

Caledonia-Mumford Central School District

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Community Relations

SUBJECT: MEDIA/MUNICIPAL GOVERNMENTS/SENIOR CITIZENS**School District Media**

The Principal of each building is responsible for the preparation of news releases concerning the activities within that building, and for reviewing them with the Superintendent prior to release. Copies of all final news releases will be sent to the Superintendent's Office.

In addition, a periodic newsletter may be prepared and sent to each resident of the School District. Included in the newsletter will be information regarding school activities, a monthly calendar and other items of interest to the community. The Board accepts the funding obligation for the necessary staff and production costs.

As the official spokesperson, the Superintendent or his/her designee shall issue all news releases concerning the District. All statements of the Board will be released through the Office of the Superintendent and/or the District Clerk.

Municipal Governments

It is the policy of the Board to establish and maintain a positive working relationship with the governing bodies of the municipality. The Board shall also cooperate with municipal, county and state agencies whose work affects the welfare of the children of the District, including but not limited to the County Social Service Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency service agencies.

Senior Citizens

The Board of Education will consider school related programs for senior citizens in accordance with Education Law and/or Regulations of the Commissioner of Education. Such programs include special use of school buildings or school buses, school lunches and partial tax exemptions.

Education Law Sections 1501-b(1)(a), 1501-b(1)(b), and 1709(22)
Real Property Tax Law Section 467

Adopted: 8/13/13

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING**General Criteria**

The availability of Internet access in the School District provides an opportunity for staff and students to access information and contribute to the School District's presence on the World Wide Web. The District/school/classroom websites must relate to curriculum or instructional matters, school authorized activities, or general information of interest to the public pertaining to the District or its schools. Staff and students are prohibited from publishing personal home pages or links to personal home pages as part of the District/school/classroom Web Page(s). Similarly, no individual or outside organization will be permitted to publish personal Web Pages as part of the District/school/classroom Web Page(s).

Internet access for the creation of Web Pages is provided by the District and all information must be reviewed by the Website Manager prior to publishing it on the Web. Personnel designing information for the Web Pages must familiarize themselves with and adhere to District standards and procedures. Failure to follow District standards or responsibilities may result in disciplinary sanctions in accordance with law and/or the applicable collective bargaining agreement.

The District will ensure that any and all notifications and documents required by law, regulation, or District policy to be posted on its website will be so published.

Content Standards

- a) Approval for posting a Web Page must be obtained from the Website Manager or his/her designee(s). If at any time, the Website Manager/designee(s) believes the proposed material does not meet the standards approved by the District, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the Website Manager/designee(s).
- b) A Web Page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to District policies and regulations. The Web Page must include the name of the sponsor.

(Continued)

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)

- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity, and in compliance with any and all relevant laws, rules, and regulations.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) shall be subject to prior District review as would any other school-sponsored student publication.
- e) An authorized teacher who is publishing the final Web Page(s) for himself/herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with District standards and practices.
- f) Commercial advertising or marketing on the District/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) shall be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding website advertising must be consistent with existing District policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- g) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, email addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- h) All Web Pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy(ies) and accompanying Regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.
- i) All staff and/or students authorized to publish material on the District/school/classroom Web Page(s) shall acknowledge receipt of the District's Web Page Standards and agree to comply with same prior to posting any material on the Web.

(Continued)

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)

Release of Student Education Records/Directory Information

The District will not permit students' personally identifiable information to be posted on any District Web pages unless such action is consistent with the Family Educational rights and Privacy Act (FERPA) and District Policy.

Bus Schedules

Online posting of school bus schedules and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated websites as such information can pose risks of child abduction or other security concerns. Password protected websites may be authorized by the Superintendent/designee.

Use of Copyrighted Materials and "Fair Use" Exceptions

Copyrighted Materials

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, "Fair Use" guidelines, licenses or contractual agreements, or the permission of the copyright proprietor. Web Page publications must include a statement of copyright when appropriate and indicate that permission has been secured when including copyrighted materials or notice that such publication is in accordance with the "Fair Use" provisions of the Copyright Law.

Consequences for Non-Compliance

Web Pages that do not comply with the above criteria are subject to revocation of approval and removal from the District/school/classroom websites.

Staff

Faculty or staff posting non-approved or inappropriate material on a school-affiliated website are subject to discipline, including possible suspension or revocation of access to the District's computer network, in accordance with law and applicable collective bargaining agreements. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

(Continued)

SUBJECT: SCHOOL DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING (Cont'd.)

Students

Students posting non-approved or inappropriate material on a school-affiliated website are subject to discipline, including possible suspension or revocation of access to the District's computer network, in accordance with applicable due process procedures and the District Code of Conduct. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Oversight

The Superintendent of Schools or his/her designee shall have the authority to approve or deny the posting of any proposed Web Pages on school-affiliated websites based upon compliance with the terms and conditions set forth in this policy as well as applicable District practices and procedures.

Digital Millennium Copyright Act (DMCA), 17 USC Sections 101 et seq., 512 and 1201 et seq.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232(g)
34 CFR Parts 99 and 201

NOTE: Refer also to Policies #7241 – Student Directory Information
#7411 – Censorship of School-Sponsored Student Publications and Activities
#8350 – Use of Copyrighted Materials

Adopted: 6/10/14

Community Relations

SUBJECT: FLAG DISPLAY

In keeping with State Education Law and Executive Law, the Board of Education accepts its duty to display the United States flag upon or near each public school building during school hours, weather permitting, and such other times as the statutes may require or the Board may direct.

When ordered by the President, Governor, or local official, to commemorate a tragic event or the death of an outstanding individual, the flag shall be flown at half-staff. The Superintendent's approval shall be required for the flag to be flown at half-staff upon any other occasion. Regulations for seeking such approval shall be established in the Administrative Manual of the District.

The flag shall be displayed in every assembly room (i.e., the auditorium) including the room where the Board of Education meetings are conducted, as well as displayed in all rooms used for instruction.

4 United States Code (USC) Section 6

Education Law Sections 418 and 419

Executive Law Sections 402 and 403

8 New York Code of Rules and Regulations (NYCRR) Sections 108.1-108.3

Adopted: 8/13/13

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

The Board recognizes the need to develop a school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program will be to:

- a) Assist employees in providing more individualization and enrichment of instruction;
- b) Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process;
- c) Strengthen school/community relations through positive participation.

Volunteers are persons who are willing to donate their time and energies to assist Principals, teachers, and other school personnel in implementing various phases of school programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the District's insurance program.

An application shall be filled out by each prospective volunteer and forwarded to the District Office for evaluation. The Building Principal will forward his/her decisions concerning selection, placement and replacement of volunteers to the Superintendent for final evaluation. Following approval from the Superintendent of Schools, volunteers selected for work in the District shall be placed on the list of approved volunteers. However, the Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.

Administrative regulations will be developed to implement the terms of this policy.

Volunteer Protection Act of 1997, 42 United States Code (USC) Section 14501 et seq.
Education Law Sections 3023 and 3028
Public Officers Law Section 18

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees

Adopted: 8/13/13

Community Relations

SUBJECT: VISITORS TO THE SCHOOL

All visitors shall be required to report to the Main Office upon arrival at school and state their business. Visitations to classrooms for any purpose require permission in advance from the Building Principal in order to allow teachers the opportunity to arrange their schedules to accommodate such requests.

When individual Board members visit the schools, they must abide by the regulations and procedures developed by the administration regarding school visits.

Education Law Section 2801
Penal Law Sections 140.10 and 240.35

Adopted: 8/13/13

Community Relations

SUBJECT: PUBLIC COMPLAINTS

Complaints by citizens regarding any facet of the school operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. In most instances, therefore, complaints will be made to the Building Principal and/or his/her assistant if the matter cannot be resolved by the teacher, coach, or other school employee.

If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may be carried to the Superintendent and/or one of his/her assistants. Unresolved complaints at the building level must be reported to the Superintendent by the Building Principal. The Superintendent may require the statement of the complainant in writing.

If the complaint and related concerns are not resolved at the Superintendent level to the satisfaction of the complainant, the complaint may be carried to the Board of Education. Unresolved complaints at the Superintendent level must be reported to the Board of Education by the Superintendent. The Board of Education reserves the right to require prior written reports from appropriate parties.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the School District
#8330 -- Objection to Instructional Materials
#8331 -- Controversial Issues
District Code of Conduct

Adopted: 8/13/13

Community Relations

SUBJECT: STUDENT PARTICIPATION

Students provide an important channel of communication with parents and the entire community. Information concerning the schools may be properly disseminated through students. The School District's administrators shall review all messages and materials prior to authorizing their dispersal through the student body.

Community Relations

SUBJECT: PARENT-TEACHER ORGANIZATION

The Board of Education recognizes that the goal of the Parent-Teacher Organization is to develop a united effort between educators and the general public to secure for every child the highest achievement in physical, academic and social education. Therefore, staff members and parents are encouraged to join the Parent-Teacher Organization and to participate actively in its programs.

Adopted: 8/13/13

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS**School Children**

Direct solicitation of charitable donations from children in the District schools on school property during regular school hours shall not be permitted. It will be a violation of District policy to ask District school children directly to contribute money or goods for the benefit of a charity during the hours in which District students are compelled to be on school premises.

However, this policy does not prevent the following types of fund raising activities:

- a) Fund raising activities which take place off school premises, or outside of regular school hours during before-school or after-school extracurricular periods;
- b) Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended;
- c) Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

The Board of Education shall ultimately decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

Regulations shall be developed by the administration to implement this policy.

School Personnel

Soliciting of funds from school personnel by persons or organizations representing public or private organizations shall be prohibited. The Superintendent of Schools shall have the authority to make exceptions to this policy in cases where such solicitation is considered to be in the District's best interest. The Board of Education shall be notified of these instances.

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent of Schools as a service to School District personnel.

New York State Constitution Article 8, Section 1

Education Law Section 414

8 New York Code of Rules and Regulations (NYCRR) Section 19.6

Adopted: 8/13/13

Community Relations

SUBJECT: ADVERTISING IN THE SCHOOLS

Neither the facilities, the staff, nor the students of the School District shall be employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual or organization, except that:

- a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with the Rules of the Board of Regents Section 19.6;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent of Schools may, at his/her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;
- d) The schools may, upon approval of the Superintendent of Schools, cooperate with any agency in promoting activities in the general public interest that are non-partisan and non-controversial, and that promote the education and other best interests of the students.

No materials of a commercial nature shall be distributed through the children in attendance in the Caledonia-Mumford Central School District except as authorized by law or the Commissioner's Regulations.

New York State Constitution Article 8, Section 1
8 New York Code of Rules and Regulations (NYCRR) Section 19.6

Adopted: 8/13/13

SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT**School Facilities**

It is the policy of the Board that community groups shall be permitted and encouraged to use school facilities for purposes in accordance with established administrative regulations and procedures. This is meant to include those uses by New York State law. Groups wishing to use the school facilities must secure written permission from the Board of Education or its designee and abide by the rules and regulations established for such use.

The District reserves the right to charge a fee for the use of its facilities in a manner consistent with law, and on terms specified in regulation or by agreement with such organizations.

Use of the Hamilton Field Sports Complex - All Weather Track

Community residents are permitted to use the all weather track for running, jogging, and walking. Residents are to follow the Hamilton Field Sports Complex rules that are prominently displayed on the fences. The facility will be closed for community use between the hours of sunset to sunrise. Residents are not permitted to use the track during any interscholastic competition scheduled for the Hamilton Field Sports Complex. The District reserves the right to change the hours of access for community use of the track.

Community Groups Use of the Hamilton Field Sports Complex - Synthetic Turf Field

Use of the Hamilton Fields Sports Complex requires additional measures of management, security, supervision, and maintenance. All groups must follow the regulations set forth in this policy. Representative of the community groups are responsible for assuring that all participants follow the Hamilton Field Sports Complex rules that are prominently displayed on the fences. Community organizations outside-of-the-District shall pay a different fee than local community youth groups. A separate fee structure shall exist for Sectional and league use. Use of the lights, scoreboard, press box and concession stand requires District personnel to be present. Therefore, an additional cost will be added to the fee for field use.

The approval for community groups to use the Hamilton Field Sports Complex must take into consideration the ability of the District to provide appropriate personnel to be on site for scheduled activities. The availability of District personnel is an important factor in the decision-making process.

(Continued)

SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)**Materials and Equipment**

Except when used in connection with or rented under provisions of Education Law Section 414, school-owned materials or equipment may be used for school related purposes only. Private and/or personal use of school-owned materials and equipment is strictly prohibited. The loan of equipment and materials for public purposes that serve the welfare of the community is allowed, as long as the equipment is not needed at that time for school purposes and that the proposed use will not disrupt normal school operations.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations. The Board will also allow the loan of equipment to local governments and other entities that benefit the welfare of the surrounding community. The Board supports such inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

The District will develop administrative regulations to assure that use of school-owned materials and/or equipment complies with the letter and spirit of this policy, including a description of the respective rights and responsibilities of the School District/lender and borrower in relation to such materials and equipment.

Education Law Section 414
NY Constitution Article 8

NOTE: Refer also to Policies #3281 – Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups

#3410 -- Code of Conduct on School Property

#5640 -- Smoking/Tobacco Use

#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)

#7410 – Extracurricular Activities

District Code of Conduct on School Property

Adopted: 1/28/14

Community Relations

SUBJECT: USE OF FACILITIES BY THE BOY SCOUTS OF AMERICA AND PATRIOTIC YOUTH GROUPS

To the extent the District receives funds made available through the United States Department of Education and maintains a "designated open forum" or a "limited public forum," as those terms are defined in federal regulation, it will not deny any group officially affiliated with the Boy Scouts of America or any other patriotic youth group listed in Title 36 of the United States Code equal access or a fair opportunity to meet. Likewise, the District will not discriminate against any such group that requests to conduct a meeting within the District's designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the group's membership or leadership criteria or oath of allegiance to God and country.

The District will provide groups officially affiliated with the Boy Scouts of America or other Title 36 patriotic youth group access to facilities and the ability to communicate using school-related means of communication on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The District is not required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.

20 USC Section 7905
36 USC Subtitle II
34 CFR Parts 75, 76 and 108

Refer also to Policy #3280 -- Use of School Facilities, Materials and Equipment

Adoption Date: 2/11/2014

Community Relations

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATV's) and other such vehicles is prohibited on any school grounds or areas except for authorized school functions or purposes.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Motor vehicles, not licensed for highway use, are prohibited from driving on school property.

In addition, skateboards are also prohibited from recreational use on school grounds. Students riding bicycles to school are required to secure their bicycle to the bicycle rack with a lock and chain in order to prevent theft or vandalism.

The District will seek to recover damages resulting from the unauthorized use of such vehicles to the fullest extent allowed by law.

Student Vehicles on School Property

All student vehicles are to be registered with the High School Principal and parked in authorized areas only.

Education Law Section 2801(1)
Vehicle and Traffic Law Section 1670

Adopted: 8/13/13

SUBJECT: PUBLIC ACCESS TO RECORDS

Access to District records will be consistent with the rules and regulations established by the New York State Committee on Open Government and will comply with all the requirements of the New York State Freedom of Information Law (FOIL).

Records Access Officer

The Superintendent, subject to the approval of the Board, will designate a Records Access Officer who will have the duty of coordinating the District's response to public requests for access to records.

Fulfilling FOIL Requests

The District will provide copies of records in the format and on the medium requested by the person filing the FOIL request if the District can reasonably do so regardless of burden, volume, or cost of the request. The District may charge a fee for copies as permitted by law and regulation.

The District may require a person requesting lists of names and addresses to provide a written certification that they will not use the lists of names and addresses for solicitation or fundraising purposes and will not sell, give, or otherwise make available the lists of names and addresses to any other person for the purpose of allowing that person to use the lists of names and addresses for solicitation or fundraising purposes.

Requests for Records via Email

If the District has the capability to retrieve or extract electronic records with reasonable effort, it will provide the records electronically upon request. The District will accept requests for records submitted in the form of email and respond to those requests by email using the forms supplied by the District. This information will be posted on the District website, clearly designating the email address for purposes of receiving requests for records via this format.

When the District maintains requested records on the internet, the response will inform the requester that the records are accessible via the internet and in printed form either on paper or other information storage medium.

Notification

1) The District will post in a conspicuous location wherever records are kept and/or publish in a local newspaper of general circulation a notice which contains: the locations where records will be made available for inspection and copying; the name, title, business address, and business telephone number of the Records Access Officer; and the right to appeal a denial of access to records with the name and business address of the person or body to whom the appeal should be directed.

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS

Additional Provisions

Regulations and/or procedures governing access to District records in relation to FOIL requests will be developed.

Education Law § 2116
Public Officers Law Article 6
21 NYCRR Part 1401

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adoption Date: November 8, 2022

SUBJECT: NOTIFICATION OF DISCLOSURE OF EMPLOYEE DISCIPLINARY RECORDS**Overview**

In accordance with New York State Public Officers Law, this policy establishes a process to notify District employees when the District is responding to a request for their disciplinary records.

Scope

This policy applies to all current and former employees of the District whose disciplinary records may be subject to public disclosure under the Freedom of Information Law (FOIL).

What Constitutes an Employee Disciplinary Record

For purposes of this policy, disciplinary records are any record created in furtherance of a disciplinary proceeding, including, but not limited to:

- a) The complaints, allegations, and charges against an employee;
- b) The name of the employee complained of or charged;
- c) The transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;
- d) The disposition of any disciplinary proceeding; and
- e) The final written opinion or memorandum supporting the disposition and discipline imposed including the District's complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee.

Notification Upon Release of Disciplinary Records

When the District releases an employee's disciplinary records in response to a FOIL request, it will promptly provide written notification to the affected employee, unless the request is from the employee for their own records.

For current employees, this notification will be sent to the employee's work email address or, if unavailable, their home address on file with human resources.

For former employees, this notification will be sent to the employee's last known home address on file with human resources. The District will make every reasonable effort to notify former employees, and will document the steps taken to do so.

(Continued)

**SUBJECT: NOTIFICATION OF DISCLOSURE OF EMPLOYEE DISCIPLINARY
RECORDS (Cont'd.)**

Content of Notification

The notification will include a brief description of the released records. This notification is for informational purposes only and does not require employee consent. Its purpose is to ensure employees are aware of the disclosure.

Public Officers Law Section 87

NOTE: Refer also to Policy #3310 -- Public Access to Records

Adoption Date: June 11, 2025

Community Relations

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

The development of centralized computer banks of educational data gives rise to the question of the maintenance of confidentiality of such data while still conforming to the New York State Freedom of Information Law. The safeguarding of confidential data from inappropriate use is essential to the success of the District's operation. Access to confidential computerized data shall be limited only to authorized personnel of the School District.

It shall be a violation of the District's policy to release confidential computerized data to any unauthorized person or agency. Any employee who releases or otherwise makes improper use of such computerized data shall be subject to disciplinary action.

However, if the computerized information sought is available under the Freedom of Information Law and can be retrieved by means of existing computer programs, the District is required to disclose such information.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99
Public Officers Law Section 84 et seq.

Adopted: 8/13/13

SUBJECT: 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 and/or vendors. 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 regardless of where such event or activity takes place, including those that take place in another state.

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

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

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination, bullying and/or harassment against any student, by employees or students 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, that creates a hostile environment by conduct, with or without physical contact, threats, intimidation or abuse (verbal or non-verbal), of such a severe nature that:
 - 1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
 - 2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

When the term "bullying" is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) 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 his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)I or the period of removal expires, whichever is less;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, 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;
- g) Provisions for responding to acts of discrimination, bullying and/or harassment against students by employees or students on school property, at a school function, or off school property when the actions create or would foreseeable create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, pursuant to clause (b) of this subparagraph;
- h) 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;

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the *Code of Conduct* and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) 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 as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) 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;
- p) 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;
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- r) 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, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

The District's *Code of Conduct* shall be 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.

The *Code of Conduct* shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its *Code of Conduct* and the District's response to *Code of Conduct* violations. 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 any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The Board of Education shall ensure community awareness of its *Code of Conduct* by:

- a) Posting the complete *Code of Conduct* on the Internet website, if any, including any annual updates and other amendments to the Code;
- b) Providing copies of a summary of the *Code of Conduct* to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;
- c) Providing a plain language summary of the *Code of Conduct* to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
- d) Providing each existing teacher with a copy of the complete *Code of Conduct* and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)**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 11(8), 801-a, 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 NYCRR Section 100.2

NOTE: Refer also to *District Code of Conduct*

Adopted: 8/13/13

Community Relations

SUBJECT: PROHIBITION OF WEAPONS ON SCHOOL GROUNDS

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written permission of the Board of Education or its designee, no person may have in his/her possession any weapon on school grounds, in any District building, on a school bus or District vehicle, or at any school sponsored activity or setting under the control and supervision of the District.

This prohibition shall include, but not be limited to: any of the objects or instruments referred to in Section 265.01 of the New York State Penal Law; any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge; and any object that could be considered a reasonable facsimile of a weapon.

Penal Law Sections 265.01-265.06, 265.20

NOTE: Refer also to Policies #3410 – Code of Conduct on School Property
#7313 – Suspension of Students
#7360 -- Weapons in School and the Gun-Free Schools Act

Adopted: 6/10/14

Community Relations

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

The School District is committed to the prevention of violence against any individual or property in the schools, on school property or at school activities whether such acts and/or threats of violence are made by students, staff, or others. Threats of violence against students, school personnel and/or school property will not be tolerated whether or not such threats occur on school grounds or during the school day.

Any person who commits an act or threatens an act of violence, including bomb threats, whether made orally, in writing, by email, or by any other electronic format, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct on School Property* and collective bargaining agreements, as may be necessary.

While acknowledging an individual's constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well being of staff, students, visitors and/or the school environment. Employees, students, agents and invitees shall refrain from engaging in threats or physical actions which create a safety hazard for others.

All staff who are made aware of physical acts and/or threats of violence directed to students or staff are to report such incidents to the Building Principal/designee, who shall report such occurrences to the Superintendent. Additionally, the Building Principal/designee will also report occurrences of violence, whether involving an actual confrontation or threat of potential violence, to the school psychologist and/or Director of Special Education if applicable. Local law enforcement agencies may be called as necessary upon the determination of the Superintendent/designee.

Students are to report all acts and/or threats of violence, including threats of suicide, of which they are aware by reporting such incidents to the school hotline, a faculty member, or the Building Principal.

The District reserves the right to seek restitution, in accordance with law, from the parent/guardian and/or student for any costs or damages which had been incurred by the District as a result of the threats or acts of violence in the schools.

This policy will be enforced in accordance with applicable laws and regulations, as well as collective bargaining agreements and the *Code of Conduct* as may be necessary. Additionally, this policy will be disseminated, as appropriate, to students, staff, and parents and will be available to the general public upon request.

Appropriate sanctions for violations of this policy by students will be addressed in the *Code of Conduct*.

Adopted: 8/13/13

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

The Board of Education is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category. Such actions and occurrences are prohibited regardless of whether they take place on School District premises or at school-sponsored events, programs, or activities held at other locations.

Prohibited Conduct

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this Policy and its implementing Administrative Regulations will be made consistent with applicable law. Such determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his/her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his/her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his/her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Harassment can include unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his/her membership in a protected class. Such conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

(Continued)

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)**Civil Rights Compliance Officer**

The District will designate one or more individuals to serve as Civil Rights Compliance Officer. The Civil Rights Compliance Officer will be responsible for coordinating the District's efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the District to comply with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g., the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

Prior to the beginning of each school year, the District shall issue an appropriate public announcement or publication which advises students, parents/guardians, employees and other relevant individuals of the District's established grievance procedures for resolving complaints of discrimination and harassment. Included in such announcement or publication will be the name, address, telephone number, and email address of the Civil Rights Compliance Officer(s).

The Civil Rights Compliance Officer(s) for the District is/are:

Superintendent of Schools

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect individuals from further discrimination or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report such occurrence. All reports will be directed or forwarded to the District's designated Civil Rights Compliance Officer(s). Such complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and District policy and procedure. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

(Continued)

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)

To the extent possible, all complaints will be treated as confidential. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials.

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

Knowingly Makes False Accusations

Any employee or student who *knowingly* makes false accusations against another individual as to allegations of discrimination or harassment will face appropriate disciplinary action.

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 and/or harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination and/or harassment has not resumed and that those involved in the investigation have not suffered retaliation.

Additional Provisions

Regulations will be developed for reporting, investigating, and remedying allegations of discrimination and/or harassment.

In order to promote familiarity with issues pertaining to discrimination and harassment in the schools, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to staff and students. As may be necessary, special training will be provided for individuals involved in the investigation of discrimination and/or harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and will be posted and/or published in appropriate locations and/or school publications.

(Continued)

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)

This policy should not be read to abrogate other District policies and/or regulations or the *District Code of Conduct* prohibiting other forms of unlawful discrimination, harassment, and/or inappropriate behavior within this District. It is the intention of the District that all such policies and/or regulations be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal, and nondiscriminatory reason shall not be considered a violation of District policy.

Age Discrimination in Employment Act, 29 USC Section 621
Americans with Disabilities Act, 42 USC Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
Education Law Section 2801(1)
Executive Law Section 290 et seq.

NOTE: Refer also to Policies #6120 -- Equal Employment Opportunity
#6121 -- Sexual Harassment of District Personnel
#7550 -- Dignity For All Students Act
#7551 -- Sexual Harassment of Students
District Code of Conduct

Adoption Date: 12/16/2014

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION

As required by Title IX of the Education Amendments of 1972, the District does not discriminate on the basis of sex in its education programs and activities, admissions or when making employment decisions.

Scope and Application of Policy and Questions Related to Application

This policy is limited to addressing complaints of sex discrimination, including formal complaints of sexual harassment, as expressly defined by Title IX. This policy applies to any individual participating in or attempting to participate in the District's education programs or activities including students and employees.

If the allegations forming the basis of a formal complaint of sexual harassment, if proven, would constitute prohibited sexual harassment under Title IX, then the grievance process outlined in this policy will apply to the investigation and adjudication of the allegations. If the allegations would not constitute sexual harassment under Title IX or no formal complaint is filed, the District will follow other policies and protocols, as applicable, in addressing the concerns, such as:

#3420 - Non-Discrimination and Anti-Harassment In The School District
#3421 - Title IX and Sex Discrimination
#6120 - Equal Employment Opportunity
#6121 – Sexual Harassment in the Workplace
#7550 – Dignity for All Students
The District's Code of Conduct

Inquiries about this policy or the application of Title IX may be directed to the District's Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

What Constitutes Sex Discrimination Including Sexual Harassment

Title IX prohibits various types of sex discrimination including, but not limited to: sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a District's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- c) Sexual assault, meaning an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- d) Dating violence, meaning violence committed by a person:
 - 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - 2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - (a) The length of the relationship;
 - (b) The type of relationship;
 - (c) The frequency of interaction between the persons involved in the relationship;
- e) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
- f) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - 1. Fear for his or her safety or the safety of others; or
 - 2. Suffer substantial emotional distress.

Title IX Coordinator(s)

The District has designated and authorized the following District employee(s) to serve as its Title IX Coordinator(s):

Robert Molisani
Superintendent of Schools
99 North Street
585-538-3400
rmolisani@cal-mum.org

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Sarah Curran
School Counselor
99 North Street
585 538-3445
scurran@cal-mum.org

The Title IX Coordinator(s), who must be referred to as such, will coordinate the District's efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinator(s) may be delegated to other personnel.

Where appropriate, the Title IX Coordinator(s) may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Dignity Act Coordinator(s) (DAC(s)) in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

Reporting Allegations of Sex Discrimination and Formal Complaints of Sexual Harassment

Any person may report sex discrimination, including sexual harassment, regardless of whether or not he/she is the alleged victim. Reports may be made in person, by using the contact information for the Title IX Coordinator(s), or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

Reports of sex discrimination may also be made to any other District employee including a supervisor, building principal, or the District's CRCO(s). All reports of sex discrimination, including sexual harassment, will be forwarded to a District Title IX Coordinator. Reports may also be forwarded to other District employees, in accordance with applicable Board policies and/or the Code of Conduct, depending on the nature of the allegations.

All District employees who witness or receive an oral or written report of sex discrimination or sexual harassment must promptly inform a CRCO or a Title IX Coordinator. Failure to promptly inform a CRCO or a Title IX Coordinator may subject the employee to discipline up to and including termination.

Filing a Formal Complaint

An individual who is participating in or attempting to participate in the District's education programs or activities (or their parent or legal guardian) may file a formal complaint of sexual harassment.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. A formal complaint is a document either filed by a complainant or a parent or legal guardian who has a right to act on behalf of the complainant or signed by the Title IX Coordinator, which alleges sexual harassment (as defined in this policy) against a respondent (i.e., alleged perpetrator of sexual harassment) and requests that the District investigate the allegations.

The formal complaint form may be obtained from a District Title IX Coordinator or found on the District's website.

While the District must respond to all reports it receives of sexual harassment. The Title IX grievance process set forth in this policy, however, is only applicable if a formal complaint of sexual harassment as defined by Title IX is filed.

A complainant may file a formal complaint with the Title IX Coordinator in person or by mail, email, or other method made available by the District. The filing of a formal complaint initiates the formal complaint grievance process set forth in this policy.

The complainant, or the complainant's parent or legal guardian, must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. Where a parent or legal guardian signs the complaint, the parent or legal guardian does not become the complainant; rather the parent or legal guardian acts on behalf of the complainant. The Title IX Coordinator may sign the formal complaint, but his or her signature does not make him or her a complainant or a party to the complaint. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is still obligated to comply with the grievance process outlined in this policy.

When a formal complaint is filed, the Title IX Coordinator must send a written notice of allegations to all parties, which includes the identities of all known parties.

If a Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if the District has designated another individual to serve in that capacity. If the District has not designated another Title IX Coordinator, the Superintendent will verify that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

The District will not discriminate on the basis of sex in its treatment of a complainant or a respondent in responding to a formal complaint of sexual harassment.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**Grievance Process for Complaints or Concerns of Sex Discrimination and Harassment Other Than Formal Complaints of Sexual Harassment as Defined under Title IX Regulations**

The District has adopted procedures that provide for the prompt and equitable resolution of complaints or concerns of sex discrimination and harassment other than formal complaints of sexual harassment as defined under Title IX regulations. In addressing any such complaints or concerns, the District will adhere to applicable policies and protocols, such as #3420 - Non-Discrimination and Anti-Harassment in the School District, #3421 - Title IX and Sex Discrimination, #6120 - Equal Employment Opportunity, #6121 – Sexual Harassment in the Workplace, #7550 – Dignity for All Students, and the District's Code of Conduct, as applicable.

The District will respond promptly in a manner that is not deliberately indifferent whenever it has actual knowledge of sexual harassment in an education program or activity of the District. "Actual knowledge" means notice of sexual harassment as defined under this policy or allegations of sexual harassment to a District Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any District employee. Education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

Upon actual knowledge of sexual harassment as defined in this policy, a Title IX Coordinator must promptly contact complainant to discuss the availability of supportive measures, consider complainant's wishes regarding such measures, inform complainant of the availability of such measures with or without the filing of a formal complaint, and explain to complainant the process for filing a formal complaint.

Grievance Process for Formal Complaints of Sexual Harassment as Defined under Title IX Regulations

The District will follow a grievance process that complies with law and regulation before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The District will conduct the grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is anticipated that, in most cases, the grievance process will be conducted within a reasonably prompt manner and follow the time frames established in this policy.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)General Requirements for the Investigative and Grievance Process

During the investigation of a formal complaint and throughout the grievance process, the District will verify that:

- a) Complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into the District's grievance process, other than those required by law or regulation, equally to both parties.
- b) All relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.
- c) The Title IX Coordinator, investigator, decision-maker involved in the grievance process, or any person designated by the District to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- d) Respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- e) The grievance process, including any appeals or informal resolutions, is concluded within a reasonably prompt time frame and that the process is only temporarily delayed or extended for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.
- f) The parties are made aware by copy of this policy or otherwise that the range of possible disciplinary sanctions and remedies that may be implemented by the District following any determination regarding responsibility are those set forth in the District's Code of Conduct and/or are in accordance with New York Education Law Section 3214.
- g) The preponderance of the evidence standard is used to determine responsibility in all formal complaints of sexual harassment as defined in this policy.
- h) The procedures and permissible bases for an appeal are known to all complainants and respondents by receiving a copy of this policy or otherwise.

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- i) The range of supportive measures available are known to all parties by copy of this policy or otherwise. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- j) There is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- k) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.
- l) The Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf the District does not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party’s voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a post-secondary institution, the District will obtain the voluntary, written consent of a parent (as defined by FERPA regulations).
- m) The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- n) Credibility determinations are not based on a person’s status as a complainant, respondent, or witness.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- o) The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.
- p) The parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for any complainant or respondent in any meeting or grievance proceeding. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- q) Written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.
- r) The parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- s) Any document sent to a minor or legally incompetent person is also sent to the party's parent or legal guardian.
- t) Any document sent to a party is also sent to the party's advisor, if known.
- u) Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

After a Report of Sexual Harassment Has Been Made

After receiving a report of sexual harassment, the Title IX Coordinator will:

- a) Promptly contact the complainant to discuss and offer supportive measures;
- b) Inform the complainant both of the range of supportive measures available and that these measures are available regardless of whether a formal complaint is filed;

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- c) Consider the complainant's wishes with respect to supportive measures; and
- d) Explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator may also contact the respondent to discuss and/or impose supportive measures.

Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, the District may immediately remove a respondent from the District's education program or activity on an emergency basis, provided that the District:

- a) Undertakes an individualized safety and risk analysis;
- b) Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- c) Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The District should coordinate its Title IX compliance efforts with special education staff when initiating an emergency removal of a student with a disability from an education program or activity, as the removal could constitute a change of placement under the IDEA or Section 504. Any removal must also comply with New York Education Law Section 3214 requirements.

The District may place a non-student employee respondent on administrative leave with or without pay during the pendency of the grievance process in accordance with law and regulation and any applicable District policy, procedure, or collective bargaining agreement.

Written Notice of Allegations

Upon receipt of a formal complaint, the District will send all known parties written notice of:

- a) The District's grievance process (as set forth in this policy), including any informal resolution process; and
- b) The allegations of sexual harassment, which will:

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

1. Provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
2. State that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
3. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. Inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and
5. Include notice of any provision in any applicable District policy, procedure, collective bargaining agreement, or other document, such as the District's *Code of Conduct*, that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about any complainant or respondent that were not included in the initial notice, the District will provide another notice of the additional allegations to the parties whose identities are known.

Investigation of a Formal Complaint

A Title IX Coordinator will generally oversee the District's investigation of all formal complaints of sexual harassment, as defined by this policy. During the investigation of a formal complaint, the Title IX Coordinator or another District employee may serve as the District's investigator. The District may also outsource all or part of an investigation to an appropriate third party or parties, in accordance with legal requirements.

It is anticipated that most investigations will be completed within 30 to 60 days after receiving a formal complaint of sexual harassment as defined under this policy. This timeframe may vary, depending on factors, such as the number of witnesses and the evidence to be considered, but all investigations will be promptly completed.

During the investigation of a formal complaint, the investigator will:

- a) Collect, review, and preserve all evidence including, but not limited to, any relevant documents, videos, electronic communications, and phone records.
- b) Interview relevant persons.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- c) Create an investigative report that fairly summarizes relevant evidence. At least 10 days prior to a determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.
- d) Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- e) Keep any written documentation and associated documents in a secure and confidential location.

Determination Regarding Responsibility

At least 10 days prior to a determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.

The District will designate an individual decision-maker or a panel of decision-makers to issue a written determination regarding responsibility. The decision-maker will not be the same individual as either the Title IX Coordinator or the investigator(s).

Before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to:

- a) Submit written, relevant questions that a party wants asked of any party or witness within 5 days after the parties have received the investigative report;
- b) Generally provide each party with the answers given by any party or witness within 7 days of receiving the questions; and
- c) Allow for additional, limited follow-up questions and responses from each party to occur within 5 days after the parties have received responses to their initial questions.

Questions and evidence about a complainant's sexual predisposition or prior sexual behavior will not be considered, unless the questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The decision-maker(s) will generally issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within 10 days after all follow-up questions have been responded to.

To reach this determination, the decision-maker(s) will use the preponderance of the evidence standard, which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean that the party with the burden of persuasion must prove that a proposition is more probably true than false meaning a probability of truth greater than 50 percent.

The written notice of the determination regarding responsibility will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
- f) The District's procedures and permissible bases for the complainant and respondent to appeal.

Finality of Determination Regarding Responsibility

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination regarding responsibility for sexual harassment has been made against the respondent, remedies will be provided to a complainant and disciplinary sanctions may be imposed on a respondent. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Remedies and disciplinary sanctions will be implemented in accordance with applicable laws and regulations, as well as any District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The Title IX Coordinator is responsible for the effective implementation of any remedies and/or disciplinary sanctions. The Title IX Coordinator will work with other individuals as necessary to effectively implement remedies and/or disciplinary sanctions.

Appeals

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within 20 days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

An appeal may only be based upon one or more of the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- c) The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The bases on which a party is seeking an appeal must be specifically stated in the party's written appeal.

Upon receipt of an appeal, the District will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
 - b) Verify that any decision-maker for the appeal:
 1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
 2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
 - c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within 10 days after the parties have been notified of the appeal;
 - d) Issue a written decision describing the result of the appeal and the rationale for the result;
- and

(Continued)

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

e) Generally provide the written decision simultaneously to the parties within 20 days after receiving the parties written statements in support of, or challenging, the outcome.

Dismissal of a Formal Complaint

The District must dismiss a formal complaint under Title IX if the conduct alleged:

- a) Would not constitute sexual harassment under the Title IX regulations even if proven;
- b) Did not occur in the District's education program or activity; or
- c) Did not occur against a person in the United States.

Further, the District may dismiss a formal complaint or any of its allegations under Title IX, if at any time during the investigation:

- a) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations;
- b) The respondent is no longer enrolled in or employed by the District; or
- c) Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

Upon a dismissal of a formal complaint, the District must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude investigation and/or related follow-up or corrective or remedial action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's Code of Conduct.

Informal Resolutions

Before reaching a determination regarding responsibility, but only after a formal complaint is filed, the District may in its discretion offer and facilitate the use of an informal resolution process, such as mediation, that does not involve a full investigation and adjudication of the formal complaint.

Informal resolutions will generally be completed within 30 days, absent extraordinary circumstances.

The District will not require that parties participate in an informal resolution process. The District will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Further, the District will not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

If the District offers and facilitates the use of an informal resolution process, it will:

- a). Provide written notice to all known parties which details:
 - 1. The allegations in the formal complaint;
 - 2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
 - 3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- b). Obtain the parties' voluntary, written consent to the informal resolution process.

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

The District prohibits retaliation against any individual for the purpose of interfering with his or her Title IX rights or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation or proceeding under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes prohibited retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under paragraph (a) of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination set forth in this policy. If a Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if the District has designated another individual to serve in that capacity. If the District has not designated another Title IX Coordinator, the Superintendent will verify that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator. All complaints alleging retaliation will be handled in a manner consistent with the District's policies.

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**Confidentiality**

Except where disclosure may be permitted or is required by law, regulation and/or this policy, the District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination; individual who has made a report or filed a formal complaint of sexual harassment; complainant; individual who has been reported to be the perpetrator of sex discrimination; respondent; and witness.

Training

The District will verify that:

- a) All Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:
 - 1. The definition of sexual harassment as defined in Title IX;
 - 2. The scope of the District's education program or activity;
 - 3. How to conduct an investigation and grievance process including appeals and informal resolution processes, as applicable; and
 - 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- b) All decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.
- c) All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d) All District employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on the District's website.

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Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**Notification**

The District will notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District of this policy.

Further, the District will prominently publish this policy and the contact information for the Title IX Coordinator(s) on its website and in other publications, including in each handbook or catalog that it makes available to the individuals and parties referenced above.

Additional Documentation Requirements

In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

Recordkeeping

For a period of seven years, the District will retain the following:

- a) Records of each sexual harassment investigation including any:
 - 1. Determination regarding responsibility;
 - 2. Disciplinary sanctions imposed on the respondent; and
 - 3. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
- b) Any appeal and its result.
- c) Any informal resolution and its result.
- d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment or if no supportive measures were taken documentation regarding the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Document regarding the District's basis for its conclusion that its response was not deliberately indifferent.

Documentation that the District has taken measures designed to restore or preserve equal access to the District's education program or activity.

20 USC § 1092(f)(6)(A)(v)

20 USC § 1681, et. seq.

34 USC § 12291(a)(8, 10, and 30)

34 CFR Part 106

Education Law § 13

8 NYCRR § 100.2(kk)

NOTE: Refer also to Policies

#3420 - Non-Discrimination and Anti-Harassment in The School District

#3421 - Title IX and Sex Discrimination

#6120 - Equal Employment Opportunity

#6121 – Sexual Harassment in the Workplace

#7550 – Dignity for All Students

The District's Code of Conduct

Adoption Date: 12/13/2022

Community Relations

SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT REPORTING SYSTEM (VADIR)

In compliance with the Uniform Violent and Disruptive Incident Reporting System (VADIR), the District will record each violent or disruptive incident that occurs on school property or at a school function. School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with the manner prescribed, the District will submit an annual report of violent and disruptive incidents (on the *Summary of Violent and Disruptive Incidents* form) from the previous school year to the Commissioner of Education. Summary data will be used to determine the rate of violent and disruptive incidents in each school and to identify schools as persistently dangerous, as required by the No Child Left Behind Act.

The District will utilize the *Individual Violent and Disruptive Incident Report* form for the reporting of individual incidents by each building and/or program under its jurisdiction and for the tally count of incidents into the Summary Form. Copies of such incident reports will be retained for the time prescribed by the Commissioner in the applicable records retention schedule. These reports will be available for inspection by the State Education Department upon request.

All personally identifiable information included in a violent or disruptive incident report will be confidential and will not be disclosed to any person for any purpose other than that specified in Education Law Section 2802, except as otherwise authorized by law.

The District will include a summary of the District's annual violent or disruptive incident report in its School District Report Card in the format prescribed by the Commissioner.

Reporting Guidelines

The District will utilize the New York State Education Department's website to obtain copies of the forms, directions, glossary and additional information at website: <http://www.emsc.nysed.gov/irts/>

Education Law Sections 2801(1) and 2802

Vehicle and Traffic Law Section 142

8 New York Code of Rules and Regulations (NYCRR) Section 100.2 (gg)

Adopted: 8/13/13

Community Relations

SUBJECT: EMERGENCY SCHOOL CLOSINGS

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs), due to inclement weather, impassable roads, or other emergency reasons, announcement thereof shall be made over local radio and television stations, Global Connect/auto dialing and the Internet/District website.

When school is closed, all related activities, including athletic events and student activities, will be cancelled for that day and evening.

The attendance of personnel shall be governed by their respective contracts.

Education Law Section 3604(7)

Adopted: 6/10/14

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION
DAYS/STUDENT ATTENDANCE****Days of Session**

School districts must be in session for all students, including students with disabilities, for not less than 180 days. Included in the 180 days are days on which attendance is taken; days on which Regents examinations, State Assessments or local examinations are given; and days on which Superintendent's Conference Days are held.

Legal Holidays

District officials may not schedule days of session on a Saturday or a legal holiday except Election Day, Washington's Birthday and Lincoln's Birthday (however, driver education classes may be conducted on a Saturday).

Legal holidays include: New Year's Day; Dr. Martin Luther King, Jr. Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Flag Day (second Sunday in June); Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; and Christmas Day.

Length of School Day

The minimum length of the school day for purposes of generating state aid is 2.5 hours for half-day kindergarten, 5.0 hours for full-day kindergarten through grade 6, and 5.5 hours for grades 7 through 12. These hours are exclusive of the time allowed for lunch. If the School District establishes a school calendar in excess of 180 required days, the excess days need not comply with the mandated daily time requirements.

Extraordinary Conditions

The length of the school day requirement does not apply if schools open late or close early due to extraordinary circumstances beyond their control. Similarly, because of circumstances beyond its control, the School District may lose whole days of instruction due to emergency school closings.

Pursuant to Education Law Section 3604(7), if the Commissioner of Education finds that the schools of the District were not in session for 180 days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, or the destruction of the school building either in whole or in part, the Commissioner is authorized to excuse up to five (5) days under certain circumstances.

For the District to receive such a "waiver" from the Commissioner, the Commissioner must find that those "lost days" of instruction could not have been made up by using, for the secondary grades, all scheduled vacation days which occur prior to the first scheduled Regents examination day in June;

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**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION
DAYS/STUDENT ATTENDANCE (Cont'd.)**

and, for the elementary grades, all scheduled vacation days which occur prior to the last scheduled Regents examination day in June. Scheduled vacation days that may be used include days of religious observance associated with Passover, Easter and other religious holidays. Only Saturdays, Sundays, and legal holidays are excluded from days that may be used for this purpose.

Requests for excusal must be made in writing to the State Education Department at the close of the school year. If scheduled vacation days and days waived by the Commissioner are insufficient and the School District still remains one (1) or more days short of the 180 days, the District may schedule additional sessions after Regents examinations, through June 30, to satisfy the length of session requirement.

In the event that only one (1) building in the District will be short the required days of session because of some extraordinary condition, the day(s) for only that building must be made up by using all scheduled vacation days before an excusal can be given.

The rescheduling/make up of "lost days" of instruction will take into consideration collective bargaining agreements as may be applicable.

A declaration of a State of Emergency by the Governor due to adverse weather conditions does not authorize the school districts affected to operate an annual session of less than 180 days.

Reporting

Pursuant to Commissioner's Regulations Section 155.17(h), each Superintendent shall notify the Commissioner of Education as soon as possible whenever the emergency plan or building-level school safety plan is activated and results in the closing of a school building in the District; and shall provide such information as the Commissioner may require. School districts within a Supervisory District shall provide such notification through their District Superintendent, who shall be responsible for notifying the Commissioner. Such information need not be provided for routine snow emergency days.

Education Law Sections 3210, 3602(4), 3604(7), and 3604(8)

General Construction Law Section 24

General Municipal Law Section 92-c

8 New York Code of Rules and Regulations (NYCRR) Sections 155.7 and 155.17 and Part 175

Adopted: 8/13/13