

BOARD MEETING: Regular
DATE: Wednesday, March 4, 2020
TIME: 6:00 p.m.
PLACE: Naples High School Cafeteria

I. Meeting Called to Order

II. Roll Call

III. Adopt the Agenda of the Regular Meeting of March 4, 2020 (Board Action)

IV. Executive Session (Board Action)

V. Pledge of Allegiance

VI. Public Comments: The Board of Education invites you, the residents of our school community, to feel comfortable in sharing matters of interest or concern that you might have with us. The Board President will be happy to recognize those of you who wish to speak. We would ask that you come forward and please identify yourself before presenting your thoughts.

Those items brought to the attention of the Board during this time may be taken under consideration for future response or action. (*Individual comments will be limited to three minutes.*)

As a matter of courtesy, we ask that issues related to specific School District personnel or students be brought to the attention of the Superintendent of Schools privately. Thank you for this consideration.

Board Reponse: The Board of Education is committed to keeping communication open and transparent. The Board of Education President will be working with the Board and the Superintendent to make every effort to respond to public comments directed to the Board of Education at previous meetings, during the next scheduled meeting.

VII. Points of Interest

VIII. Superintendent Recognitions & Updates

- Kudos
- Music in Our schools Month
- Focus Group Data Analysis and Discussion
- Budget Update

IX. Board Reports

- Facilities Committee

X. Minutes (Board Action)

- Regular Meeting of February 5, 2020

XI. Municipal Cooperation Agreement (Board Action)

- NYCLASS

XII. Contractual Agreement

- Memorandum of Agreement: Naples Teachers' Association (Board Action)

XIII. Annual Meeting (Board Action)

- Naples Library Trustees
- Naples Library Budget

XIV. Business (Board Action)

- Policy Updates
- Discards

XV. Personnel (Board Action)

- Retirement Resignation:
 - Teacher
- Resignation:
 - Cleaner
- Appointments:
 - Substitute English Teachers
 - Building Maintenance Mechanic
 - School Bus Driver

XVI. Personnel (Board Action)

- Appointment
 - Substitute Kindergarten Teacher

XVII. Consent Agenda Items (Board Action)

- CSE and 504 Committee Recommendations
- Volunteer

XVIII. Adjournment (Board Action)

Regular Meeting

March 4, 2020

Minutes of a Regular Meeting of the Board of Education of Naples Central School held on Wednesday, March 4, 2020 at _____ p.m. in the Naples High School Cafeteria.

Members Present:	Robert Brautigam	Kelley Louthan
	Joseph Callaghan	Steven Mark
	Carter Chapman	Gail Musnicki
	Jacob Hall	Maura Sullivan
	Thomas Hawks	Carter Waldeis

Members Absent:

Also Present: Matthew Frahm, Jeffrey Black, Kristina A. Saucke, Nicole Green, Heather Clark, Katherine Piedici, Anneke Radin-Snaith and Pamela Claes.

A quorum being present, the meeting was called to order at _____ p.m. by Board President Jacob Hall.

Motion:

2nd:

Resolved, that the Board of Education approves the agenda of the Regular Meeting of March 4, 2020 as presented.

Voting Yes:

Motion Carried

Voting No:

Motion Denied

Motion:

2nd:

Resolved, that the Board of Education approves calling an executive session at _____ p.m. for the purpose of discussing the employment history of a particular person or persons.

Voting Yes:

Motion Carried

Voting No:

Motion Denied

Time out of Executive Session: _____ p.m.

Motion:

2nd:

Resolved, that the Board of Education approves the minutes of the following meeting:

- Regular Meeting of February 5, 2020

Voting Yes:

Motion Carried

Voting No:

Motion Denied

Motion:

2nd:

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Naples Central School District wishes to invest portions of its available investments funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Naples Central School District wishes to assure the safety and liquidity of its funds; Now, therefore, it is hereby resolved as follows:

That Jeffrey A. Black, Interim School Business Administrator, is hereby authorized to execute and deliver the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019 in the name of and on behalf of Naples Central School District.

Voting Yes: Motion Carried

Voting No: Motion Denied

Motion:

2nd:

Resolved, that the Board of Education approves the following Contractual Agreement resolution as presented:

- Resolved, that the Naples Central School District Board of Education does hereby approve a Memorandum of Agreement between the Naples Teachers' Association and the Naples Central School District regarding the requirement that a NYS Certified Teaching Assistant be required to fill the Elementary School STEAM position.

Voting Yes: Motion Carried

Voting No: Motion Denied

Motion:

2nd:

BE IT RESOLVED, by the Board of Education of Naples Central School District, as follows:

Section 1. The propositions hereinafter set forth are hereby authorized to be submitted for the approval of the qualified voters of the District on the 19th day of May, 2020 (the "Vote")

Section 2. The propositions set forth below shall be submitted at the Vote and the Clerk shall include notice of the propositions in substantially the following form in the notice of the Vote:

NOTICE IS HEREBY FURTHER GIVEN that at the Vote to be held on May 19, 2020, the following propositions will be submitted:

Proposition No. 1
Library Trustees

Shall the following resolution be adopted to wit:

NOTICE IS HEREBY GIVEN, that at such election the vote upon a proposition will be presented to the residents of the Naples Central School District for the election of two (2) members of the Library Board of Trustees of the public library to serve a term of five (5) years commencing July 1, 2020 and expiring on June 30, 2025 to succeed Mary Jerome and Colleen Betrus, whose terms expires on June 30, 2020.

AND FURTHER NOTICE IS HEREBY GIVEN, that petitions nominating candidates for the office of member of Library Board of Trustees shall be filed with the District Clerk of said School District at the Clerk's office of the Naples Central School District, not later than Monday, April 22, 2019, between 8:00 A.M. and 5:00 P.M. Each petition shall be directed to the Clerk of the District and shall be signed by at least twenty-five (25) voters of the District, must state the name and residence of the candidate and shall describe (where applicable) the specific vacancy for which the candidate is nominated. Petitions may be obtained at the District Clerk's Office of the Naples Central School District, 136 North Main Street, Naples, NY; the Naples Public Library, 118 South Main Street, Naples, NY; or on the Naples Central School website at www.naplescds.org.

**Proposition No. 2
Library Budget**

Shall the following resolution be adopted to wit?:

Shall the proposition be approved authorizing the Board of Education of the Naples Central School District to levy taxes annually in the amount of one hundred and ninety thousand dollars (\$190,000), separate and apart from the annual School District budget, and to pay over such monies to the trustees of the Naples Central School District Public Library?

1. The District Clerk or the Clerk's designee is hereby directed to add the above to the notice of the annual meeting of the School District.
2. This resolution shall take effect immediately upon its adoption.

Duly put to a vote as follows:

AYES

NAYS

ABSTENTIONS

Motion:

2nd:

Resolved, that upon the recommendation of the Superintendent, the Naples Central School District Board of Education approves the following Business resolutions as presented:

- Resolved, that the Board of Education approves the following policies, regulations and forms as presented:
 - Policy # 5741: Drug and Alcohol Testing for School Bus drivers
 - Policy # 6121: Sexual Harassment in the Work Place
 - Policy # 6562: Employment of Retired Persons
 - Policy # 7530: Child Abuse and Maltreatment
 - Policy # 8470: Home Instruction
- Resolved, that approval be given for the following discards to be declared surplus property and approval given to discard as per Policy #5250:
 - Elementary School Library:
 - The Pigeon Wants a Puppy – One Copy
 - Smash, Book One – Trial By Fire – One Copy

Voting Yes:

Motion Carried

Voting No:

Motion Denied

Motion:

2nd:

Be it Resolved, that upon the recommendation of the Superintendent, the Naples Central School District Board of Education approves the following personnel item as presented:

- Resolved, that the Board of Education approves the retirement resignation of Kathleen Infantino, with regret, effective June 29, 2020.
- Resolved, that the Board of Education approves the resignation of Brendan Dolan, Cleaner, with regret, effective February 29, 2020.
- Resolved, that the Board of Education approves the appointment of Mikayla Garofalo, as Substitute English Teacher, effective on or around March 20, 2020 through June 30, 2020. Salary for the 2019-2020 school year will be Step 1 of the 2019-2020 Distribution Schedule – Bachelors. This appointment is in accordance with and subject to Education Law, the regulations of the Commissioner of Education, and the by-laws of the Board of Education.
- Resolved, that the Board of Education approves the appointment of Jessie Olney, as Substitute English Teacher, effective March 20, 2020 through on or about April 28, 2020. Salary for the 2019-2020 school year will be Step 1 of the 2019-2020 Distribution Schedule – Bachelors. This appointment is in accordance with and subject to Education Law, the regulations of the Commissioner of Education, and the by-laws of the Board of Education.
- Resolved, that upon the recommendation of the Superintendent, the Naples Central School District Board of Education approves the following probationary appointments, pending a successful background clearance report provided to the school as a result of the fingerprinting process:
 - Adam Fitzgerald, 5206 Blodgett Road, Naples, NY 14512, as a Building Maintenance Mechanic, effective February 17, 2020, at the rate of \$21.00/hour.
 - Chris Hershey, 4945 Knapp Road, Middlesex, NY 14507, as a School Bus Driver, effective March 5, 2020, at the rate of \$20.69/hour.

Voting Yes:

Motion Carried

Voting No:

Motion Denied

Motion:

2nd:

Resolved, that upon the recommendation of the Superintendent, the Naples Central School District Board of Education approves the following amended personnel item as presented:

- Resolved, that the Board of Education approves the appointment of Wendy Hall, as Substitute Kindergarten Teacher, effective February 24, 2020, and expiring upon the return of Kayc Cass-Northrop to her position as Kindergarten Teacher plus one day, with all current benefits associated with her Teacher Aide position maintained throughout the time of her appointment as Substitute Kindergarten Teacher. The certification area and status is Childhood Education (Grades 1-6), Initial Certification and Students with Disabilities (Grades 1-6), Initial Certification. Salary for the 2019-2020 school year will be Step 1 of the 2019-2020 Distribution Schedule – Bachelors. This appointment is in accordance with and subject to Education Law, the regulations of the Commissioner of Education, and the by-laws of the Board of Education.

Voting Yes:

Motion Carried

Voting No:

Motion Denied

Abstain:

Motion:

2nd:

Resolved, that the Board of Education, upon the recommendation of Superintendent Matthew Frahm, approves the Consent Agenda Items as presented:

- a. Resolved, that the Board of Education accepts the committee recommendations from the following meetings:
 - Committee on Special Education actions of 11/05/2019; 01/28/2020; 02/04/2020; 02/12/2020 and 03/04/2020.
 - 504 Committee action of 01/28/2020.

- b. Resolved, that the Board of Education hereby approves the following Volunteer:

<u>Name</u>	<u>Position</u>	<u>Address</u>
William Grove	Volunteer	8677 State Route 53, Naples, NY 14512

Voting Yes:

Motion Carried

Voting No:

Motion Denied

Motion:

2nd:

There being no further business, the Regular Meeting of March 4, 2020 is hereby adjourned at

_____.

Voting Yes:

Motion Carried

Voting No:

Motion Denied

Memorandum of Agreement

Regarding STEAM

Naples Teachers' Association

And

Naples Central School District

This Agreement is made by and between the Naples Teachers' Association (hereinafter referred to as the "Association") and the Naples Central School District (hereinafter referred to as the "District") as follows:

A. **WHEREAS**, Article I – RECOGNITION provides that the District agrees to employ only NYS certified personnel in all unit positions; and

B. **WHEREAS**, on or about November 20th during the 2019-2020 school year, the Association learned that an employee in a position in a different bargaining unit member was performing the duties of certified personnel in a STEAM position; and

C. **WHEREAS**, the said employee is not a unit member and is not NYS certified to perform the duties of the position; and

D. **WHEREAS**, Article I – RECOGNITION does not recognize certified Teaching Assistants as members of the Association; and

E. **WHEREAS**, the District and the Association agree that this is an unusual situation and desire to work together to resolve this issue without resort to litigation;

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH BELOW, IT IS HEREBY AGREED AS FOLLOWS:

1. The District will ensure that an individual with proper NYS certification as a Teaching Assistant will fill the above referenced position currently being filled by a non-certified employee as soon as possible after a qualified candidate completes the Dignity for All

Students Act (DASA) workshop and/or any other requirements necessary to attain Teaching Assistant certification in New York State.

2. The District will follow any required posting procedures for a Teaching Assistant position and appoint a qualified Teaching Assistant.

3. Based on this Agreement, the Association will withdraw its grievance filed on or about December 20, 2019 and/or waive any claims and/or rights it may have per the Public Employment Relations Board (“PERB”) regarding the above referenced STEAM position. The Association retains the right to use the grievance procedure to enforce the terms of this Agreement.

4. The parties agree that teaching needs to be done by certified teachers; understanding that Teaching Assistants are allowed to provide instruction as per NYS Education Law.

5. This agreement does not set a precedent or constitute a past practice.

6. All provisions of the current collective bargaining agreement not modified by this Memorandum of Agreement shall remain in effect.

7. The Association and the District expressly warrant and represent that this Agreement represents the full, final and complete resolution to this matter of the grievance and Improper Practice charge.

8. Additionally, the Parties acknowledge that this Agreement shall not constitute or in any way be interpreted as a waiver of any and all rights the two parties have pursuant to the collective bargaining agreement.

9. This Agreement shall be effective upon execution of all parties.

For the Association (02/14/2020)

Scott Petrie, President

Naples Teachers’ Association

For the District (02/14/2020)

Matthew Frahm, Superintendent

Naples Central School District

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

*The District has designated the following individual to answer driver questions about this policy and related materials: The Head Bus Driver

Drug and Alcohol Testing Program

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will either establish and manage its own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, its drug and alcohol testing program for school bus drivers.

The District will ensure that vendors or contract bus companies either establish and manage their own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, their drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety sensitive employees and are subject to the following drug and/or alcohol testing:

- a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.
- c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.
- d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd)

- e) **Return-to-duty and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.
- f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver and the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of CDL endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

Prohibitions and Consequences for School Bus Drivers

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive functions for not less than 24 hours, but no punitive action will be taken by the employer;
- b) Using alcohol while performing safety-sensitive functions;
- c) Performing safety-sensitive functions within four hours after using alcohol;
- d) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd)

- e) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;
- f) Refusing to submit to a pre-employment drug test;
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or
- h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

Additionally, under New York State law, all school bus drivers are prohibited from:

- a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;
- b) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or
- c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

- a) Violates any of the above listed provisions of New York State law; or
- b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd)

Any violation of this policy, District procedures, and/or applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties including, but not limited to, fines, suspension, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies' policies, collective bargaining agreements, and applicable law.

Drivers who are found to have engaged in prohibited conduct under federal law and regulation will be removed immediately from safety-sensitive functions and will not be allowed to return to perform safety-sensitive functions until they:

- a) Are evaluated by a SAP;
- b) Complete any requirements for rehabilitation as set by the employer and the SAP; and
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

The Drug and Alcohol Clearinghouse

The Drug and Alcohol Clearinghouse ("Clearinghouse") is a secure online database that provides real-time information about CDL and commercial learner's permit holder's drug and alcohol program violations. The District will comply with all federal law and regulation regarding the Clearinghouse.

In accordance with 49 CFR Part 382, the following personal information will be collected, maintained, and reported to the Clearinghouse:

- a) A verified positive, adulterated, or substituted drug test result;
- b) An alcohol confirmation test with a concentration of 0.04 or higher;
- c) A refusal to submit to any required test;
- d) An employer's report of actual knowledge of:
 - 1. On duty alcohol use;
 - 2. Pre-duty alcohol use;
 - 3. Alcohol use following an accident; and
 - 4. Drug use;
- e) A SAP's report of the successful completion of the return-to-duty process;

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd)

- f) A negative return-to-duty test; and
- g) An employer's report of completion of follow-up testing.

***Prohibitions and Consequences for Vendors or Contract Bus Companies**

Any significant violation of this policy or District procedures, and applicable federal and state law and regulation by a vendor or contract bus company and its employees will result in revocation of its contract for the transportation of students.

Employee Notification

The Superintendent or designee will ensure that each school bus driver receives a copy of educational materials that explain the requirements of drug and alcohol testing law and regulation and any policies, regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each school bus driver, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will further ensure that each school bus driver receives educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether reasonable suspicion exists to test a driver for prohibited conduct involving drugs and/or alcohol.

Records Management and Retention

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation.

(Continued)

2020

5761
6 of 6

Non-Instructional/Business
Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd)

49 USC §§ 31136 and 31306

49 CFR Parts 40, 382, and 383

Vehicle and Traffic Law §§ 142, 509-g, 509-l

Adopted: 06/27/07

Revised: 05/20/15

Revised: 04/10/19

Revised: 03/04/20

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

The District is committed to maintaining discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment.

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

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

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

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

What Constitutes Sexual Harassment

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

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

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

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

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

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

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

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

Examples of Sexual Harassment

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

- a) Physical acts of a sexual nature, such as:
 - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 - 2. Rape, sexual battery, molestation or attempts to commit these assaults.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)

- b) Unwanted sexual advances or propositions, such as:
 - 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
 - 2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 - 1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - 2. Sabotaging an individual's work; and
 - 3. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

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

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

(Continued)

Personnel

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

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

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

Reporting Sexual Harassment

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

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

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

(Continued)

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

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

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

Investigating Complaints

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

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

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

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

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

(Continued)

Personnel

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

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

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

Annual Training

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

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

(Continued)

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

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

Notice

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

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

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

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

Legal Protections and External Remedies

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

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

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

State Human Rights Law (HRL)

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

(Continued)

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

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

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

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

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

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

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

Civil Rights Act of 1964

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

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

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

(Continued)

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

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

Title IX

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

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

Local Protections

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

Local Police Department

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

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) § 1681 et seq.
29 Code of Federal Regulations (CFR) § 1604.11(a)
34 Code of Federal Regulations (CFR) Subtitle B, Chapter 1
Civil Service Law § 75-B
Executive Law Article 15
Labor Law § 201-g

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

Adopted: 06/27/07
Revised: 07/13/11
Revised: 12/17/14
Revised: 10/17/18
Revised: 03/04/20

Personnel

SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the District, without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there will be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (65).

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law.

Two sections of the Retirement and Social Security Law (Sections 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he or she may still be able to collect his or her pension depending upon:

- a) How much is earned after returning to work; and
- b) The retiree's age.

If a retiree is under age 65, he or she can return to public employment without approval or reduction in retirement benefits as long as his or her calendar year earnings do not exceed the Section 212 limit. If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211.

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer (SRO) fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

There is generally no restriction on a retiree's earnings beginning in the calendar year he or she turns 65, unless returning to public office.

Section 211 Approval Process

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a SRO whose calendar year earnings exceed the Section 212 limit may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent and physically fit for the performance of the duties of the position in which he or she is to be employed and is properly certified where certification is required.

(Continued)

SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)

The District will prepare a detailed recruitment plan to fill the vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of such position.

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement. However, in accordance with Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his or her earnings are under the Section 212 limit or if he or she receives a Section 212 waiver, or other conditions exist set forth in law.

Reporting Requirements and Disclosure

- a) The District will report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his or her retirement allowance.
- b) The District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the State or any of its political subdivisions, will report on an annual basis to the retirement system paying the retirement allowance and to the State Comptroller. This report will consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of the request will be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board making the findings and determination as specified in Section 211.

Education Law §§ 525 and 3101
Retirement and Social Security Law §§ 111, 211, 212, 217, and 411
8 NYCRR § 80-5.5(b)

Adopted: 12/18/13
Reviewed: 01/22/14
Revised: 03/04/20

SUBJECT: CHILD ABUSE AND MALTREATMENT**Child Abuse in a Domestic Setting**

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

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

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

Reporting Information

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

Persons Required to Report

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

(Continued)

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

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

Prohibition of Retaliatory Personnel Action

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

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

Report Form

The "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at the Office of Children and Family Services (OCFS) website.

Child Abuse in an Educational Setting

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

Definitions

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

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

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death;
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury or death;
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263;
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

(Continued)

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

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

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

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

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

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

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

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

(Continued)

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

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

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

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

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

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

Civil Immunity

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

(Continued)

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

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

Confidentiality

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

Training

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

Prohibition of "Silent" (Unreported) Resignations

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

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

Notification

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

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**Prohibition on Aiding and Abetting Sexual Abuse**

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

Education Law Article 23-B and §§ 409-1, 3028-b, and 3209-a

Family Court Act § 1012

Labor Law § 740(1)(e)

Penal Law Articles 130, 235 and 263

Social Services Law §§ 411-428

8 New York Code of Rules and Regulations (NYCRR) Part 83 and § 100.2(hh) and (nn)

20 USC § 7926

Adopted: 06/27/07

Revised: 12/17/14

Revised: 04/12/17

Revised: 04/10/19

Revised: 03/04/20

Instruction

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

From time to time, parents will choose to instruct their children at home. The School District will attempt to cooperate with parents who wish to provide home schooling for their children realizing that the child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Provision of Services to Home-Instructed Students

They are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

- a) They are not eligible to participate in interscholastic sports. Commissioner's Regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports.
- b) The District does permit home-instructed students and district residents who attend private schools to participate in extra-curricular and other school-sponsored activities, subject to the discretion of the Superintendent. Such students may participate provided the students have satisfactorily submitted any required permission forms, medical forms, and any other paperwork developed by the District. All students must abide by all District rules and regulations such as, but not limited to, the student Code of Conduct. The District will follow the provisions of Public Health Law Section 2164 dealing with any health-related requirements.
- c) The District is not required to loan available textbooks and other materials (e.g., library materials, microscopes, computer software, movie projectors).

However, the District shall provide such textbooks and other materials to the extent available to home-instructed students.
- d) The School District is not required to furnish health services.
- e) The District is not responsible for providing remedial programs.
- f) They may not participate in the instructional program of the School District except for dual enrollment opportunities the District may make available under the "Dual Enrollment Law" and for special education programs and services the District is required to offer (exceptions are listed below).

The District shall not make available to home-instructed students occupational and vocational education programs (career and technical education programs) and programs for the gifted in accordance with the provisions of the "Dual Enrollment Law."

(Continued)

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)

- g) The District shall offer a home-instructed student with disabilities the special education services as addressed in the approved Individualized Education Program (IEP) by the Committee on Special Education. However, there is no requirement that such services be provided in the student's home. Further, the District shall conduct a census and register of students with disabilities who reside in the District in accordance with Education Law and Commissioner's Regulations.
- h) Students instructed at home shall not be allowed to use school facilities, except as provided for community organizations in Policy #3280 -- Community Use of School Facilities.

Primary responsibility for determining compliance with Commissioner's Regulations addressing home instruction rests with the Superintendent of Schools of the school district in which a home-instructed student resides.

Education Law Sections 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

Adopted: 06/27/07
Revised: 11/18/09
Revised: 06/21/17
Revised: 03/04/20