ONTEORA CENTRAL SCHOOL DISTRICT

BOARD OF EDUCATION BOICEVILLE, NEW YORK 12412

MINUTES

WORKSHOP MEETING 6:00 p.m. TUESDAY, MARCH 22. 2022 BENNETT SCHOOL

1. Opening Items

1.01 Call to Order 6:00

1.02 Tobacco Policy Statement

1.03 Roll Call

Present: Trustee Salem, Trustee Sherry, Trustee Storey, Trustee Bishop

Not Present: Trustee Osmond, Trustee DeJesus

2. Acceptance of Minutes

2.01 Acceptance of Minutes

Recommended Action: The Board of Education hereby accepts minutes of the March

8, 2022, March 9, 2022, March 10, 2022 meetings

Motioned: Trustee Sherry Seconded: Trustee Storey

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Storey, Trustee Bishop

Not Present: Trustee Osmond, Trustee DeJesus

Now Present:

Trustee Osmond arrived at 6:01

3. Welcome

- 3.01 Bennett School Principals, Gabriel Buono and Linda Sella will welcome the Board Principal Gabriel Buono reported:
 - March 4th Student Government planned a Sleigh Party
 - Collected sleds from parents
 - No snow on the sled hill instead snow painting
 - Student Government is charged with school spirit
 - After School Garden Club by Student Government
 - o "Gary's Garden" named after Gary VanLeuven, former custodian
 - Rob Overton recognize him and IBM colleagues
 - Come very year for "enginer's week" to do projects with students
 Principal Linda Sella reported:
 - Students have been having snack outdoors all year long
 - Discussed small group instruction outside
 - o Purchased equipment for outdoor classroom, selected by teachers
 - Tables have now arrived
 - Getting students outside for small group instructions, recess, snack time
 - Place for students to read during recess
 - Morningside learning to be more inclusive, discussing social identity
 - o Building a feeling of belonging feeling included in school & classroom

- o Last cycle went through socialization from birth built in implicit bias
 - Learned to recognize implicit bias from themselves (teachers)
 - If you see it, hear, it know it's there, deal with it in the moment – no exceptions
 - Teachers reflected on what they learned this year read quotes from teachers
- Looking forward to Parent sessions in April for K-6 parents

Discussion:

- Identity work is integrated into classroom setting, and included in teachers' schedule
- Candice Sosler program for social skills formal lesson once per week

Motion to change the agenda by moving the Student Representative report

Motioned: Trustee Storey Seconded: Trustee Bishop

Result:

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee

Bishop

Not Present: Trustee DeJesus

7. Student Representative Report

- 7.01 The student Representative on the Board, Noelle Crandell, will give a report
 - Changed term length to 2 years and elections to June for the next year to increase effectiveness
 - Waiting for invoice from Victoria Gardens, then will be selecting date for planting

Discussion:

- Student Government meetings are open to all students
 - Host public be heard during meetings

4. Superintendent News

- 4.01 The Superintendent will report on District News
 - Finalizing spring offering of parent workshops of Social-Emotional Learning (SEL)
 - Introduction of various components of SEL and why it is important for student success
 - SEL continues Morningside worked with MS/HS students and staff in circles and offered professional development and push-in coaching
 - Continuing to monitor COVID positivity rate, if changes significantly, will review mitigation strategies
 - o Moved some tables to blacktop area
 - Later Start Times focusing on presentations in elementary PTAs
 - Met with Woodstock & Phoenicia PTA
 - Presented summary of survey Woodstock did with their parents
 - o Many excellent questions were raised, following up on issues raised
 - Bennett PTA meeting Thursday night
 - Purpose is to engage all stakeholders in school start times, best

practices and what possibilities might exist

Discussion:

- Sent survey to other PTAs, not sure if they conducted survey
- Parent workshops will be in-person with a virtual option at a different point

5. Presentations

- 5.01 Interim Assistant Superintendent for Business, Dr. Don Gottlieb will update the Board on the 2022-2023 Budget (proposed 6:15 duration 20 min)
 - Budget: 2021-2022: \$ 56,011,143
 - Proposed Budget 2022-2023: \$ 57,378,788
 - Tax Levy 2021-2022: \$45,557,126
 - Proposed Tax Levy 2022-2023: \$46,495,481
 - Expenditures 2021-2022 \$ 58,784,143
 - Proposed Expenditures 2022-2023: \$60,265,769
 - 2022-2023 Budget:
 - o Instruction 49.78%
 - o Employee Benefits 31.91%
 - Transportation 8.46%
 - Debt Service, Community Service and Inter-fund Transfers 2.50%
 - Operations & Maintenance 5.73%
 - o General Support 3.62%
 - Proposition #1
 - \$60,265,769 Expenditure Budget (includes capital work funded through a combination of repair reserve and transfer to capital)
 - Proposition #2
 - Allow the District to expend the remaining funds (approximately \$675,000) from the "old" capital reserve fund for the purpose of abating asbestos floor tiles in the buildings of the district.
 - School Board Elections: 2 for 3-year terms and 1 for a 1-year, 6 week term

Discussion:

- Breakdown of \$18.4 million Employees Benefits:
 - Health insurance about \$10 million
 - \$5.5 million for active employees, \$4.5 million for retirees
 - Teachers Retirement System \$2.5 million Employee Retirement System \$1.5 million
 - o Rest: workers compensation, unemployment insurance, social security
- Unspent funds from this year's budget goes to fund balance at the end of the year
 - Plan to fund reserve funds to new Capital Reserve Fund, Teacher Retirement Reserve
 - Then reduce tax levy
 - Maximum to keep unappropriated is 4% of budget
- As soon as State sets budget, will be able to vote on budget maybe next meeting
- 5.02 Assistant Superintendent for Curriculum & Instruction Stephanie Laffin will Present an Update on the Curriculum (proposed 6:35 duration 30 min) 6:45

- What is the relationship between standards, curriculum, instruction and assessment?
 - Standards Goals & expectations NYSED
 - o Curriculum How a district plans to meet the goals
 - o Instruction Classroom practices
 - Assessment Tells us how students are doing; informs both curriculum and instruction
 - These frame the direction we are going
- Science Standards Update on Standards:
 - o June, 2022 final Grade 4 Science assessment
 - o June, 2023 no elementary Science assessment administered
 - June, 2024, first Grade 5 & newly aligned grade 8 assessment administered
 - June, 2025, first NYSSLS aligned Life Sciences (Bio) Regents exam
 - June, 2026, first NYSSLS aligned Chemistry and Physics Regents exams
 - Curriculum continued review of and revision to curriculum as needed this summer and beyond
- Social Studies Update on Standards:
 - Assessment- first NYS Social Studies Framework aligned US History & Government Regents Exam scheduled for June 1, 2022
 - Curriculum & Assessment we will be working on a Seal of Civic Readiness +1 Civics Pathway Application to allow our students an additional endorsement and graduation pathway (Similar to our Seal of
 - Biliteracy)
 - District must submit plan by August 1st to NYSED for approval to be move forward
 - The intent of the NYS Seal of Civic Readiness is to encourage the study of civics and civility through experiential learning; certify attainment of civic readiness; provide employers with a method of identifying high school graduates with skills in civics and civility; provide universities with an additional method to recognize applicants seeking admission; prepare students with twenty-first century skills; recognize the value of K-12 Social Studies education in schools as a means to build civic knowledge; empower students as agents of positive social change to redress historical and contemporary oppression and strengthen our diverse democracy
- Working on K-3 through Teacher On Special Assignment moving into Bennett next year
 - Integrating Social Studies, SEL, Civic engagement, English Language Arts
- World Languages Update on Standards:
 - Board of Regents changed Language Other Than English to World Languages July, 2021
 - September, 2023 Grade 7 begins new standards
 - September, 2024-September, 2028 gradual implementation from grade 8-grade 12
 - Continued review of and revision to curriculum as needed this summer

and beyond

- English Language Arts Update to Standards:
 - September 2022, Grades K-8 aligned curriculum & instruction to NYS Next Generation ELA Learning Standards
 - September 2023, September 2026, gradual implementation from grade 9 to grade 12
 - Continued review of and revision to curriculum as needed this summer and beyond Assessment
 - Spring 2023, first administration of the grades 3-8 state assessments aligned to the new standards
 - June 2026, first administration of the ELA Regents exam aligned to the new standards K-6 Curriculum
 - In the process of revisiting and reflecting upon our instructional practices and curricular connections within the Units of Study in Reading, Writing and (K-2) Phonics
 - Quick Starts & Re-Starts with Teachers College (TC) Facilitators for teachers who are new to the district
 - Asked that all teachers be trained since TC has changed
- Grade Level Study Group Math Updates on Standards
 - September 2019, Grades K-2 aligned to NYS Next Generation Math Learning Standards
 - September 2022, Grade 3-8 aligned to new standards
 - September 2023, Algebra I aligned to new standards
 - o September 2024, Geometry aligned to new standards
 - o September 2025 Algebra II aligned to new standards
 - Continued review of and revision to curriculum as needed this summer and beyond Assessment
 - Spring 2023, first administration of the grades 3-8 state assessments aligned to the new standards
 - o June 2024, first administration of the new Algebra Regents exam
 - o June 2025, first administration of the new Geometry Regents exam
 - June 2026, first administration of the new Algebra II Regents exam K-6 Curriculum
 - K-6 Math Curriculum Committee is in process of reviewing curricula for Fall 2022 implementation: research & rubric for first cuts, presentation and review of physical samples for final decision
- Next Steps:
 - Continued professional learning, planning and review of data
 - Summer Curriculum work
 - Providing the most engaging and enriching learning experiences to support the success of all of our students

Discussion:

- SS civic engagement plan is in development rubrics are not developed yet for Seal of Bi-literacy and +1 Graduation Pathway
- More general focus K-12 to engage in civic readiness in school or in community
 - Town of Olive planning with students for properties that have been torn down due to flooding

- Student choice on what they want to participate, interested in
- Rosetta Stone program to learn languages in elementary still available
- Have presentation on what collaboration looks like when developing new curriculum

6. Board District News

6.01 The Board will report District News (proposed 7:05)

7:05

Trustee Bishop reported that it was helpful to her to participate in PTA forums

8. Acknowledge Public Be Heard Comments

8.01 The Board will acknowledge the public be heard comments from the last meeting No one spoke

9. Public and Student Comment

9.01 Public and Students may comment on any agenda or non-agenda item (proposed 7:20)

<u>Scott Via</u>: OTA President, Science Teacher- concern is stakeholder involvement in hiring a Superintendent. Past superintendent hiring processes included stakeholder groups surveyed, recommendation committee to meet possible candidates, input typically given to Board, then Board makes final decision. This year – stakeholder groups met, then Board held interviews in executive session no stakeholder groups involved. Work toward consistent process where stakeholder groups are involved in the process. Later Start times also a concern. Shared Decision Making Team was told they were not needed. Work together to solve problem

<u>Lisa Treasure</u> – 3 students in District– here to voice issues with start times. Forum in HS 2 years ago – elementary parents just learned about this. Were told it would not affect elementary. Affects elementary more than HS. Too late for elementary students <u>Frank Nagle</u> – 2 students in District– voice concern with later start times – meeting 2 years ago, resolution passed – sounds like a decision made – never discussed with elementary stakeholders, then tabled for COVID. Said that there would be another meeting – but never happened. Concerned by sports and after school program. Financial impact to families in district; elementary starting 20 minutes later effects parents to get to work on time- need to hire childcare

<u>Lindsay Shands</u> – 2 students in District– Onteora is a family – perception of lack of transparency, lack of communication, input asked for after decision was made. Creates anger toward Board. Want public to support you to pass the budget, but you make decisions alone. Update Onteora App

10. Discussion and Possible Action

10.01 Donation of a Light Table

Recommended Action: The Board of Education hereby accepts a donation of a 4' long Knox Acculight light box used for viewing lengths of negatives and transparencies worth \$200 from Joshua Sheldon

Motioned: Trustee Osmond Seconded: Trustee Storey

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee

Bishop

Not Present: Trustee DeJesus

10.02 Change 2021-2022 Calendar

Recommended Action: The Board of Education hereby approves changing the order

of the extra snow day dates Motioned: Trustee Bishop Seconded: Trustee Storey

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee

Bishop

Not Present: Trustee DeJesus

10.03 Create a temporary Position

Recommended Action: The Board of Education hereby creates the following temporary position: 1.0 FTE Occupational Therapist (until the current OT retires in December)

Motioned: Trustee Bishop Seconded: Trustee Sherry

- Created for Sept 1st to advertise
- Challenge of trying to fill positions mid-year, availability of candidates, consistency in transition
- Required to provide compensatory services with Physical Therapy because did not have someone to fill retirement
- Difficult to find employees in medical field
- Position will be eliminated at December 2022 Board meeting

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee Bishop

Not Present: Trustee DeJesus

10.04 Independent Contract Retainer

Recommended Action: BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District approve the Independent Contractor Retainer between the Onteora Central School District and Anne Bode retained as Stern Math Trainer effective March 23, 2022 to June 30, 2022 at a rate of \$200.00 per hour to a maximum of \$5,000.00 and authorizes the Superintendent to sign such an agreement.

Motioned: Trustee Storey Seconded: Trustee Bishop

 Stern math is a math version of Wilson or Orton Gillingham program for tier 3 RTI math support

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee Bishop

Not Present: Trustee DeJesus

10.05 Discuss How to Honor Staff & Students for Pandemic Success (Proposed 7:30 duration 10 min)

7:30

Find a way to honor staff, students and community members for being

partners to work through pandemic now that it is waning

- Rondout did Health and Wellness day good way to honor students
 - Low stress, easy day
- Find a day and discuss a Health and Wellness day
- Proud that we kept every employee employed, and everyone fed, vaccinated and tested
- PTA s honor staff every year ask them the best way in each of their buildings

10.06 Second Meeting of the Month Update on Board Goals (proposed 7:40 duration 10 min)

- Hire a Superintendent
 - o Begun screening candidates, continuing this week
 - Trustee Salem and Trustee Sherry meeting the heads of all union with thoughts on hiring process
 - Process used:
 - Interviewed search firms and chose McPhearson & Jacobson
 - Did polling and interviewing of stakeholder groups
 - Discussed stakeholder input
 - Added Board criteria
 - 3 tiers of candidates
 - Confidential, some are employed now
 - Informal discussion of moving people from one tier to another
 - Decided on qualification
 - Informal conversation with 4 candidates, tomorrow more in-depth discussion with 3 of them
 - First see if there is a candidate to move forward
 - Not sure what happens next
 - Will know more in next few days
- Be sure the resolution on Later Start Times begins September 2022
 - Excellent meeting with elementary PTAs need a primer on what is a resolution - is not a statement of feelings
 - We are at the meetings, forums, etc. part of the resolution, picking up from 2019
 - Resistance, some of which is well founded
 - Survey in Woodstock should be administered in other 2 buildings
 - Not just that you don't like it, need to find what are the creative steps to make it happen
 - 20 minutes is the most we can do
 - See a plan where the elementary day is same as secondary
 - MS/HS will have 38 less Instructional hours
 - Do not shorten elementary day, communicated that the elementary would not be giving up instructional hoursadministrators concerned
 - A lot more flexibility at elementary than MS/HS
 - During COVID, pulled off impossible things, do same here
 - Everyone on Board invited to conversations about Later Start Times
 - Find solution to the problem and honor the resolution
 - People asked for survey of all stakeholder groups
 - Ask if there will be a financial impact

- Local day care providers ask rate for before or after school services
 - Healthy Kids licensed for our buildings through State
 - Looked into the 21st Century Grant Phoenicia only school that qualified due to free and reduced lunch numbers
 - No new grant, look for funding offices
 - Find out what is legal and possible for child care
 - Put out correct information timeline of later start times make sure resolution easily available, what is happening, what are next steps
- Decide cost and benefits ways to satisfy community

Break - Board took a break at 8:10

11. Policies (proposed 7:50)

- Have so many policies because through the current DASA process, found that policies do not match law, which changed significantly – they all intersect
 - Need to bring into compliance
 - Bullying must be repetitive behavior not one occurrence
 – social media when something posted, and many see that is repetitive
 - Bullying needs definition

11.01 First Reading of Policy 5230 Gifts, Grants and Donations to the School District

8:15Don Gottlieb thought the Board should have the authority to deny scholarships and donations from groups without a purpose that meets Onteora Goals 2016/2022 5230 Non-Instructional/Business Operations

GIFTS, GRANTS, SCHOLARSHIPS AND DONATIONS TO THE SCHOOL DISTRICT

The term "Gift" is understood to mean any bequest, gift, money, property good, scholarship, donation or grant.

Only the Board of Education may accept any gift for the school district.

Any gift accepted by the Board shall become the property of the District, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the district.

It shall be the policy of the district to accept a gift, provided it is made within the statutory authority granted to school districts and has received the approval of the Board of Education.

The Board reserves the right to refuse any gift which does not contribute towards the achievement of the district's goals or the ownership of which would tend to deplete the resources of the district.

In granting or withholding its consent, the Board will review the following factors:

- 1. The terms of the gift must identify:
- a. the subject of the gift
- b. the purpose of the gift
- c. the beneficiary or beneficiaries if any
- d. all conditions or restrictions that may apply.
- 2. The gift must not benefit a particular or named individual or individuals.
- 3. If the purpose of the gift is an award to a single student, the determination of the recipient of such award shall be made on the basis that all students shall have an equal opportunity to qualify for it in conformance with federal and state law.
- 4. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.
- 5. No gift or trust will be accepted by the Board unless:
 - a. it is in support of and a benefit to all or to a particular public school in the district, or
 - b. it is for a purpose for which the school district could legally expend its own funds, or
 - c. it is for the purpose of awarding scholarships to students graduating from the district.

Any gift rejected by the Board shall be returned to the donor or his/her estate within 60 days together with a statement indicating the reasons for the rejection of such gift.

Soliciting and Accepting Grants or Donations

Prior to seeking any grant or donation, the applicant must obtain prior approval from the district. Teachers seeking grants or donations for their classroom must obtain approval from the Building

Principal. Other staff or administrators seeking grants or donations to benefit an entire school or the district as a whole must obtain approval from the Superintendent or his/her designee.

Approval shall depend on factors including, but not limited to: compatibility with the district's educational program and standards; availability of existing district resources; whether ownership would deplete district resources; and its impact on the equitable distribution of district resources.

All grants and donations must benefit the district and be congruent with the following principles:

- 1. The district's mission and vision.
- 2. The district and school goals that positively impact student performance.
- 3. The district's instructional priorities and strategies.
- 4. Conform to district governance and decision-making procedures of the Board, central office and building-level staff.
- 5. Provide a value or benefit that is greater than the obligation under the grant award.
- 6. Not violate management and/or bargaining unit rights and responsibilities.
- Not carry any conditions that would divert school or district efforts away from the district's primary mission.

The Board reserves the right to deny approval of any funding, **scholarship** or grant application which does not contribute towards the achievement of the district's goals, or which would deplete the resources of the district. Any application for a grant which requires a match of district funds or resources when the initiative has been identified as a priority of the Board and when such funds are planned as part of the district budget process or can be accommodated by the current budget, must be pre-approved by the Board.

All solicited grants, scholarships and donations must be formally accepted by the Board. Accounting for, and Oversight of, all Donations, Gifts and Grants

All gifts, donations, grants, funds, <u>scholarships</u>, property and materials received by the district become the property of the district. All items are subject to the same controls and regulations as other district property, and shall be deposited or inventoried accordingly.

<u>Cross-ref:</u> 2160, School Board Officer and Employee Ethics <u>Ref</u>: Education Law §1709(12) and (12-a) and 1718(2) New York State Constitution Article 8, Section 1 General Municipal Law Section 805-a(1)

Waive second reading of Policy 5230

Motioned: Trustee Storey Seconded: Trustee Bishop

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee

Bishop

Not Present: Trustee DeJesus

Motion to adopt Policy 5230 as written

Motioned: Trustee Storey Seconded: Trustee Sherry

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee

Bishop

Not Present: Trustee DeJesus

11.02 First Reading of Policy 3410 Code of Conduct

 Annual review of code of conduct – create future meeting, review code of conduct Review in May, Approve at Reorganization meeting Edits are from our attorney

2002 2022 3410 Community Relations CODE OF CONDUCT ON SCHOOL PROPERTY The District has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors. The Board of Education shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, 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 the District's elementary or secondary schools, or in or on a school bus; and a school function shall mean a school-sponsored extracurricular event or activity.

The District Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel. The Code of Conduct shall include, at a minimum, the following:

- a. Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b. Standards and procedures to assure security and safety of students and school personnel;
- c. Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- d. Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or their designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;
- Disciplinary measures to be taken for incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- f. Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- g. Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- h. Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- k. Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition will be filed;
- Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- m. A <u>minimum suspension period</u> for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by- case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions

set forth in the Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;

- n. A <u>minimum suspension period</u> for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- o. A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis;
- p. Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline.

The Code of Conduct has been adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

The District's Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The District shall file a copy of its Code of Conduct and all amendments to the Code with the Commissioner of Education no later than thirty (30) days after their respective adoptions. *Privacy Rights*

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private. Education Law Sections 2801 and 3214 Family Court Act Articles 3 and 7 Vehicle and Traffic Law Section 142; 8 New York Code of Rules and Regulations (NYCRR) Section 100.2(I)(2)

NOTE: Refer also to Policy #7310 -- School Conduct and Discipline, Policy #7380 DASA

11.03 First Reading of Policy 3420 Anti-Harassment in the School District

Edits are from our attorney **20142022** 3420 Community Relations **ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment stands in direct opposition to District policy.

The Board prohibits all forms of discrimination and harassment on the basis of the protected classes described below by all employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board prohibits all forms of discrimination and harassment against employees on the basis of the following protected classes: race, color, creed, religion, national origin, political affiliation, sex, age, marital, military, veteran status, predisposing genetic characteristic, disability, or use of a recognized guide dog, hearing dog or service dog or any other legally protected category.

The Board prohibits all forms of discrimination and harassment against students on any basis, including but not limited to protect classed and others such as:based on the following protected classes: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. Allegations of violations of Policy 7380, Dignity for All Students Act shall be investigated pursuant to the 7380 Regulation.

The Board also prohibits retaliation based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding. This policy of nondiscrimination and anti-harassment will be enforced on School District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

The intent is to provide an environment of mutual respect for all individuals to be free of harassment and intimidation.

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived protected trait which:

a. Has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or is used as a basis for employment decisions (including terms and conditions

of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment; or

- b. Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
- c. Any student or employee in the School District who wishes to file a complaint regarding discrimination (including, but not limited to, sexual harassment) or report discriminatory conduct is encouraged to make such a complaint/report in writing on forms available in any of the school offices. Allegations of Sexual Harassment shall be made under Policy 3421 for Students and Policy 3422 for Employees. Such forms must be forwarded to the District's Title IX Compliance Officers and/or Section 504 Compliance Officer. However, nothing herein shall prevent an individual from making a verbal complaint/report of discrimination.

Such communication should be made as soon as possible after the incident in order to enable the District to effectively investigate and resolve the complaint.

When a student or employee has a complaint of discrimination they should refer to and use the Grievance Procedure (found in District Regulation 1400P3420P). However, complaints may be made verbally. In order to assist the investigation, victims should document the discrimination as soon as it occurs and with as much detail as possible including: the nature of the discriminatory behavior, dates, times, places, name of person responsible for the conduct, witnesses, and victim's response to the discriminatory behavior.

In accordance with Regulation <u>1400P3420P</u>, the District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly. The confidentiality of investigations cannot be guaranteed, but a good faith effort shall be made to maintain confidentiality.

Both the complainant and the accused are entitled to fair treatment in the handling of the complaint. Based upon the results of this investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

Even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Privacy Rights

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Training and Dissemination of Administrative Regulations

The Superintendent/designee(s) will affirmatively discuss the topic of harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of harassment complaints. A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on antiharassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

Complaints to Agencies

The District acknowledges that while it would like employees to raise issues of discrimination pursuant to this Policy so that they can be addressed by it, any student or employee has the legal right to immediately make a complaint to the appropriate governmental entity: An employee may file a complaint with the following agencies:

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004; and the New York State Division of Human Rights at 99 Washington Avenue Albany, New York 12210.

A student may file a complaint with the following agencies:

Federal Office for Civil Rights 26 Federal Plaza New York, New York 10278; and the New York State Division of Human Rights at 99 Washington Avenue Albany, New York 12210.

Please take notice that the failure to file a complaint with these agencies within the statutory period may result in the loss of your legal rights.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621 Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq. Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq. Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq. Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq. Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

<u>Prohibits discrimination on the basis os sex.</u> <u>Civil Rights Law Section 40-c.</u>
<u>Prohibits discrimination on the basis of sex. Civil Rights Law Section 40-c.</u>

Education Law Section 2801(1); Executive Law Section 290 et seq. Military Law Sections 242 and 243 NOTE: Refer also to Policies: #3421 -- Sexual Harassment of Students: #3422 -- Sexual Harassment of Employees; #7550 -- Complaints and Grievances by Employees; #7550 -- Complaints and Grievances by Students; #7380 -- Dignity For All Students

11.04 First Reading of Policy 3421 Sexual Harassment of Students

Edits are from our attorney <u>2021-2022</u> **3421 Community Relations** SEXUAL HARASSMENT OF STUDENTS

The Board of Education recognizes that harassment of students on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression is unacceptable behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual harassment of a student can -deny or limit the student's ability to participate in or to receive benefits, services, or opportunities -from the school's program. Sexual harassment is covered by a number of laws including Title IX and New York State Law and the Dignity for All Students Act. Accordingly, each incident will be evaluated by the Title IX Coordinator. The Complainant shall have the right to determine how they want to proceed. Even if a Complainant chooses not to pursue a

<u>Title IX complaint, the District has the right to pursue the matter through its Code of Conduct</u> and Policies and Procedures.

Title IX applies to situations in which the district exercises substantial control over both the respondent (i.e. the person accused of sexual harassment) and the context (e.g. the school setting, a school field trip or an off-campus school event in the United States) in which the sexual harassment occurred.

Pursuant to Title IX sexual harassment is defined as:

- An employee of a district conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct which a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or
- Sexual assault, dating violence, domestic violence, and stalking as defined under the Clery Act and the Violence Against Women Act.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (3421R).

The Board is committed to providing an educational environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when harassment is done by electronic means (including on social media). Sanctions will be enforced against all those who engage in sexual harassment or retaliation, and against district personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

The District does not discriminate on the basis of sex in the educational programs or activities that it operates. In addition, pursuant to Title IX the District is required to not discriminate on the basis of sex.[PB1]

In order for the Board to effectively enforce this policy and to take prompt both corrective and measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District shall have-actual knowledge [PB3] <a href="White-whit

To the extent possible, all complaints will be treated- in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the district finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and laws.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. If Title IX regulations change, the regulations will default to the requirements under the law. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy, or a simplified version, will be posted in a prominent place in each district facility, on the district's website, and will also be published in other appropriate school publications. Cross-ref: 7380 Dignity for All StudentsRef:Education Amendments of 1972, Title IX, 20 U.S.C. §1681 et seq.; 34 CFR 106 et seq. Education Law §§10-18 (The Dignity for All Students Act)Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999) Gebser v. Lago Vista Independent School District, 524 U.S, 274 (1998) Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992) Cannon v. University of Chicago, 441 U.S. 677 (1979)
Office for Civil Rights Revised Sexual Harassment Guidance (January 19, 2001)
Office for Civil Rights, Dear Colleague Letter: Sexual Harassment Issues (2006)-[PB4] Office for Civil Rights, Dear Colleague Letter: Bullying (October 26, 2010)

11.05 First Reading of Policy 3422 Sexual Harassment of Employees

- What is "basis of sex" says different in student policy– make them the same
- Application of policy -make sure that everywhere it talks about implementation is fair

Edits are from our attorney <u>2021</u>_2022_3422 Community Relations SEXUAL HARASSMENT OF EMPLOYEES

The Board of Education recognizes that harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain "non-employees" (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees, as well as volunteers) on the basis of sex, sexual orientation, and/or gender identity and expression is unacceptable behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in the workplace is essential to ensure a healthy, nondiscriminatory environment in which employees and non-employees can work productively.

Definitions of Sexual Harassment

The District is obligated to follow federal, state, and (where applicable), local laws pertaining to sexual harassment, including Title VII, Title IX and the New York Human Rights Law. Each law has a different definition of sexual harassment. Accordingly, each claim of sexual harassment will be reviewed under each pertinent law to determine whether sexual harassment has occurred. For purposes of this policy, sexual harassment includes harassment on the basis of perceived or self- identified sex, sexual orientation, gender identity and expression, and transgender status.

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, sexual orientation, gender identity and expression, and transgender status, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- the conduct has the purpose or effect of unreasonably interfering with an employee's or non- employee's work or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

However, under New York State Human Rights Law, sexual 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. Rather, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation. **Title IX**

Title IX applies to situations in which the district exercises substantial control over both the respondent (i.e. the person accused of sexual harassment) and the context (e.g. the school setting, a school field trip or an off-campus school event in the United States) in which the sexual harassment occurred.

Pursuant to Title IX Sexual Harassment is defined as:

- An employee of a district conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct which a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or
- Sexual assault, dating violence, domestic violence, and stalking as defined under the Clery Act and the Violence Against Women Act.

The District does not discriminate on the basis of sex in the educational programs or activities that it operates. In addition, pursuant to Title IX the District is required to not discriminate on the basis of sex.[PB1]

Sexual Harassment Prohibited

The Board is committed to providing a working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the work setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees and non-employees travel on district business, or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Corrective action will be enforced against all those who engage in sexual harassment or retaliation, and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students, employees and non-employees have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the district. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at work due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the district finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and laws. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job-related, or occur in the workplace, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment. This policy, or a simplified version, will be posted in a prominent place in each district facility, on the district's website, and shall also be published in employee handbooks, and other appropriate school publications.

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Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 et seq.; 34 CFR 106 et seq. Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees) Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited); General Obligations Law §5-336 (nondisclosure agreements optional) Faragher v. City of Boca Raton, 524 U.S. 775 (1998); Burlington Industries v. Ellerth, 524 U.S. 742 (1998); Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998); Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

11.06 First Reading of Policy 6120 Non-Discrimination and Equal Opportunity

"Pre-disposing genetic characteristic" add "physical"
 Edits are from our attorney 2021 6120 Personnel NON-DISCRIMINATION AND EQUAL OPPORTUNITY

The Board of Education, its officers and employees, will not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e., actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Specific protections for students under the Dignity for All Students Act are addressed in policy 7380, Dignity for All Students Act and Policy 3421 Sexual Harassment of Students

Additionally, to promote the district website's accessibility to staff, students, and members of the community with disabilities, the district will maintain a website that is accessible (or contains accessible alternatives) on perceivability, operability and understandability principles. The district's Superintendent is responsible for considering the following when developing or updating the district website:

- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the district's website.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Annual Notification

At the beginning of each school year, the district will publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice will:

- inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);
- 2. provide the name, email, address and telephone number of the person designated to coordinate activities concerning discrimination; and
- 3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Superintendent has been designated to handle inquiries regarding the district's non- discrimination policies. Contact information for the Superintendent is available on the district's website. Complaints of sexual harassment or discrimination are covered by policies 3421 and 3422.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref:

3421 Sexual Harassment of Students;3422 Sexual Harassment of Employees; 7380 Dignity for All Students Act; 7550 Complaints and Grievances by Students 3410 Code of Conduct; 6122 Complaints and Grievances by Employees

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 et seq.

Americans with Disabilities Act, 42 U.S.C. §§12101 et seg.

Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)

Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)

Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 et seq. (nondiscrimination based on sex)

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C. §§1400 et seq.

Genetic Information Nondiscrimination Act of 2008 P.L.

110-233 34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25

Executive Law §§290 et seg. (New York State Human

Rights Law) Education Law §§10-18 (The Dignity for All

Students Act) Education Law §§313(3); 3201; 3201-a

ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist),

www.ada.gov/pcatoolkit/toolkitmain.htm

11.07 First Reading of Policy 6122 Complaints and Grievances by Employees Edits are from our attorney 2014-2022 6122 Personnel COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Prohibition of Retaliatory Behavior

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The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Complaints and Grievances Coordinator

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate-recommend and the Board shall appoint_a-specific
District employees to serve as the Title IX/Title VI/Title VII and /Section 504/ADA Coordinator;s and regulations and procedures shall be implemented to resolve complaints of discrimination and harassment based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination and harassment based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination and harassment based on race, color, creed, religion, national origin, political affiliation, age, military status, veteran status, marital status, predisposing genetic characteristics, eruse of a recognized guide dog, hearing dog, or service dog or other protected classes under federal or state law.

Complaints or grievances regarding discrimination and/or harassment, including sexual harassment, shall be handled in accordance with District Regulation 1400P.

Age Discrimination in Employment Act, 29 United States Code (USC)

Section 621 Americans With Disabilities Act, 42 United States Code (USC)

Section 12101 et seq. Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq. Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq. Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

Executive Law Section 290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, predisposing genetic characteristics, marital status, or use of a recognized guide dog, hearing dog or service dog. Military Law Sections 242 and 243

NOTE: Refer also to Policy #3420 -- <u>Anti-Harassment in the School District and Regulation 1400P</u> – Title IX and Section 504 of the Rehabilitation Act Of 1973 Discrimination Grievance Procedure

11.08 First Reading of Policy 7310 School Conduct and Discipline

Edits are from our attorney 2002-2022 7310 Students SCHOOL CONDUCT AND DISCIPLINE

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a *Code of Conduct for the Maintenance of Order on School Property*, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors. The Board shall further provide for the enforcement of such Code of Conduct. The District Code of Conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- *Code of Conduct on School Property*. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

- a. A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, that is publicized and disseminated to all students and parents/guardians on an annual basis pursuant to law;
- Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d. Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e. Alternative educational programs appropriate to individual student needs;
- f. Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Education Law Section 3214; and
- g. Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline. Education Law Sections 2801 and 3214 8 New York Code of Rules and Regulations (NYCRR) Section 100.2(I)(2 NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property

11.09 First Reading of Policy 7380 Dignity for All Students Act

Edits are from our attorney 2014-2022 7380 Students DIGNITY FOR ALL STUDENTS ACT (DASA)

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act the District will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a. Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b. Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c. Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Cyberbullying Behavior

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived <u>characteristic.</u> <u>This includes, but is not limited to</u> race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take

place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinators will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint Dignity Act Coordinators who are employed by the District and are licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/ supervisor or Superintendent of Schools. The District will share the name(s) and contact information of the Dignity Act Coordinators with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

- a. Listing such information in the Code of Conduct and updates posted on the Internet website, if available:
- b. Posting such information in highly visible areas of school buildings;
- c. Making such information available at the district and school-level administrative offices; and
- d. Either: including such information in the plain language summary of the Code of Conduct in the student handbook provided to all persons in parental relation to students before the beginning of each school year; or
- e. Providing such information to parents and persons of parental relation in at least one district or school mailing or other method of distribution including, but not limited to, sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter.

If a Dignity Act Coordinator vacates their position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position. The District must provide the change in information to parents or persons in parental relation as soon as practicable. The change in name and/or contact information of the Dignity Act Coordinator will not constitute a revision to the *Code of Conduct* so as to require a public hearing.

Training and Awareness

The District shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment. Training shall:

- a. Raise awareness and sensitivity;
- b. Address social patterns and the effects on students;
- c. Inform employees on the identification and mitigation of such acts;
- d. Provide strategies for effectively addressing problems of exclusion, bias and aggression;
- e. Include safe and supportive school climate concepts in curriculum and classroom management; and
- f. Ensure the effective implementation of school policy on conduct and discipline.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes. Such component

must also include instruction on the safe and responsible use of the Internet and electronic communications.

Rules against bullying, discrimination and/or harassment will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents. Any amendments to the Code will be disseminated as soon as practicable following their adoption. New teachers shall be provided a complete copy of the current Code upon their employment. An age appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Bullying, Discrimination and/or Harassment

The District will investigate all complaints of bullying, discrimination and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. School employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the Superintendent, Principal, or their designee *no later than one (1) school day* after witnessing or receiving a report of such incident. The employee must then file a written report within two (2) school days after making the oral report. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws. The Superintendent, Principal or their designee shall notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitute criminal conduct.

The District will annually report material incidents of bullying, discrimination and/or harassment which occurred during the school year to the State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner. SED has developed a form for gathering data titled, "Reports of Incidents Concerning School Safety and the Educational Climate" which can be found on the NYSED website.

The Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by, as applicable, the district, BOCES or charter school. There is no need for schools or districts to submit this report to the State Education Department.

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

Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination and/or harassment.

Education Law Sections 10-18, 801-a, 2801 and 3214; 8 NYCRR Section 100.2

11.10 First Reading of Policy 7550 Complaints and Grievances by Students Edits are from our attorney 2014-2022 7550 Students COMPLAINTS AND GRIEVANCES BY STUDENTS

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Administration shall be responsible for:

- a. Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;
- b. Developing an appeals process;
- c. Ensuring that students have full understanding and access to these regulations and procedure; and
- d. Providing prompt consideration and determination of student complaints and grievances.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination.

Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Complaints and Grievances Coordinator

In addition, students and parents/guardians will receive annual notification of the District's established grievance procedures for resolving complaints of discrimination and harassment based on sex or disability. This notice shall include the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination and harassment based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, marital status, or-use of a recognized guide dog, hearing dog or service dog or other protected classes under federal or state law.

Complaints or grievances regarding discrimination and/or harassment, including sexual harassment, shall be handled in accordance with District Regulation 1400P.

Age Discrimination in Employment Act, 29 United States Code; ection 621 Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq. Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.; Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.; Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq. Executive Law Section 290 et seq.

NOTE: Refer also to Policy #3420 -- <u>Anti-Harassment in the School District</u> and Regulation <u>1400P</u> <u>3420R</u> – Title IX and Section 504 of the Rehabilitation Act Of 1973 Discrimination Grievance Procedure

12. Consent Agenda

12.01 Approve Consent Agenda (proposed 8:15)

Recommended Action: The Board hereby approves item numbers 12.02-12.06

Motioned: Trustee Osmond Seconded: Trustee Sherry

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee

Bishop

Not Present: Trustee DeJesus

12.02 Personnel Agenda

Salary Advancements March 22, 2022 BOE Meeting, retroactive to February 1, 2022

			Current			Added	Add'l	Afte	er Advar	ncement
Name	Position	School	Step	Credits	Salary	Credits	Money	Step	Credits	Salary
Evers-Parker, Monir	Counselor	High School	22	42	\$126,115	6	\$957	22	48	\$127,072
Hamilton, Shelly	Art	High School	20	0	\$105,852	6	\$870	20	6	\$106,722
Joslin, Rebecca	World Language	High School	7	6	\$78,232	6	\$870	7	12	\$79,102
Scherer, Rebecca	Health	High School	5	6	\$74,390	6	\$870	5	12	\$75,260

RESIGNATIONS: NON-INSTRUCTIONAL

PART-TIME

NAME POSITION/SCHOOL EFFECTIVE DATE REMARKS

Resignation to accept FT

Riley-Weir, Madeline Bus Attendant/Transportation 03/22/2022 position

APPOINTMENT: NON-INSTRUCTIONAL PROBATIONARY APPOINTMENT

NAME POSITION/SCHOOL EFFECTIVE DATE SALAR REMARKS

Υ

Riley-Weir, Madeline Bus Attendant/Transportation 03/23/22 – 09/23/22

Step 5

New position

WORKSHOP MEETING

TERMINATION: NON-INSTRUCTIONAL

NAME POSITION/SCHOOL EFFECTIVE DATE REMARKS McLoughlin, Denis Auto. 03/07/22 Termination

Mechanic/Transportation

EXTRA DUTY STIPENDS:

NAME	POSITION	Effective Date	AMOUNT
Knoche, Stephen	Regents Prep (U.S. History)	04/18/22	\$2,054.00
Moorhus, Jolie	Elementary Resource-Phoenicia 2	03/23/22	\$2,164.00

LEAVE OF ABSENCES: INSTRUCTIONAL

EMPLOYEE	EFFECTIVE DATE	REASON
NUMBER	*approximate dates*	
1872	01/10/22 - 03/01/22	FMLA-paid
1872	03/02/22 - 04/18/22	FMLA-paid
3286	03/14/22 - 03/25/22	FMLA-paid
3286	03/26/22 - 04/19/22	FMLA-paid
3235	07/01/22 - 06/30/23**	Parental leave of absence

^{**}pending medical documentation**

LEAVE OF ABSENCES: NON-INSTRUCTIONAL

PART-TIME

EMPLOYEE EFFECTIVE DATE REASON

NUMBER *approximate dates*

4181 *03/25/22 – 06/30/22 Parental leave of absence

12.03 Schedule U-The Committee on Special Education (CSE) and Committee on Pre-School Special Education (CPSE) Recommendations

Recommended Action: The Board hereby approves the Instruction - Schedule U-The Committee on Special Education (CSE) and Committee on Pre-School Special Education (CPSE) Recommendations, Schedule U, #3/22, Confidential, as reviewed by Trustee Osmond

12.04 Financial Report

Recommended Action: The Board of Education has reviewed and hereby accepts the Financial Report from January 2022

12.05 Surplus Electronics

Recommended Action: BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District declare the attached list of electronics from the Store Receiving area as surplus and authorizes the sale or disposal of the electronics.

12.06 Surplus Digital Sign

Recommended Action: BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District declare a 2009 Stewart LED outdoor digital sign from the Middle/High School as surplus and authorizes the sale or disposal of the outdoor digital sign.

13. Old Business

13.01 The Board will discuss Old Business

Discussing Ethics Committee - student committee - meeting with appropriate people at HS for feedback and participation

Mission is a written code of ethics for students

Found survey for communications

Engage someone to look at website design and make easier to use

14. New Business

14.01 The Board will discuss New Business

There is no clearing house for Board of Education to share information - all other elected officials share information

Timelines, resolutions, board meetings, how to communicate with Board Regular Communication is a big job
Send summary of Board meeting through ShoutPoint
After survey

15. Request For Information

15.01 Board members will request information of the Superintendent No information was requested

16. Adjournment

16.01 Adjourn Meeting (proposed 8:25) Next meeting is Tuesday, April 5 at Phoenicia *Recommended Action:* The meeting is adjourned at 8:50

Motioned: Trustee Storey Seconded: Trustee Bishop

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee Osmond, Trustee Storey, Trustee

Fern amoles

Bishop

Not Present: Trustee DeJesus

Minutes Recorded by Fern Amster, District Clerk

Board of Education: Kevin Salem, Emily Sherry, Laurie Osmond, Valerie Storey, Dafne DeJesus, Cindy Bishop