~~In accordance with Commissioner's regulations,~~ Additionally, the District's Medical Director ~~will give~~ has the final clearance ~~on a~~ authority to clear students to participate in or return to ~~activity for~~ extra-class athletics activities. All authorizations will be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. ~~School~~ Staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District will follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District will also develop a coordinated communication plan among appropriate staff to ensure that the ~~treating physician's~~ private provider's orders for post-concussion management are implemented and followed, and for students to resume participation in athletic activities with the District's Medical Director approval. The school nurse will work to ensure that all the necessary staff get the information they need to care for and work with the injured student.

(Continued)

Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The District's Medical Director and other licensed healthcare professionals employed by the District will also ~~formulate~~ establish a procedure and treatment plan to be utilized by District staff who may respond to students or staff with possible concussions during the school day or at a school-sponsored athletic event.

In accordance with NYSED guidelines, this policy will be both reviewed and updated ~~periodically~~ at least every three years or with updates to guidance. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law § 305(42)
8 NYCRR §§ 135.4 and 136.5
Guidelines for Concussion Management in Schools, NYSED Guidance Document, ~~2018~~2022

Adopted: 8/7/14
Revised: 9/7/16; 8/8/19;

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory ~~personnel~~ action against an employee because the employee believes that ~~he or she has~~ they have reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

~~—"Retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.~~

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

Child Abuse in an Educational Setting

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

Definitions

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death; ~~or~~
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death; or
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; ~~or~~

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

"School" means a school district, public school, charter school, nonpublic school, Board of Cooperative Educational Services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person must upon receipt of the allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report will be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to ~~his or her~~ their supervisor employed by the school or the contracting person or entity.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the Superintendent of the school district of the child's attendance and the Superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate Superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the Superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or Superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or Superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, ~~he or she~~ they must promptly provide a copy of the report to the Superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

Where the Superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, ~~he or she~~ they will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the NYSED.

(Continued)

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from ~~his or her~~ their position.

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

Students

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**Notification**

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and §§ 409-1, 3028-b and 3209-a
Family Court Act § 1012
Labor Law § 740(1)(e)
Penal Law Articles 130, 235 and 263
Social Services Law §§ 411-428
8 NYCRR Part 83 and § 100.2(hh) and (nn)
20 USC § 7926

Adopted: 1/25/01
Revised: 10/9/03; 10/23/08; 8/6/15; 8/10/17; 8/8/19; 12/10/20;

Students

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS**Due Process Complaints**

The District ~~is committed to making~~ will make every effort to amicably resolve disputes regarding educational programs for students with disabilities. ~~In the event~~ If these disputes cannot ~~otherwise~~ be resolved, either a parent, person in parental relation, or the District may file a due process complaint challenging the identification, evaluation, or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to the student. The complainant may not ~~have~~ receive an impartial due process hearing until the complainant, or the ~~attorney representing the complainant's~~ attorney, files a due process complaint notice that meets the requirements set forth in law for the notice. All due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide a procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise. The impartial hearing officer (IHO) may conduct the hearing by videoconference or teleconference with parental consent which may be obtained at a pre-hearing conference, or at a minimum of ten days before the scheduled hearing date, provided that all personally identifiable data, information, or records pertaining to the student during the hearing is kept confidential in accordance with law and regulation.

A student whose education is the subject of a due process complaint will remain in ~~his or her~~ their current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

Resolution Process

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the committee on special education or committee on preschool special education who have specific knowledge of the facts identified in the complaint. Such meeting will provide the parents with an opportunity to discuss their complaint and the

(Continued)

Students

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont'd.)

facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place, and in a location that is physically accessible to the parents. The parents and District may agree to use alternative means of meeting participation, such as videoconferences and conference calls. The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

The parents and the District may agree, in writing, to waive the resolution process or agree to use the mediation process to resolve the dispute.

Selection and Board Appointment of Impartial Hearing Officers

~~In the event~~ When a due process complaint notice is filed in accordance with the Individuals with Disabilities in Education Act (IDEA), the Board will arrange for an impartial due process hearing to be conducted. In such instances, the Board will immediately-but not later than two business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent-initiate the process to select an impartial hearing officer (IHO) through a rotational selection process. To expedite this process, the Board may designate one or more of its members to appoint the ~~Impartial Hearing Officer (IHO)~~ on its behalf.

The District will utilize the New York State Education Department's (NYSED) Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from such list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report ~~to the State Education Department~~ required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the ~~Department~~ NYSED.

If an IHO is not appointed within 196 days from receipt by the District of a due process complaint, the District will, no later than five business days after the 196th day has elapsed, provide written notification to parents of their right to request accelerated review. When accelerated review is sought, the District will be deemed to have denied the student a free and appropriate public education (FAPE) by virtue of the 196 day (or more) delay in the appointment of an IHO.

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses (e.g., duplication and telephone costs) in accordance with an annually determined schedule.

(Continued)

Students

**SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT
OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

Administrative procedures will be developed governing the implementation of this policy.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law Sections ~~4005~~, 4202, 4404(+), and 4410(7)
8 NYCRR §§ 200.2 and 200.5

NOTE: Refer also to Policies #7312 -- Suspension of Students
#7660 -- Parent Involvement for Children with Disabilities
#7690 -- Special Education Mediation

Adopted: 1/25/01
Revised: 10/9/03; 7/13/06; 10/23/08; 8/6/15;

Instruction

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS

Generally, the Board has the authority to prescribe the course of study in the schools of the District. However, there are general curriculum areas and specific topics in which the District must prescribe instruction. All students in the District will receive instruction in accordance with any applicable laws and regulations.

Gifted and Talented Students

The Board will provide appropriate educational programs for students identified as being gifted and talented.

Physical Education Class

All students, except those with medical excuses, will participate in physical education in accordance with the Commissioner's regulations, which require that all students attend and participate in physical education as follows:

- a) All students in grades K through 3 will participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 will participate in a program three times per week for a minimum of 120 minutes per week. The minimum time devoted to these programs (K through 6) is exclusive of any time that may be required for dressing and showering.
- b) Students in grades 5 through 6 that are in a middle school will participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester, or a comparable time each semester if the school is organized in other patterns.
- c) All secondary students (in grades 7 through 12) will have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester or for a comparable time each semester if the school is organized in other patterns. For students in grades 10 through 12 only, a comparable time each semester will be provided if students have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities in extra class programs or out-of-school activities approved by the physical education staff and the school administration.
- d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

An excuse from physical education class may be accepted from a licensed physician for medical reasons or a licensed chiropractor for conditions of the spine.

Any student who is temporarily or permanently unable to participate in the regular program of physical education will be provided with adaptive physical education that meets their particular needs.

Instruction

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)**Sudden Cardiac Arrest**

For purposes of this policy, the following definition applies:

- a) "Physical activities" means participation in physical education classes and recess or similar activities during the school day.

The District promotes safe physical activities and strives to prevent incidents of sudden cardiac arrest in students by:

- a) Immediately removing from physical activities any student who displays signs or symptoms of pending sudden cardiac arrest;
- b) Prohibiting any student from resuming physical activities until the student has been evaluated by and received written and signed authorization from a healthcare provider to resume physical activities;
- c) Requiring the healthcare provider's written and signed authorization to be kept on file in the student's permanent health record;
- d) Abiding by any limitations or restrictions concerning school attendance and physical activities issued by the student's healthcare provider;
- e) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of the New York State Education Department and the New York State Department of Health.

Health and Mental Health Education

The District's health education program recognizes the multiple dimensions of health by including instruction related to:

- a) Mental health;
- b) The relation of physical and mental health;
- c) The misuse and abuse of alcohol, tobacco, and other drugs; and
- d) The prevention and detection of certain cancers.

(Continued)

Instruction

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)

This instruction will enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

Health education programs provided by the District will be designed according to the needs and abilities of the students at successive grade levels in accordance with applicable laws and regulations.

Education Law Article 90 and Sections 803, 804, 806-a, 923, 1709, and 3204
8 NYCRR Part 142 and Sections 100.2(c), 107.2, 135.1, 135.3, ~~and~~ 135.4, and 136.9

NOTE: Refer also to Policy #7420 – Sports and the Athletic Program

Adopted: 1/25/01
Revised: 5/26/11; 8/9/18; 9/8/22;

Instruction

SUBJECT: ~~HOME TUTORING HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION-(HOMEBOUND INSTRUCTION)~~

~~Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental, or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by an appropriately certified teacher provided by the District. These students will be provided with instruction in accordance with New York State Education Law and Commissioner's regulations.~~

~~Procedures for students requiring home tutoring will be developed under the direction of the Superintendent or designee.~~

Overview

Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by districts to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

The District will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

Definitions

"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

"School district of residence" means the public school district within the State of New York where students legally reside with their parents or guardians.

"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

"Tutor" means an employee of the school district of residence or an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.

(Continued)

Instruction

SUBJECT: HOME TUTORING HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION-(HOMEBOUND INSTRUCTION)**Request for Home, Hospital, or Institutional Instruction**

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the District that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the Director of School Health Services or designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

The request will be forwarded to the Director of School Health Services who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the Director of School Health Services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

Within five school days after receipt of written medical verification from the student's treating healthcare provider, the District will notify the parent or guardian whether their request for home, hospital, or institutional instruction has been approved or denied. In the case of a denial, reason(s) for denial will be provided.

Appeals

Parents and guardians may appeal the denial of home, hospital, or institutional instruction to the District's Board within ten school days of receipt of notification of the denial. Home, hospital, or institutional instruction will be provided while an appeal is pending before the District's Board.

Home, Hospital, or Institutional Instruction Requirements

The District will provide home, hospital, or institutional instruction to a student within five school days after receiving notification of the student's medical condition or within five school days from the request for home, hospital, or institutional instruction, whichever occurs first. This instruction, which may include remote instruction, will meet the minimum requirements outlined in law and regulation.

Students with Disabilities

Students with disabilities who are recommended for home, hospital, or institutional instruction by the Committee on Special Education (CSE) will be provided instruction and appropriate related services as determined and documented by the CSE in consideration of the student's unique needs. This instruction will only be recommended if the placement is in the least restrictive environment and must be provided for at least the number and length of time as provided for other students receiving home, hospital, and institutional instruction.

(Continued)

Instruction

**SUBJECT: ~~HOME TUTORING~~ HOME, HOSPITAL, OR INSTITUTIONAL
INSTRUCTION-(HOMEBOUND INSTRUCTION)**

Recordkeeping

The District will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

Education Law Sections 1604(20), 1709(24), 3202 and 4404
8 NYCRR Sections 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 – Remote Instruction

Adopted: 1/25/01
Revised: 10/23/08; 8/6/15;
