

ONTEORA CENTRAL SCHOOL DISTRICT

BOARD OF EDUCATION
BOICEVILLE, NEW YORK 12412

WORKSHOP MEETING

6:00 p.m.

TUESDAY, SEPTEMBER 25, 2018

BENNETT SCHOOL

Minutes

1. Opening Items

- 1.01 Call to Order 6:00
- 1.02 Tobacco Policy Statement
- 1.03 Pledge of Allegiance
- 1.04 Roll Call

Present: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

2. Acceptance of Minutes

- 2.01 Acceptance of Minutes (proposed 6:05)

Recommended Action: The Board of Education hereby accepts minutes of the September 11, 2018 Board Meeting

Motioned: Trustee Shands

Seconded: Trustee Storey

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

3. Welcome

- 3.01 Bennett Principal, Gabriel Buono will welcome the Board (proposed 6:10 duration 10 min)

- Very smooth opening – want to thank Transportation for their hard work
- Staggered Open House for parents with multiple-aged children
- PTA cancelled picnic
- Getting ready for Conference day on Friday

Discussion:

- Shade structure currently on property was chosen by students
- Basketball hoops will be installed in next few weeks
- Open House attendance at the MS/HS was down, Bennett was well attended but always have more parents at the elementary level
- The Board asked Mr. Buono for his help in instituting the new Association of Student Government policy

4. Superintendent District News

- 4.01 The Superintendent will report District News (proposed 6:20)

Attended the fall conference for NYS School Superintendents (NYSOSS)

- Attended a number of both informative and inspiring workshops
- Closing keynote address by the Commissioner of Education- main topics:
 - State is looking to create a new APPR (Annual Professional Performance Review) system that will include teachers, principals and Superintendents in the design

- She remains firm in her stance that teachers should never be asked to carry guns in schools and Federal Funds may not be used in this way

Coxsackie Virus

- The Coxsackie Virus is appearing in multiple districts throughout the state, and while we have some diagnosed cases, our attendance rate is similar to our attendance rate from this time last year
 - Nursing staff is monitoring the situation; night staff cleaned and disinfected each of the lockers and cleaned the locker room
 - Thank you to our Medical Director who helped with the communication to the community

First Supt Conference Day on Friday – Assistant Superintendent for Curriculum & Instruction, will Dr. Delucia share the plan

- Carrying over some of the work began last year- lost some opportunities to snow
 - Every elementary instructional staff member who teaches math to work with Dr. Nicki Newton on math workshops - building common language, what does good instruction in math workshop look like, running records in math
- Literacy specialists will be working with literacy coaches on building common language about what we believe is good literacy instruction
- Certain Dept. meetings, working collaboratively
- Equity and inclusivity- every MS/HS staff member will be participating, also learning new website
- Basic Life Support training for staff that need that training
- Anyone responsible for door answering will be working with SRO Sharon

Discussion:

- Deep cleaning for the virus followed instructions recently given on Opening Day by Safety Officer, Dr. Michael O'Rourke
 - Used cleaner in stock
 - Medical Director was not overly alarmed by the outbreak – not serious
- Commissioner Elia will be making plans public in a month
- MS/HS teachers will be trained in the new website on Conference Day, elementary teachers will be given an after-school workshop
- Will get the Board a timeline on when the website will be fully functional
- No information yet on a student rep

5. Board District News

5.01 The Board will report District News (proposed 6:25)

Trustee Shands reported that the Varsity Volleyball Team won their first set for the first time - attribute to Coach Harrington

Trustee Ratcliff attended literary meeting with an author who is an Onteora graduate, pleased to see 3 retired teachers come to support their former student

- Retirees feel supported by District

6. Acknowledge Public Be Heard Comments

6.01 The Board will acknowledge the public be heard comments from the last meeting
No comment was made at the last meeting

7. Public and Student Comment

7.01 Public and Students may comment on any agenda or non-agenda item (proposed 6:30 duration 10 min or more)

No comment was made

8. Policies/Discussion and Possible Action

8.01 Second Reading and Adoption of Policy 1510 Board Meetings

Recommended Action: The Board of Education hereby adopts Policy 1510 as written

First: Trustee Shands

Second: Trustee Osmond

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

2015 1510 By-Laws 1 of ~~32~~ SUBJECT: BOARD MEETINGS

All Board of Education meetings must be open to the public except those portions of the meetings which qualify as executive sessions. A "meeting" is defined as an official convening of a public body for the purpose of conducting public business and a "public body" is defined as an entity which requires a quorum to conduct public business, including committees and subcommittees.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law.

If a meeting is scheduled at least a week in advance, notice will be given to the public and news media at least 72 hours prior to the meeting. A special meeting may be called upon 24-hour notice to Board members.

~~Board members are permitted to participate in board meetings via videoconferencing, in accordance with state law. Any site where videoconferencing is to take place must be open to the public. The district will comply with applicable notice requirements (see policy 2340).~~

Regular meetings of the Board of Education of Onteora Central School District shall take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified at subsequent meetings of the Board.

The District Clerk shall notify the members of the Board of Education in advance of each regular meeting. Such notice, in writing, shall include an agenda and the time of the meeting.

In the event that a meeting date falls on a legal holiday, interferes with other area meetings, or there is an inability to attend the meeting by Board members to the extent that a quorum would not be present, the Board shall select a date for a postponed meeting at the previous regular meeting, and shall direct the Clerk to notify all members.

Any meeting of the Board may be adjourned to a given future date and hour if voted by a majority of the Board present.

The Superintendent shall attend all meetings of the Board. The Superintendent shall attend all executive session meetings of the Board except those that concern his/her evaluation and salary determination. The Board may request the attendance of such additional persons as it desires.

Recording and Broadcasting Public Portions of Meetings:

a. The Board of Education will video/audio record each Board meeting and broadcast it on the District TV Station and well as post it on the District website.

b. The public portion of any meeting of a public body may be photographed, recorded and broadcast.

c. There is no privacy interest in statements made during public portions of meetings of public bodies. Distaste or embarrassment shall not constitute a basis for prohibiting or limiting the photographing, recording or broadcasting of those present at a meeting.

d. Operation of equipment to photograph, record or broadcast a meeting is permitted unless it is obtrusive, disruptive, or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings.

e. Use of equipment necessary to photograph, record or broadcast is permitted without notice to or express permission from the public body or those in attendance at the meeting.

f. Use of equipment necessary to photograph, record or broadcast is permitted in a supervised or unsupervised manner.

g. Use of special lighting or large equipment necessary to photograph, record or broadcast a meeting is permitted unless it is obtrusive or disruptive to the deliberative process.

h. Personnel who operate equipment necessary to photograph, record and/or broadcast a meeting shall be permitted to move about the room, as long as such movement does not disrupt or interfere with the deliberative process, and remains within or behind the public seating area

a. If any provision of these guidelines or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances

~~Public notice~~

The recording and broadcasting of public meetings shall comply with sections a-h of this policy and will be made available at a designated location. Written copies of such rules shall be provided upon request, to those in attendance at or who seek to attend a meeting.

Notice of Meetings

For all regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community, including posting notice of the time and place of meetings on the district website.

If a meeting is scheduled at least a week in advance, notice will be given or electronically transmitted to the public and news media at least 72 hours prior to the meeting. A special meeting may be called upon 24-hour notice to Board members.

When a meeting is scheduled less than a week in advance the Board shall provide or electronically transmit public notice to the extent practicable. Said notice shall be conspicuously posted in one or more designated public locations, including the district's website.

If a board member intends to participate in a board meeting via videoconference, the public notice of the meeting will indicate that videoconferencing will be used, specify the location(s) for the meeting and state that the public may attend at any of the locations.

If a meeting will be streamed live over the internet, notice will indicate the internet address of the website streaming the meeting.

Public Officers Law Article 7; Education Law Section 1708; NOTE: Refer also to Policy #1520 -- Special Meetings of the Board of Education; Policy 1710 Quorum; Policy 1511 Agenda Preparation and Dissemination; Open Meetings Law, Public Officers Law §§100 et seq.; Education Law §§1606; 1708; 2504; 2563

8.02 First Reading of Policy 5321 Use of the District Credit Card

- Need to raise the limit of credit card - conventions and other events need payment by credit card

Information ~~2016~~**2018** 5321 Non-Instructional/Business Operations **SUBJECT: USE OF THE DISTRICT CREDIT CARD**

The Trustees of the Ontario Central School District do recognize the need for a District credit card for District use for miscellaneous expenses, such as conference registration and hotel reservations in the event that a facility does not hold a reservation with a Purchase Order. The District credit card is maintained in Central Administration under the care and control of the Assistant Superintendent for Business. The credit card has a maximum credit limit of ~~\$3,000~~**\$10,000**.

The Trustees of the Ontario Central School District also recognize the need for a gas card for use on long trips to purchase fuel for District vehicles. The Transportation Department maintains an account with Sunoco Suntrak that has five (5) cards associated with the account. Four (4) cards are under the care and control of the Director of Transportation, and one (1) card is under the care and control of the Assistant Superintendent for Business to be used only in the absence of the Director of Transportation. The credit card account has a maximum credit limit of \$500 in total, not per card.

8.03 First Reading of Policy 3411 Unlawful Possession of a Weapon Upon School Grounds

- Deputy Sharon updated the references to the laws

Information ~~2002~~**2018** 3411 Community Relations **SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS**

It shall be unlawful! It is a violation of School District Policy and the Code of Conduct for any person to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge upon school grounds or in any District building without the express written authorization of the Superintendent or his/her designee. **Unlawful possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of School District policy and the Student Discipline Code of Conduct.**

The term "weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or bodily injury.

Additionally, the possession of any weapon, as defined in the New York State Penal Code, on school property or in school buildings is prohibited, except by law enforcement personnel or upon written authorization of the Superintendent/designee.

Unlawful possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of School District policy and the Student Discipline Code of Conduct.

Penal Law Sections 220.00(14), 265.01, 265.0**~~4~~(4)**; 265.03, 265.05, **and** 265.06, **265.01-a, and 265.01-b**

NOTE: Refer also to Policies #7360 -- Weapons in School; #7361 -- Gun-Free Schools

8.04 First Reading of Policy 3421 Sexual Harassment

- New Policy – This policy replaces 7551 and 6121
- Whistleblower paragraph taken out – get council's guidance

2018 3421 Community Relations **SUBJECT: SEXUAL HARASSMENT**

The Board of Education recognizes that harassment of students, staff and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender and/or sexual orientation is abusive and illegal 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 and employees and “non-employees” can work productively.

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Sexual or gender-based harassment of a student can deny or limit that student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

The Board is committed to providing an educational and 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 school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights.

Under various state and federal laws, students, employees and “non-employees” have legal protections against sexual harassment in the school environment as described above. 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. The District will make every effort to ensure that 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 student, an employee, “non-employee” or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all district contracts and agreements.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.

The Superintendent of Schools will develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and 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 shall be posted in a prominent place in each district facility, on the district's website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Board of Education and Superintendent will review this policy annually.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *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 non-employees)

Labor Law §201-g (required 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)

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)

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)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Office for Civil Rights *Revised Sexual Harassment Guidance* (January 19, 2001)
Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues* (2006)
Office for Civil Rights, *Dear Colleague Letter: Bullying* (October 26, 2010)

8.05 First Reading to Rescind Policy 6121 Sexual Harassment of Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises and in another state. Since sexual violence is a form of sexual harassment, the term "sexual harassment" as used in this policy will implicitly include sexual violence even if it not explicitly stated.

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and
- c) 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.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

- a) Rape; b) Sexual assault; c) Sexual battery; d) Sexual coercion.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly, thoroughly and equitably investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough, prompt and equitable investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or reasonably should know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. All procedures developed by the District will provide for the prompt and equitable resolution of the sexual harassment.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or Regulation 1400P, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, 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 Regulation 1400P will be subject to appropriate sanctions as warranted and in compliance with law.

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

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

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this

determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or Regulation 1400P and/or pursuing other legal avenues of recourse.

However, 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.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

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

Dissemination of Administrative Regulations

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, 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 training in the investigation of sexual harassment complaints.

A copy of this policy and Regulation 1400P will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a) 29 Code of Federal Regulations (CFR) Section 1604.11(a) Civil Service Law Section 75-B Education Law Section 2801(1) Executive Law Sections 296 and 297 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. 34 Code of Federal Regulations (CFR) Section 100 et seq. Ontario Regulation 1400P

8.06 First Reading to Rescind Policy 7551 Sexual Harassment of Students

Information 2014 7551 Students **SUBJECT: SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of harassment on the basis of sex, gender (including gender identity or expression and non-conformity to gender stereotypes) and/or sexual orientation, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place on a school bus at locations off school premises or those that take place in another state. Since sexual violence is a form of sexual harassment, the term, "sexual harassment" in this policy will implicitly include sexual violence even if it is not explicitly stated.

Sex-based harassment can comprise of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Sexual or gender-based 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

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, bullying because of sexual orientation (means heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived) and other verbal or physical conduct or communication of a sexual nature.

Gender-based harassment' means verbal, non-verbal, or physical aggression, intimidation or hostility that is based on actual or perceived gender identity, gender expression, or failure to conform to stereotypical notions of masculinity and femininity.

Sexual or gender-based harassment occurs when:

- a. Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b. Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of asexual nature; and
- c. Such conduct and/or communication 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 creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

Sexual Violence

Sexual violence is defined by New York Penal Law as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes but is not limited to acts such as:

c. Rape; b) Sexual assault; b) Sexual battery; c) Sexual coercion.

A person may be unable to consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability. In order to encourage victims of sexual violence to come forward, a District must inform students that the District's primary concern is with their safety. The school should assure victims that any broken rules or violations made by them will be addressed separately from the sexual harassment allegation. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the offender and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. A single incident of sexual harassment may be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from off-campus sexual harassment when in the school setting. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. Such report shall be directed to or forwarded to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable, and thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate 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 District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. 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, the Code of Conduct 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 will be subject to appropriate sanctions as warranted and in compliance with law.

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

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

Finding That Sexual Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse. However, 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.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

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

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual 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 sexual 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 training in the investigation of sexual harassment complaints.

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.

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 sexual harassment will be published on the district's website, and in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a); 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.

34 Code of Federal Regulations (CFR) Section 100 et seq.; 29 Code of Federal Regulations (CFR) Section 1604.11(a); Civil Service Law Section 75-B; Education Law Section 2801(1)

Executive Law Sections 296 and 297; New York State Human Right Law Cross Ref: Policy 7380 Bullying; NOTE: Refer to District Regulation 1400P

8.07 MOA for Community Mentor Program

Recommended Action: The Board of Education hereby approves the Memorandum of Agreement #09252018A between the Onteora Central School District and the Onteora Teachers Association for the Community Mentor Program Coordinator stipend.

Motioned: Trustee Osmond

Seconded: Trustee Ratcliff

- This is a new stipend with the actual title – used other stipends in the past

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

8.08 MOA for Literary Magazine

Recommended Action: The Board of Education hereby approves the Memorandum of Agreement between the Onteora Central School District and the Onteora Teachers Association for the Literary Magazine Advisor stipend.

Motioned: Trustee Shands

Seconded: Trustee Storey

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

8.09 Donation of Photographic Dark Room Equipment

Recommended Action: The Board of Education hereby accepts the donation of complete dark room equipment including: Bessler Enlarger, Paper Safe, Developing Trays, Safe Lights, Timer, Lenses, Frames, Print Dryer, Dry Mounting Press, dodgers, paper, magnifiers, frames, etc. from Suzy and David Motzkin

First: Trustee Shands

Second: Trustee Kurnit

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

8.10 Donation from Hannaford

Recommended Action: The Superintendent recommends acceptance of a donation totaling \$11.00 CASH, from The Hannaford Helps Reusable Bag Program, to be used to support the Middle School PBIS program.

The Superintendent recommends approval to increase the 2018-2019 Budget code A2110.431.02 (Middle School Supplemental) by \$11.00 from the Hannaford Helps Schools donation

Motioned: Trustee Shands

Seconded: Trustee Osmond

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

8.12 The Board will discuss the NYSSBA Resolutions (proposed 7:15 duration 15 min)

#11 RESOLVED, that the New York State School Boards Association supports additional state and federal funding which would be dedicated for school safety programs, staff, and equipment.

7 yes and 0 no

#12 RESOLVED, that the New York State School Boards Association 1 supports proposals establishing additional dedicated funding for student health and mental health services. 7 yes and 0 no

#13 RESOLVED, that the New York State School Boards Association supports legislation that would allow for "piggybacking" transportation services. 7 yes and 0 no

#14 RESOLVED, that the New York School Boards Association opposes shifting financial responsibility for pre-school special education from counties to school districts. 7 yes and 0 no

#15 RESOLVED, that the New York School Boards Association 1 pursue an amendment to Penal Law Article 240 entitled Falsely Reporting an Incident to criminalize falsely threatening use of a gun or making threats of mass violence on public school property. 7 yes and 0 no

#16 RESOLVED, that the New York School Boards Association supports state legislation that would allow school districts, by vote of the school board, the option to hold their school district elections at publicly accessible locations within their district boundaries based on security concerns.

7 yes and 0 no

#17 RESOLVED, that the New York School 1 Boards Association supports legislation that would substantially increase the earning limitations for retired police and other law enforcement officers who are serving as school resource or safety officers. 4 yes 2 no 1 abstain

#18 RESOLVED, that the New York State School Boards 1 Association supports legislation that would require the Smart Schools Review Board ("SSRB") to meet monthly and promptly acknowledge, review and act on all school district submissions. 7 yes and 0 no

#19 RESOLVED, that all school board members complete at 1 least one required training session on cultural competency, inclusive of, but not limited to, the examining of and strategizing about formulating intentional actions to address disproportionality in the education workforce and in student outcomes as it relates to diverse backgrounds. 7 yes and 0 no

#20 RESOLVED, that the New York State School Boards Association 1 supports legislation that changes the date that a student is eligible to attend kindergarten to September 1 of the school year the student turns 5, with the option for a superintendent waiver if the student will be 5 before September 15 of that school year. 2 yes 5 no

8.11 Discuss 2018-2019 Board Goals (proposed 6:45 duration 30 min)

Draft Goals:

1. Support the development of a long-term, district-wide plan that strategically addresses educational goals, declining enrollment, facilities, community impact, budget and cost-saving measures. Accomplish this through input from

Superintendent recommendations, Board Ad Hoc committee, Shared Decision Making committee and community outreach.

2. Support efforts to foster a more positive culture and climate within the District; including the exploration of a Culture and Climate survey, initiatives to increase school spirit, ongoing diversity education for students and staff, commitment to furthering restorative justice training and practices, and a sustained effort to better publicize the district's accomplishments and reach the community through social media.

3. Increase student knowledge and engagement in civics, grades K-12

4. Support the continued review of homework reform, including the revision of Board's Homework Policy with input from all stakeholders

The Board of Education took a break at 8:05

8.13 Policy Review Discussion (proposed 7:30 duration 10 min)

Recommended Action: The Board of Education hereby approves NYSSBA Policy Services to conduct a review of the Ontario Policy Manual at a cost not to exceed \$3500.

NOTE: How it will work with NYSSBA: We will work with a Policy Consultant who will review our manual and generally they will send sections back to you with tracked changes and notes. They will also include any policies that may be missing and are required or recommended. Because they work closely with their districts, we can always let our consultant know if we prefer your manual to be reviewed in a different manner.

Motioned: Trustee Storey

Seconded: Trustee Shands

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

9. Independent Contract Retainer

9.01 ICR - Mobile Life Support Services (proposed 7:40)

Recommended Action: BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Ontario Central School District approves the Independent Contractor Retainer between the Ontario Central School District and Mobile Life Support Services, Inc. for CPR courses for the period beginning July 1, 2018 to June 30, 2019 at the rate of \$460.00 per 8 students to a maximum of \$1840.00 and authorizes the Superintendent to sign such an agreement.

Motioned: Trustee Shands

Seconded: Trustee Ratcliff

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

10. Consent Agenda

10.01 Approve Consent Agenda (proposed 7:45)

Recommended Action: The Board hereby approves item numbers 10.02-10.05

Motioned: Trustee Storey

Seconded: Trustee Shands

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

10.02 Personnel Agenda

LEAVE OF ABSENCES:

EMPLOYEE NUMBER	EFFECTIVE DATE FROM - TO	REASON
3239	9/17/18 – 9/20/18	Paid Medical
3239	9/21/18 – 10/15/18	Unpaid Medical
2121	9/20/18 – 10/05/18	Paid Medical - FMLA

SUBSTITUTE NAME

POSITION

Koller, Bonnie	Uncertified Instructional
*Nolan, Jamie	Non-Instructional
*Stoutenburgh, Cassia	Uncertified TA/Non-Instructional
VanBuren, Jessica	Certified Instructional
*Pending Pre-employment processing	

EXTRA DUTY STIPENDS

NAME	POSITION	AMOUNT
Chartrand, Louis	6 th Teaching Assignment – CADD/Creativity & Innovation	\$8,010.00
Conroy, Elaine	Literary Magazine Advisor	\$1,281.00
Burkhardt, Patrick	Track – Cross Country – Modified (Split with A.Gallin)	\$989.00
Elmendorf, Suellen	District Nursing Coordinator	\$2,581.00
Galin, Anne	Track – Cross Country – Modified (Split with P. Burkhardt)	\$989.00
Lustberg-Goldbeck, Kay	Community Mentor Coordinator	\$25,580.00
Wentland, Jennifer	Olympics of the Visual Arts Advisor	\$1,756.00

APPOINTMENT: NON-INSTRUCTIONAL

NAME	POSITION/SCHOOL	EFFECTIVE DATE	REMARKS
Hapeman, Deborah	School Monitor/District	9/17/18	Increase hours to 40 from 32.5

10.03 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, #9/18, Confidential, as reviewed by Trustee Ratcliff

10.04 Approve Revised 2018-2019 Calendar

Recommended Action: The Board of Education hereby approves the revised 2018-2019 Calendar

10.05 Extra Curricular Activity Fund End of Year report

Recommended Action: The Board of Education hereby accepts the end of school year 2017-2018 report for the Extra Curricular Activity Funds

11. Committee Reports

11.01 Facilities Committee: Trustee Storey to report. Next meeting is 11/5/18

- Facilities committee will approve the minutes, then send to Board
- Planned out future meetings- will discuss for goals for this year
- Discussed the radon and summer work - science classroom going to bid soon, hopefully done over next summer

- Sheds are installed at Bennett
- Discussed press box and bleacher project
- Discussed building tours
- Discussing priority list from 5 year Building Condition Survey
- Radon will continue to be tested to be sure mitigation was successful
 - Waiting until windows are closed in early winter

12. New Business

12.01 The Board will discuss New Business (proposed 7:50)

- Home schooled parents feel that District does not treat them as Onteora students
 - Encouraged them to speak to Board directly
 - They are taxpayers and vote on budget, they make a choice to home-school
 - Should include them in achieving the Board goals

13. Old Business

13.01 The Board will discuss Old Business

No old business was discussed

14. Request For Information

14.01 Discuss Requests for Information

Trustee Osmond asked to get an approximate date as to when the website will be current

Trustee Kurnit asked:

- On Schedule U PPS director is amending CSE decision - outside process of whole CSE deliberation
- Do we have staff in our District that is servicing pre-K students and being paid by the county?
 - We have a 2 year contract with the county that lists the services the county will reimburse the District for, if our staff provide services
- People would like to be on committees but can't because time conflicts with work schedules

Trustee Storey - rotate board members at policy committee

15. Adjournment

15.01 Adjourn Meeting. Next meeting October 9, 2018 in the Phoenicia School (proposed 7:55)

Recommended Action: The meeting is adjourned at 8:40

Motioned: Trustee Ratcliff

Seconded: Trustee Storey

Result: Unanimous

Yea: Trustee Salem, Trustee Osmond, Trustee Kurnit, Trustee Storey, Trustee Shands, Trustee Ratcliff, Trustee Warren

Minutes Recorded by Fern Amster,
District Clerk



Board of Education: Kevin Salem, Laurie Osmond, Valerie Storey, Lindsay Shands, Bennet Ratcliff, Rob Kurnit, Robert Burke Warren