

BOARD OF EDUCATION  
BOICEVILLE, NEW YORK 12412

REGULAR MEETING

6:00 p.m.

MINUTES

ONTEORA CENTRAL SCHOOL DISTRICT

TUESDAY, APRIL 5, 2022

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 Sherry, Trustee DeJesus, Trustee Bishop

Not Present: Trustee Osmond, Trustee Storey

**2. Acceptance of Minutes**

2.01 Acceptance of Minutes

*Recommended Action:* The Board of Education hereby accepts minutes of the March 22, 2022, March 23, 2022 meetings

Motioned: Trustee Sherry

Seconded: Trustee Bishop

Result: Unanimous

Trustee Salem, Trustee Sherry, Trustee DeJesus, Trustee Bishop

Not Present: Trustee Osmond, Trustee Storey

**3. Welcome**

3.01 Phoenicia School Principal, Elizabeth Fallo will welcome the Board

- Phoenicia sign has been redone by the students with the original artist
  - Students learned about the community and its history
  - Last fall found the sign was old and dirty – had to scrub sign with toothbrushes to get plant life off
  - Unveiling on Thursday
- In Science, learned to use microscopes
- 1<sup>st</sup> and 2<sup>nd</sup> graders - Literacy week – Agricultural Operations
  - Did planting experiment
- Adventurous Sprit Week
- IBM coming for Engineers Week
- Then Invention Convention Science fair in the spring
- Will be planting seeds for the garden
- 3<sup>rd</sup> grade finished assessments – worked very hard
- Hallways show caring, learning environment with student work

**4. Superintendent News**

4.01 The Superintendent will report on District News

- Upcoming parent workshops finalized for Introduction to Components of Social-Emotional Learning for parents to support school work
  - Secondary 4/21/22 Elementary 5/10/22
- COVID update – continue to monitor positive rate in District
  - Have continued to drop

- Streamlines notification about positive cases
- Parent concerns with too many notifications and want one generic message, unless child direct contact
- If changes, will leave existing mitigation strategies in place and a week after spring break will see if we can lift any strategies
- Providing each student and staff with 2 home COVID test kits
- 2022-2023 calendar – working as administrative team – next week will meet with bargaining groups to get input, adopt at 4/20/22 meeting
- 2022-2023 Kindergarten – enrollment is consistent with last year
  - 77 new kindergarteners
  - Working with director of Transportation
  - Goal is to allow as many students as possible to attend their home school
  - Grey zones – Olivebridge, Samsonville and Crumville to Phoenicia
    - Shorter bus ride
    - Allow to maintain 2 sections in each building
    - For new enrollees with no siblings in Woodstock
- 2022-2023 Budget
  - Presenting without State Aid – State budget not passed
  - Will have to have an additional Board meeting to adopt budget – to occur prior to 4/20/22
- NYS 3-8 ELA assessments – participation rate 76%
  - Helps focus curriculum
- Started year end celebration planning with current COVID protocols – if rate stays low, maybe able to ease them

Discussion:

- Prom is taking place at the Chateau – protocols as restaurant deems
- Graduation will be similar to last year – putting groups together – found to be a better way
  - Invited all staff to participate in ceremony
- Make sure that all parents get same information that students received
  - Information on the High School website

## 5. Board District News

5.01 The Board will report District News (proposed 6:20)

6:15

Trustee Sherry reported:

- That she will be streaming her daughter's award ceremony during the meeting
- The Table is partnering with Onteora Counseling Department to take donations for prom dresses, accessories, suits and scholarships for prom

Trustee Salem reported:

- "No Way to Grow Up"- reflections of education in the time of COVID – student and teacher participated
- Woodstock Community Center – Will be there to talk about Board as local Government

## 6. Student Representative Report

6.01 The student Representative on the Board, Noelle Crandell, will give a report

- Prom planning and planning for graduation are underway
- Year books are available – sold many
- Tickets for Little Mermaid went on sale
- Spring edition of the Talon is out
- Newsroom did 4<sup>th</sup> broadcast
- Anxiety increased with upcoming AP exams, finals and regents

## 7. Presentations

7.01 Interim Assistant Superintendent for Business, Dr. Don Gottlieb will update the Board on the 2022-2023 Budget (proposed 6:30 duration 20 min)

6:30

Other News:

- Received email from the State that they were going to recoup money from past years
  - Then received email that the last email was not correct and to disregard
- Audit from the Comptroller received by the Board, honed in on purchasing and procurement procedures:
  - Proper documentation on a bus purchase – system District uses for purchasing, district staff entering the requisition is not putting the State contract number, needs to be there will also attach state contract
  - Purchases in which quotes were not received – beyond a certain amount of money need to get 3 quotes – should follow purchase through process
  - Claims Auditor – have a new Claims Auditor since November
    - Highly trained, audits a local town
  - Accept the report, next meeting will have management letter to deal with any issues they have raised
- 2021-2022 Budget \$58,784,143, 2022-2023 Budget \$59,991,639
  - Increase of \$1,207,496 or 2.054%
- Additional Proposition for Use of Capital Reserve Fund
  - Up to \$675,000 for exterior doors at Phoenicia and Woodstock plus sidewalks at Phoenicia
- Items included in 2022-2023 Budget
  - Continues all pre-pandemic programs
  - Expands active learning space initiative
  - Increases summer school funding to address academic supports needed following the 2021-2022 school year
  - Increases afterschool homework & supervision
  - Allocates additional funds for mental health support
    - Equipment requests: Snow plow, School bus
- Revenues: No State Aid runs yet – State budget not passed
  - Current Year 2021-2022 Levy \$45,557,126 Tentative Proposed 2022-2023 Levy \$46,146,126
    - Increase of \$589,000 or 1.29%
- Potential Capital Projects Included in Budget

- \$750,000 transfer from General Fund to Capital Fund (2021-2022 transfer) to abate deteriorating asbestos floor tiles throughout district.
- \$675,000 Proposition 2 – Exterior doors at Phoenicia and Woodstock and sidewalks, steps and ramps at Phoenicia
- \$165,000 ARP Funds – Generator at Bennett
- \$550,000 ARP Funds – Generator at Junior/Senior High School
- \$802,142 2022-23 transfer from General Fund to Capital Fund & CRRSA Funds High Ropes Project
- \$1,995,000 ARP and CRRSA Funds – Renovate Junior/Senior High School classrooms
- Can adopt anytime between now and 4/19/22 due to the timing of the military ballots, which was a mistake by the State
- If need to go to contingency budget, vote date is 6/21/22

Discussion:

- To run for Board of Education, have until 4/18/22, when Petitions are due
- Can adopt budget without the State Aid numbers, since voters only vote on Budget, not Levy
  - See if we have State Aid runs, may do regular meeting on Tuesday, 4/12/22 to adopt budget

## 8. Acknowledge Public Be Heard Comments

8.01 The Board will acknowledge the public be heard comments from the last meeting Scott Via, Lisa Treasure, Frank Nagele, Lindsay Shands

## 9. Public and Student Comment

9.01 Public and Students may comment on any agenda or non-agenda item (proposed 6:50)

Denise Warren – Later Start Times – We are just outside of COVID to make another change, could mean steps backwards for some students. Athletic Director to find out if can still compete in MHALS – should have that already. My not be able to warm up prior to games – no faith your goals is to keep children safe. Declining enrollment for town sports- traveling far for games. NYCA is not willing to change start time – other after school programs will not change the time. Everyone talks to Board, but feel that you are not listening. Focus on things that will change their lives – more artistic, more clubs, etc.

Ariel Futerfas – Attorney for UC court- for children. Proposed later start will be damaging. Home at 5pm, in the dark on Route 28 in rush hour. After 45 minute bus ride, won't be able to do after –school activities. Putting her on the bus in the morning. Can't get to court until 9am – hire someone. Had high school children, would not have been in favor of 20 min change at the risk of our young.

Comprehensive report on all children, not just secondary

Brittany Burgher – Representing the Phoenicia PTA – want to share results of the survey conducted about Later Start Times change. Overwhelming concern of financial burden with before school child care. Younger students will lose primary learning time. Negative impact on family is not worth the 20 minutes. Family time would be impacted. Young children check-out by 2:30. Wait for new Superintendent.

**10. Discussion and Possible Action**

10.01 Donations for Scholarships

*Recommended Action:* The Superintendent recommends acceptance of donations totaling \$9,600.00 CASH, from various donors as scholarship awards for the graduating class.

The Superintendent recommends approval of the following donations:

\$200.00 Bridget Allison

\$1,000.00 Woodstock General & Implant Dentistry

\$500.00 Rose & Kiernan

\$300.00 Patricia Tosi

\$1,000.00 Phoenicia Library Association

\$250.00 Phoenicia Post American Legion

\$250.00 Historical Society Town of Olive

\$2,500.00 Retired Employees of Onteora

\$3,500 Anonymous Donation

\$100.00 OCHS Scholarship

Motioned: Trustee Bishop

Seconded: Trustee Sherry

- Thank you all so much - amazing that this happens every year

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee DeJesus, Trustee Bishop

Not Present: Trustee Osmond, Trustee Storey

10.02 Memorandum of Agreement to Change Civil Service Title and New Salary Schedule

*Recommended Action:* The Board of Education approves the MOA between the Onteora Non-Teachers Employees Association and the Onteora Central School District regarding changing the Stores Clerk civil service position and approves the accompanying salary schedule

Motioned: Trustee Bishop

Seconded: Trustee DeJesus

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee DeJesus, Trustee Bishop

Not Present: Trustee Osmond, Trustee Storey

10.03 Inter-Municipal Agreement with Olive

*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 Inter-Municipal Agreement between Onteora Central School District and the Town of Olive for the use of the baseball/softball field at Davis Park and authorizes the Superintendent to sign such an agreement.

Motioned: Trustee DeJesus

Seconded: Trustee Sherry

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee DeJesus, Trustee Bishop

Not Present: Trustee Osmond, Trustee Storey

10.04 Discuss Process for Moving Forward with Later School Start Times (proposed 7:00 duration 20 min)

7:10

- Heard so much over last few weeks
- Is important to Board
- Process – mistake Board made will be corrected when process starts again – have a committee that meets monthly during the school year – to have ownership of the whole district
- Proper thing to do is rescind resolution

Motion to rescind the resolution on later start times

Motioned: Trustee Sherry

Seconded: Trustee Bishop

Result: Unanimous

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

Not Present: Trustee Osmond

- Trustee Osmond put a decade of trying to do later start times here
- Maybe State of NY would change the start times of schools
- When readdressed, instead of being for or against, how can it happen
- Thanks to everyone who has been vocal – love the community's involvement
  - Nothing more important than entire community being involved
- Wait for new Superintendent to start process

Motion to table policies

Motioned: Trustee Sherry

Seconded: Trustee Bishop

Result: Unanimous

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

Not Present: Trustee Osmond

## 11. Policies (proposed 7:20)

### 11.01 Second Reading and Adoption of Policy 3410 Code of Conduct

*Recommended Action:* The Board of Education hereby adopts Policy 3140 as written  
*Edits are from our attorney & last meeting comments*

#### **2002–2022 3410 Community Relations CODE OF CONDUCT ON SCHOOL PROPERTY**

The District has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors. The Board of Education shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, school property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the District's elementary or secondary schools, or in or on a school bus; and a school function shall mean a school-sponsored extracurricular event or activity.

The District Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

**The District's Code of Conduct shall be reviewed and approved on an annual basis, and updated as necessary in accordance with law. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the**

participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

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

Privacy Rights

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

The Code of Conduct shall include, at a minimum, the following:

- a. Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b. Standards and procedures to assure security and safety of students and school personnel;
- c. Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- d. Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or their designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;
- e. Disciplinary measures to be taken for incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- f. Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- g. Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- h. Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- i. Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- j. Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- k. Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition will be filed;
- l. Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- m. A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more

occasions during a semester, or three (3) or more occasions during a trimester, as applicable;

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

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

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

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

*Privacy Rights*

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

Education Law Sections 2801 and 3214 Family Court Act Articles 3 and 7 Vehicle and Traffic Law Section 142; 8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

NOTE: Refer also to Policy #7310 -- School Conduct and Discipline; [Policy 7380 DASA](#)

11.02 Second Reading and Adoption of Policy 3420 Anti-Harassment in the School District

*Recommended Action:* The Board of Education hereby adopts Policy 3420 as written Edits are from our attorney ~~2014~~2022 3420 Community Relations **ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

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

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

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

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

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



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

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

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

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

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

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

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

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

#### **Prohibition of Retaliatory Behavior**

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

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

#### **Finding That Harassment Did Not Occur**

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

#### **Knowingly Makes False Accusations**

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

#### **Privacy Rights**

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

#### **Training and Dissemination of Administrative Regulations**

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

#### **Complaints to Agencies**

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

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

A student may file a complaint with the following agencies:

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

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

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

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

Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

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

[Prohibits discrimination on the basis of sex. Civil Rights Law Section 40-c.](#)

~~Prohibits discrimination on the basis of sex. Civil Rights Law Section 40-c~~

Education Law Section 2801(1); Executive Law Section 290 et seq. Military Law Sections 242 and

243 NOTE: Refer also to Policies: #3421 -- Sexual Harassment of Students; #3422 --Sexual

Harassment of Employees; #7550 --Complaints and Grievances by Employees; #7550 --Complaints and Grievances by Students; #7380 --Dignity For All Students

### 11.03 Second Reading and Adoption of Policy 3421 Sexual Harassment of Students

*Recommended Action:* The Board of Education hereby adopts Policy 3421 as written

Edits are from our attorney

2022 3421 Community Relations SEXUAL HARASSMENT OF STUDENTS

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

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program. The District shall appoint one or more Title IX Coordinators each year and provide the Title IX Coordinator's contact information in the regulation that accompanies this policy (3421-R).

Sexual harassment is covered by a number of laws including Title IX and New York State Law and the Dignity for All Students Act. Accordingly, each incident will be evaluated by the Title IX Coordinator. The Complainant shall have the right to determine how they want to proceed. Even if a Complainant chooses not to pursue a Title IX complaint, the District has the right to pursue the matter through its Code of Conduct and Policies and Procedures.

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

Pursuant to Title IX sexual harassment is defined as:

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

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

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

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

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

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

In order for the Board to effectively enforce this policy and to take prompt both corrective and supportive measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District shall have actual knowledge when any school employee: (1) witnesses sexual harassment first hand; (2) hears about an allegation of sexual harassment from any source; or (3) receives a complaint about sexual harassment by any means (e.g. written, verbal, electronic). The District's Title IX Coordinator shall be informed immediately.

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

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

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a

good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

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

This policy, or a simplified version, will be posted in a prominent place in each district facility, on the district's website, and will also be published in other appropriate school publications.

Cross-ref: 7380 Dignity for All Students; Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.* Education Law §§10-18 (The Dignity for All Students Act)

*Davis v. Monroe County Board of Education*, 526 U.S. 629, 652 (1999)

*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)

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

*v. University of Chicago*, 441 U.S. 677 (1979)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

#### 11.04 Second Reading and Adoption of Policy 3422 Sexual Harassment of Employees

**Recommended Action:** The Board of Education hereby adopts Policy 3422 as written *Edits are from our attorney & Board ~~2021-2022~~ 3422 Community Relations SEXUAL HARASSMENT OF EMPLOYEES*

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

##### Definitions of Sexual Harassment

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

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, sexual orientation, gender identity and expression, and transgender status, when:

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

However, under New York State Human Rights Law, sexual harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty

slights or trivial inconveniences. Rather, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment.

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

#### Title IX

[The District shall appoint one or more Title IX Coordinators each year and provide the Title IX Coordinator's contact information in the regulation that accompanies this policy \(3422-R\).](#)

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

Pursuant to Title IX Sexual Harassment is defined as:

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

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

#### Sexual Harassment Prohibited

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

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

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

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

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

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited

retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job-related, or occur in the workplace, to constitute unlawful retaliation.

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

This policy, or a simplified version, will be posted in a prominent place in each district facility, on the district's website, and shall also be published in employee handbooks, and other appropriate school publications.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.* Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*; Executive Law §296-d (prohibition of sexual harassment of employees and non-employees) Labor Law §201-g (required workplace sexual harassment policy and training) ;Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited); General Obligations Law §5-336 (nondisclosure agreements optional) *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998); *Burlington Industries v. Ellerth*, 524 U.S. 742 (1998); *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998); *Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)

#### 11.05 Second Reading and Adoption of Policy 6120 Non-Discrimination and Equal Opportunity

**Recommended Action:** The Board of Education hereby adopts Policy 6120 as written Edits are from our attorney ~~2021~~2022 6120 Personnel NON-DISCRIMINATION AND EQUAL OPPORTUNITY

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

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

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

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

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

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

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

#### **Annual Notification**

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

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

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

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

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

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

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*  
Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)  
Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*  
Genetic Information Nondiscrimination Act of 2008 P.L.  
110-233 34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25  
Executive Law §§290 *et seq.* (New York State Human Rights Law) Education Law §§10-18 (The Dignity for All Students Act) Education Law §§313(3); 3201; 3201-a  
ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist),  
[www.ada.gov/pcatoolkit/toolkitmain.htm](http://www.ada.gov/pcatoolkit/toolkitmain.htm)

### 11.06 Second Reading and Adoption of Policy 6122 Complaints and Grievances by Employees

**Recommended Action:** The Board of Education hereby adopts Policy 6122 as written Edits are from our attorney ~~2014-2022~~ 6122 Personnel COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances

free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

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

#### Prohibition of Retaliatory Behavior

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

#### Complaints and Grievances Coordinator

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

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

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

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

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

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

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

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

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

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section

2000e et seq. Prohibits discrimination on the basis of race, color, religion, sex or national origin.

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

1681 et seq. Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

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

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

Military Law Sections 242 and 243

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

## 11.07 Second Reading and Adoption of Policy 7310 School Conduct and Discipline

*Recommended Action:* The Board of Education hereby adopts Policy 7310 as written Edits are from our attorney ~~2002-2022~~ 7310 Students SCHOOL CONDUCT AND DISCIPLINE

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the



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

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

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

Education Law Sections 2801 and 3214 8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2) NOTE: Refer also to Policy #3410 -- *Code of Conduct on School Property*

#### 11.08 Second Reading and Adoption of Policy 7380 Dignity for All Students Act

*Recommended Action:* The Board of Education hereby adopts Policy 7380 as written

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

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

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

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

#### **Cyberbullying Behavior**

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

The District prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived **characteristic. This includes, but is not limited to** race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

#### **Dignity Act Coordinator**

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

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

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

#### **Training and Awareness**

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

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

- a. Raise awareness and sensitivity;
- b. Address social patterns and the effects on students;
- c. Inform employees on the identification and mitigation of such acts;
- d. Provide strategies for effectively addressing problems of exclusion, bias and aggression;

- e. Include safe and supportive school climate concepts in curriculum and classroom management; and
- f. Ensure the effective implementation of school policy on conduct and discipline.

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

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

#### **Reports and Investigations of Bullying, Discrimination and/or Harassment**

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

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

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

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

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

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

### 11.09 Second Reading and Adoption of Policy 7550 Complaints and Grievances by Students

*Recommended Action:* The Board of Education hereby adopts Policy 7550 as written Edits are from our attorney 2014-2022 7550 Students **COMPLAINTS AND GRIEVANCES BY STUDENTS**

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

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

#### **Prohibition of Retaliatory Behavior**

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

#### **Complaints and Grievances Coordinator**

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

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

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

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

Executive Law Section 290 et seq.

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

## **12. Independent Contract Retainers & Contracts**

### **12.01 Approve all Independent Contract Retainers & Contracts (proposed 7:40)**

*Recommended Action:* The Board of Education hereby approves item #s 12.02-12.08

Motioned: Trustee Bishop

Seconded: Trustee Sherry

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee DeJesus, Trustee Bishop

Not Present: Trustee Osmond, Trustee Storey

### **12.02 CPL - PH & WD Heating & Ventilation**

*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 contract between the Onteora Central School District and Clark Patterson Lee for professional design services for the Phoenicia and Woodstock Heating and Ventilation improvements in the amount of \$154,800.00 and authorizes the Superintendent to sign such an agreement.

## 12.03 CRL - Generators

*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 contract between the Onteora Central School District and Clark Patterson Lee for professional design services for Emergency Generators at the Bennett, Phoenicia, Woodstock and Onteora Middle/High Schools in the amount of \$154,000.00 and authorizes the Superintendent to sign such an agreement.

## 12.04 CPL - Replace Vinyl Asbestos

*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 contract between the Onteora Central School District and Clark Patterson Lee for professional design services for Replacing vinyl asbestos tile (VAT) flooring (and carpeting where applicable) with new vinyl composition tile (VCT) flooring at the Bennett, Phoenicia, Woodstock and Onteora Middle/High Schools in the amount of \$80,300.00 and authorizes the Superintendent to sign such an agreement.

## 12.05 Mid Hudson Interpreter

*Recommended Action:* BE IT RESOLVED, that the Board of Education of the Onteora Central School District approve the contract between Onteora Central School District and Mid-Hudson Interpreter Services for Interpreter Services from July 1, 2022 through June 30, 2023 and authorizes the Superintendent to sign such an agreement.

## 12.06 School Resource 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 approve the contract between Onteora Central School District and the County of Ulster, effective September 1, 2022 through June 30, 2023 for School Resource Services in the amount of \$111,054,.66 and authorizes the Superintendent to sign such an agreement.

## 12.07 Reading Writing Project Virtual Trainer \*\*revised from an approved ICR- maximum amount changed from \$9,000 to \$30,000\*\*

*Recommended Action:* BE IT HEREBY RESOLVED on recommendation by the Superintendent of Schools that the Board of Education of the Onteora Central School District approve the Independent Contractor Retainer between the Onteora Central School District and Reading Writing Project Network, LLC retained as a Virtual Trainer effective January 26, 2022 to June 30, 2022 at a rate of \$3,000.00 per day to a maximum of \$30,000.00 and authorizes the Superintendent to sign such an agreement.

## 12.08 Transport Student for Therapy

*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 contract between the Onteora Central School District and Parent to transport student for therapy services at the IRS mileage reimbursement rate to an anticipated maximum rate of \$1,299.00 and authorizes the Superintendent to sign

such an agreement.

**13. Consent Agenda**

13.01 Approve Consent Agenda (proposed 7:45)

*Recommended Action:* The Board hereby approves item numbers 13.02 - 13.05

Motioned: Trustee Sherry

Seconded: Trustee Bishop

Result: Unanimous

Yea: Trustee Salem, Trustee Sherry, Trustee DeJesus, Trustee Bishop

Not Present: Trustee Osmond, Trustee Storey

13.02 Personnel Agenda

**RESIGNATIONS: NON- INSTRUCTIONAL PART-TIME**

NAME	POSITION/SCHOOL	EFFECTIVE DATE	REMARKS
Schoonmaker, George	Bus Driver/Transportation	04/05/2022	Resignation to accept FT position

**APPOINTMENT: NON-INSTRUCTIONAL PROBATIONARY APPOINTMENT**

NAME	POSITION/SCHOOL	EFFECTIVE DATE	SALARY	REMARKS
Schoonmaker, George	Bus Driver/Transportation	04/06/22 – 10/05/22	Step 5	New position
Weir, Alexandria**	Bus Driver/Transportation	04/18/22 – 10/17/22	Step 5	New position

\*\*Pending pre-employment processing\*\*

**TERMINATION: NON-INSTRUCTIONAL**

NAME	POSITION/SCHOOL	EFFECTIVE DATE	REMARKS
Fisher, Kathryn	School Monitor/Phoenicia	03/31/22	Termination

**EXTRA DUTY STIPENDS:**

NAME	POSITION	Effective Date	AMOUNT
Cohen, Wendy	Regents Prep (Cc Geometry)	04/18/22	\$2,054.00
Connolly, Brian	Regents Prep (Global Studies)	03/31/22	\$2,054.00
Rivera, Stephanie	Regents Prep (Algebra I)	03/31/22	\$2,054.00
Via, M. Scott	Regents Prep (Living Environment)	04/06/22	\$2,054.00
Matteson, Eric	Volunteer- Modified Baseball Coach	04/06/22	-\$0-

The following named NON-INSTRUCTIONAL personnel have served a probationary status and are recommended to a PERMANENT STATUS consistent with the applicable laws and regulations of the State of New York:

NAME	POSITION	PROBATIONARY DATE	PERMANENT DATE
Ryan, Lisa	Typist	10/13/21	04/13/22

**TEMPORARY APPOINTMENT: NON- INSTRUCTIONAL**

NAME	POSITION/SCHOOL	EFFECTIVE DATE	REMARKS
Brower, Alison	Summer School Nurse	04/06/22 – 06/30/22	On step
Bower, Alison	Summer School Nurse	07/11/22 – 08/05/22	On step

**TEMPORARY APPOINTMENT: INSTRUCTIONAL**

NAME	POSITION/SCHOOL	EFFECTIVE DATE	RATE	REMARKS
Zwilling, Marcia	2nd Grade Elementary/Woodstock	*approx. dates* 04/06/22 – 04/19/22	BA Step 1	Leave Replacement

Moorhus, Jolie	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Furman, Elizabeth	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Mayone-Allison, Joan	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Erlwein, Doreen	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Millman, Michelle	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Millman, Jacob	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Mitchell, Allison	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Davis, Kimberly	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Fields, Dominique	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Warren, Kristen	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Amodeo, Bernadette	Summer School Teacher	04/06/22 – 06/30/22	\$45/hr	Summer Academy Planning
Moorhus, Jolie*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Furman, Elizabeth*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Mayone-Allison, Joan*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Erlwein, Doreen*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Millman, Michelle*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Millman, Jacob*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Mitchell, Allison*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Davis, Kimberly*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Fields, Dominique*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Warren, Kristen*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Amodeo, Bernadette*	Summer School Teacher	07/11/22 – 08/05/22	\$45/hr	Summer Academy
Beesmer, Carol	Summer School Teaching Assistant	07/11/22 – 08/05/22	On step	Summer Academy
Baldwin, Deborah	Summer School Teaching Assistant	07/11/22 – 08/05/22	On step	Summer Academy
Caprotti, Patricia	Summer School Teaching Assistant	07/11/22 – 08/05/22	On step	Summer Academy
Kwarteng, Chantal	Summer School Teaching Assistant	07/11/22 – 08/05/22	On step	Summer Academy
Briggs, Janet	Summer School Teaching Assistant	07/11/22 – 08/05/22	On step	Summer Academy
Blank, Adam	Summer School Teaching Assistant	07/11/22 – 08/05/22	On step	Summer Academy

\*pending student enrollment\*

13.03 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, #4/22, Confidential, as reviewed by Trustee Storey

13.04 Warrant Schedule 9

*Recommended Action:* The Board of Education has reviewed and hereby accepts Warrant Schedule 9

13.05 Procurement and Claims Auditing

*Recommended Action:* The Board of Education of the Onteora Central School District acknowledges receipt of the draft of the audit entitled "Procurement and Claims Auditing." The Board has directed the Central Administration of the District with the task of preparing an action plan in response to the findings.

**14. Committee Reports**

14.01 Audit Committee: Trustee Bishop to report

- Reporting on 2 committee meetings
- Discussed BOCES Capital Project
- Internal Audit was discussed, decided on more information on internet safety
  - We were among other districts that were victims of check fraud – decided to move forward with self-directed audit –asked Director of Technology, John Reimer for a report
- Contacted Reis Group to discuss their involvement with district in case of fraud
- John Reimer reported on Internet Safety in the District
  - Services are purchased through BOCES - protects the district and sensitive student data
  - Will report to board next meeting
- BOCES representative Bob Curran reported that all districts approved Capital project
- External audit at May meeting
- Will do formal internal audit next year – will discuss in May
- In Town of Olive – the Stuckey Building across from MS/HS campus will be torn down , also Nuvance Health is closing and may be town down
- Discussed 28A construction

14.02 Facilities Committee: Trustee Storey to Report

Will report at the next meeting

Communications Committee has template for Communication Survey

**15. Old Business**

15.01 The Board will discuss Old Business

**16. New Business**

16.01 The Board will discuss New Business

Request from parent look at possibility of putting awning over loading dock so people don't have to stand in the rain while waiting to be admitted to HS



**17. Request For Information**

17.01 Board members will request information of the Superintendent

Trustee Salem asked: Restorative Circles: frequency and length by grade level so far this year

**18. Enter into Executive Session & Adjournment**

18.01 Enter executive session

*Recommended Action:* Motion to enter into executive session to discuss matters that lead to the appointment of the Superintendent

Motioned: Trustee Bishop

Seconded: Trustee Sherry

Result: Unanimous

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

Not Present: Trustee Osmond

18.02 Exit Executive Session and Adjourn Meeting

*Recommended Action:* Motion to exit executive session and adjourn at 8:45

Motioned: Trustee Storey

Seconded: Trustee Sherry

Result: Unanimous

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

Not Present: Trustee Osmond

Minutes Recorded by Fern Amster,  
District Clerk



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