# ONTEORA CENTRAL SCHOOL DISTRICT

BOARD OF EDUCATION
BOICEVILLE, NEW YORK 12412

REGULAR MEETING
Minutes 6:00 p.m.
**TUESDAY, OCTOBER 9, 2018**
**PHOENICIA SCHOOL**

**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 Storey, Trustee Kurnit, Trustee Ratcliff
Not Present: Trustee Shands, 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 25, 2018 Board Meeting
Motioned: Trustee Storey
Seconded: Trustee Osmond
Result: Unanimous
Yea: Trustee Salem, Trustee Osmond, Trustee Storey, Trustee Kurnit, Trustee Ratcliff
Not Present: Trustee Shands, Trustee Warren

**3. Welcome**

3.01 Phoenicia Principal, Linda Sella will welcome the Board (proposed 6:10 duration 10 min)

Results of Goals for 17-18 School Year

- Goal was to increase ELA scores by 10% over 3 years
  - Each grade improved their ELA scores
- 85% of students will increase, meet or exceed national average for scores on Northwest Evaluation Association (NWEA )
  - Did not meet goal, but students did improve their scores on NWEA

Goals for 18-19

- 90% of students will increase their individual scores on NWEA – different amount for each grade level
- Increase math scores
- Improve school/home partnership through mutual participation in school activities

Discussion:

- Summer Academy helps the slippage of concepts during the summer
- Presentation before meeting should be on agenda – get beforehand

**Now Present**

Trustee Warren arrived at 6:05

**4. Superintendent District News**

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

- New regulation regarding instructional days – not only number of minutes of instruction, but added an annual hours requirement
    - Schools can only delay opening or release early for up to two hours or the day will not count as a day in session, but it counts as a day of work for the teachers – we could end up with not enough instructional days, but the teacher contract will not allow more days
    - Waiting for further clarification from the State
- Three years ago we stopped using our old vote machines and began renting from the Ulster County Board of Elections
    - The county sent all districts a letter informing us that if the county is not allowed to utilize the schools as polling places for general elections, they would no longer rent their machines to Districts
    - Preliminary estimates are that each machine costs approximately $8,500 and we would need four machines – Dr. Khoury will investigate options
        - If we buy the machines through BOCES, no State aid
    - The other option is to vote by paper ballot
- Recently there has been a Board request for additional information regarding the IEPs on Schedule U changing without the process of a full CSE meeting
    - The Commissioner approved the process of using "agreement without meeting" or "agreement no meeting" as a means of changing anything on a student's IEP without a full or sub Committee on Special Education
    - On rare occasions, it is used it to change one course from co-taught to Regents Intensive, or maybe to add a related service session, but never more than that
        - It becomes an agreement between the parent and the District
            - An effective way to make minor changes to IEPs without disrupting the schedules of students, parents or staff
- Homecoming is this weekend – the entire week is spirit week
    - Homecoming Court will be announced at the pep rally on Friday
    - Saturday will be full of activities starting at 9am

Discussion:

- Goal on early dismissal days is to give lunch before children are sent home
- Penalty for violation of minimum time in school– loss of 1 day of State Aid
    - amount of penalty for us is $31,844 per day
    - also do not meet the State minimum instructional time required
- Regulation starts this school year
- Look for democracy grant for voting machines
- Good to think of paper ballots for vote
- Need to lobby to stop the State from pushing the rigor of education

**5. Board District News**

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

6:55

Trustee Kurnit reminded the Board that Thursday is the 1st meeting of the UCSBA at 6pm

**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)

Gabriel Buono - President of Onteora Administrators Association and Bennett Principal – Personnel matters as related to Board of Education policies and laws. Grateful to the Board for volunteering time. During the Board's Request for Information about the ELL stipend, a statement was made by Board member. Want to collaborate, don't understand intention of statement. Recuse yourself for statements made about Special Ed as per Code of Conduct to be respectful and courteous.

## 8. Policies/Discussion and Possible Action

8.01 First Reading of Policy 1611 Procedure for Annual Elections (proposed 6:35 duration 15 min)

~~2002~~2018 1611By-Laws **SUBJECT: PROCEDURE FOR THE ANNUAL DISTRICT ELECTION**

Voting will be conducted by voting machines at the four (4) Poll Centers between the hours of 2 p.m. – 9 p.m.

The machines are to be arranged for a write-in vote. When a write-in vote is used, it automatically nullifies any other vote that is made on the machine for that particular candidate or issue.

If a voter is challenged, in order to vote they must complete a Challenge Statement at the Registrar's desk. ~~His~~ their name and the name of the Challenger will be recorded on a Challenge list.

Only those voters who are registered will be eligible to vote.

Inspectors of Election are to receive the votes cast, canvass same, and report the results of the voting following the closing of Polls.

**Location of Polls**

Voting on the budget and election of Board of Education members shall take place at the following District Poll Centers:

| DISTRICTS | POLL CENTERS |
|---|---|
| #1 – Town of Shandaken and that part of Lexington in our District | Phoenicia Elementary School<br>Phoenicia, New York |
| #2 – Town of Olive and that part of Marbletown in our District | Bennett Elementary School<br>Boiceville, New York |
| #3 – Town of Woodstock<br>Woodstock, New York | Woodstock Elementary School |
| #4 – Town of Hurley | West Hurley ~~Elementary~~ ~~School~~Fire House<br>West Hurley, New York |

**Closing of Poll Centers**

After every voter present has had a chance to vote and Polls are closed, the Inspectors are authorized to ~~telephone~~ send the results of the voting to the ~~Central~~ ~~Building~~District Clerk in Boiceville. The results of the election will be made public at that time. A special meeting of the Board of Education is to be called within 24 hours following the closing of the Polls to certify the voting results submitted by the Chairman.

Education Law Sections 1716 and 2025

8.02 First Reading of Policy 8370 Animals in the School

- Policy needs to be changed, due to a potential therapy dog in one of the schools
  - If therapy dog in school – give Board presentation

~~2008~~2018 8370 Instruction **SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)**

The Board of Education, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the Building Principal before animals are brought into the school or classrooms. It is the Principal's responsibility to ensure that there is an appropriate educational purpose if

any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of animals certified to assist persons with disabilities.

**With prior approval of the Building Principal and Superintendent, therapy dogs are permitted in school.**

**Study and Care of Live Animals**

Any school which cares for or uses animals for study shall ensure that each animal in the school be afforded the following:

a) Appropriate quarters;
b) Sufficient space for the normal behavior and postural requirements of the species;
c) Proper ventilation, lighting, and temperature control;
d) Adequate food and clean drinking water; and
e) Quarters, which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

Only the teacher or those students designated by the teacher are to handle the animals.

It shall be the responsibility of the Principal or ~~his/her~~ their designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

**Dissection of Animals**

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such objection is substantiated in writing by the student's parent or legal guardian. Students who perform alternative projects shall not be penalized.

**Instruction in the Humane Treatment of Animals**

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty.

This instruction may be joined with work in literature, reading, language, nature study, or ethnology.

Americans with Disabilities Act. 42 United States Code (USC) Section 12101 et. Seq.
Education Law Section 809
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)(8)

8.03 Second Reading and Adoption of Policy 5321 Use of the District Credit Card

*Recommended Action:* The Board of Education hereby adopts Policy 5321 as written
Motioned: Trustee Storey
Seconded: Trustee Osmond
Result: Unanimous
Yea: Trustee Salem, Trustee Osmond, Trustee Storey, Trustee Kurnit, Trustee Ratcliff, Trustee Warren
Not Present: Trustee Shands

**201~~6~~2018** 5321 Non-Instructional/Business Operations **SUBJECT: USE OF THE DISTRICT CREDIT CARD**

The Trustees of the Onteora 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 Onteora 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.

8.04 Second Reading and Adoption of Policy 3411 Unlawful Possession of a Weapon Upon School Grounds

*Recommended Action:* The Board of Education hereby adopts Policy 3411 as written
Motioned: Trustee Storey
Seconded: Trustee Osmond
Result: Unanimous
Yea: Trustee Salem, Trustee Osmond, Trustee Storey, Trustee Kurnit, Trustee Ratcliff, Trustee Warren
Not Present: Trustee Shands

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~~12(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

8.05 Second Reading and Adoption of Policy 3421 Sexual Harassment

*Recommended Action:* The Board of Education hereby adopts Policy 3421 as written
Motioned: Trustee Storey
Seconded: Trustee Osmond
Result: Unanimous
Yea: Trustee Salem, Trustee Osmond, Trustee Storey, Trustee Kurnit, Trustee Ratcliff, Trustee Warren
Not Present: Trustee Shands

New Policy – This policy replaces 6121 and 7551 Community Relations

**SUBJECT: SEXUAL HARASSMENT**

The Board of Education recognizes that harassment of students, staff, school volunteers, 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 victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and "non-employees" can work productively.

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 actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status. 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.

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 harassment based on gender and sexual orientation. 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, school volunteers and "non-employees" have legal protections against sexual harassment in the school environment as described above. Additionally, local laws (e.g., county, city, town, village) may apply to the district. The district's Code of

Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately.

The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at 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, school volunteer, "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.

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.

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

This policy 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 Superintendent and the Board of Education 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)
- *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)*

8.06 Second Reading to Rescind Policy 6121 Sexual Harassment of Personnel

*Recommended Action:* The Board of Education hereby rescinds Policy 6121

Motioned: Trustee Storey

Seconded: Trustee Ratcliff

Result: Unanimous

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

Not Present: Trustee Shands 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. Onteora Regulation 1400P

## 8.07 Second Reading to Rescind Policy 7551 Sexual Harassment of Students

*Recommended Action:* The Board of Education hereby rescinds Policy 7551

Motioned: Trustee Ratcliff

Seconded: Trustee Salem

Result: Unanimous

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

Not Present: Trustee Shands 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

8.08 Consensus to Finalize 2018-2019 Board Goals (proposed 6:50)
7:05

- Unanimous consensus

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

8.09 MOA to Change the Name of Stipends

*Recommended Action:* The Board of Education hereby approves the Memorandum of Agreement #10092018 between the Onteora Central School District and the Onteora Teachers Association to rename existing stipends to "Student Advocacy Club" and Association of Student Government"

Motioned: Trustee Storey

Seconded: Trustee Ratcliff

- STEP program has not been in use in many years
- Student Government stipend got renamed for Association of Student Government earlier than the Advocacy Club
    - Association of Student Government will have fewer meetings (more at the grade level) than the Student Advocacy Club
- Student Advocacy HS Club is being formed - will get back to Board with goals
- Association of Student Government should be providing a student representative

Result: Unanimous

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

Not Present: Trustee Shands

8.10 Donation

*Recommended Action:* The Superintendent recommends acceptance of a donation totaling $50.00 CASH, from Community Bank Business Edition Visa Rewards Program, to be used to enhance climate and culture at the high school.
The Superintendent recommends approval to increase the 2018-2019 Budget in budget code A2110.431.01 (HS Supplemental) for the donation from Hannaford Helps Schools for $50.00
Motioned: Trustee Ratcliff
Seconded: Trustee Storey
Result: Unanimous
Yea: Trustee Salem, Trustee Osmond, Trustee Storey, Trustee Kurnit, Trustee Ratcliff, Trustee Warren
Not Present: Trustee Shands

## 9. Independent Contract Retainer

9.01 Approve All Independent Contract Retainer (proposed 6:55)
7:15

*Recommended Action:* The Board of Education hereby approves the Independent Contract Retainers in Items 9.02-9.06
Motioned: Trustee Storey
Seconded: Trustee Osmond

- Some ICRs are starting before this meeting that are not Special Education
- We use Center for Spectrum services as needed for specific students, not necessarily special education

Result: Unanimous
Yea: Trustee Salem, Trustee Osmond, Trustee Storey, Trustee Kurnit, Trustee Ratcliff, Trustee Warren
Not Present: Trustee Shands

9.02 ICR- Brueckner

*Recommended Action:* BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District approves the Independent Contractor Retainer between the Onteora Central School District and Roy Brueckner for photography services for the period beginning October 13, 2018 to October 13, 2018 at the rate of $100 per hour to photograph and $50 per hour for editing to a maximum of $1600 and authorizes the Superintendent to sign such an agreement.

9.03 ICR - Center for Spectrum Services

*Recommended Action:* BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District approves the Independent Contractor Retainer between the Onteora Central School District and the Center for Spectrum Services for consultation services for the period beginning September 27, 2018 to June 30, 2019 at the rate of $200 per hour to a maximum of $8000 and authorizes the Superintendent to sign such an agreement.

9.04 ICR- Lewis-Harris

*Recommended Action:* BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School

District approves the Independent Contractor Retainer between the Onteora Central School District and Donna Lewis-Harris as a mentor in song writing the period beginning October 3, 2018 to June 30, 2019 at the rate of $250 to a maximum of $250 and authorizes the Superintendent to sign such an agreement.

9.05 ICR - Strand

*Recommended Action:* BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District approves the Independent Contractor Retainer between the Onteora Central School District and Sophie Strand as a mentor for Written Expression for the period beginning July 1, 2018 to June 30, 2019 at the rate of $250 to a maximum of $250 and authorizes the Superintendent to sign such an agreement.

9.06 ICR - Maliha (revised)

*Recommended Action:* BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District approves the revised Independent Contractor Retainer between the Onteora Central School District and William E. Maliha, M.D. FAAFP as School Physician for the period beginning September 15, 2018 to December 31, 2018 at a rate of $5,000.00 per month, to a maximum of $17,500.00, and authorizes the Superintendent to sign such an agreement.

**10.00 Consent Agenda**

10.01 Approve Consent Agenda (proposed 7:00)

*Recommended Action:* The Board hereby approves item numbers 10.02-10.08
Motioned: Trustee Storey
Seconded: Trustee Ratcliff

- $450 difference between Association of Student Government and Student Advocacy Club stipends; Advocacy Club will meet more frequently
  - Send more information to the Board including intent
- Explain stipend process to Board
- Instead of creating new stipends and adding to the stipend list, we renamed the stipends and used the dollar amount

  Motion to remove the Student Advocacy Club stipend
  Motioned: Trustee Salem
  Seconded: Trustee Osmond
- The club will not move forward without approval

  Result: Passed
  Yea: Trustee Salem, Trustee Osmond, Trustee Warren
  Nay: Trustee Storey, Trustee Kurnit
  Abstain: Trustee Ratcliff
  Not Present: Trustee Shands

Result: Passed
Yea: Trustee Salem, Trustee Osmond, Trustee Storey, Trustee Kurnit, Trustee Warren
Abstain: Trustee Ratcliff
Not Present: Trustee Shands

10.02 Personnel Agenda

LEAVE OF ABSENCES: INSTRUCTIONAL

| EMPLOYEE NUMBER | EFFECTIVE DATE FROM – TO | REASON |
|---|---|---|

| | | | |
|---|---|---|---|
| 2573 | 10/3/18 – 10/29/18 | Paid Medical FMLA |

SUBSTITUTE

| NAME | POSITION |
|---|---|
| Alfano, Julia | Uncertified TA/Clerical |
| Beaulieu, Robert | Uncertified Teacher/TA |
| Hoffman, Carol | Certified Teacher |

EXTRA DUTY STIPENDS

| NAME | POSITION | AMOUNT |
|---|---|---|
| Bucher, Donald | Science Olympiad Assistant Coach – HS | $1,371.00 |
| Garcia-McWhinnie, Elena | Spanish Club Advisor – HS | $1,756.00 |
| Keenan, Brian | Science Olympiad Coach – HS | $1,917.00 |
| Nelson-Epstein, David | Theatre Technical Director (split w/S. Murphy) | $1,667.00 |
| Rondeau, Brittany | Sounds of Jazz Director | $1,493.00 |
| Colevas, Paul | Association of Student Government | $2013.00 |
| ~~Connolly, Brian~~ | ~~Student Advocacy Club~~ | ~~$2472.00~~ |

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, #10/18, Confidential, as reviewed by Trustee Warren

10.04 Accept Grant
*Recommended Action:* The Superintendent recommends acceptance of a grant totaling $3,320.00, CASH, from the Catskill Watershed Corporation to be used for the Bennett Intermediate School – Round 21 Watershed Education Grant.
The Superintendent recommends approval to increase the 2018-2019 budget code A2110.431.03 (Supplemental) for the grant from The Catskill Watershed Corporation for $3,320.00

10.05 Financial Report - July 2018
*Recommended Action:* The Board of Education has reviewed and hereby accepts the Financial Management report from July 2018

10.06 Financial Report - August 2018
*Recommended Action:* The Board of Education has reviewed and hereby accepts the Financial Management report from August 2018

10.07 Inter-School Transfer
*Recommended Action:* The Board of Education hereby approves the Inter-School Transfer from Phoenicia to Woodstock for a first grade student

10.08 Approve Corrective Action Plan
*Recommended Action:* BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District approve the Corrective Action Plan to the Management Letter for the Independent Audit for the 2017-18 school year.

**The Board took a break at 7:35**

**11. Committee Reports**

11.01 Board Ad-Hoc Committee Report - Trustee Ratcliff reported

- Met on Oct 2nd with Trustee Kurnit, Trustee Storey
- Overarching goal – find best practices in school districts with declining enrollment and increasing budgets
- Collect information from Rural Schools Association, NYSSBA, 2020 Group, BOCES, State Ed, National School Board Association and individual experts
- Will meet monthly, report to the Board on 3/19/19

11.02 Facilities Committee - Trustee Storey to report. Next meeting is in the Central Conference Room at 3:30 on 11/5/18

- Went through Building Condition Survey – toured HS and MS to see if feasible to do a Capital Project

## 12. New Business

12.01 The Board will discuss New Business (proposed 7:05 duration 10 min)
7:50
BOCES visit – look at special education program during the tour in Port Ewen and during classroom visits

## 13. Old Business

13.01 The Board will discuss Old Business (proposed 7:15 duration 10 min)
No old business was discussed

## 14. Request For Information

14.01 Discuss Requests for Information
Trustee Storey asked if a therapy dog is in a school, to give a Board presentation (from item 8.02)

## 15. Adjournment

15.01 Adjourn Meeting. Next meeting October 23, 2018 in the MS/HS School (proposed 7:25)

*Recommended Action:* The meeting is adjourned at 7:50
Motioned: Trustee Storey
Seconded: Trustee Ratcliff
Yea: Trustee Salem, Trustee Osmond, Trustee Storey, Trustee Kurnit, Trustee Warren, Trustee Ratcliff
Not Present: Trustee Shands

Minutes Recorded by Fern Amster,
District Clerk

