

**DRAFT**

**BOARD AGENDA  
REGULAR MEETING**

Thursday, August 18, 2022  
7:00 PM In the School Cafeteria

CV-S Central School  
Cherry Valley, NY

**I. OPENING OF MEETING**

A. QUORUM CHECK

B. CALL TO ORDER

C. PLEDGE OF ALLEGIANCE

D. SPECIAL PRESENTATIONS - Community Service, Student Representative, Administration & Board Committee Reports, Building & Grounds and Summer Program

E. ADDITIONS TO AGENDA

F. CORRESPONDENCE RECEIVED

G. SUPERINTENDENT'S REPORT

H. RECOGNITION OF VISITORS

**II. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL**

**III. CONSENT AGENDA ITEMS** - Consider motion to approve consent agenda items to include RESOLUTIONS 12-8-2022 through RESOLUTION 29-8-2022

A. RESOLUTION 12-8-2022  
APPROVAL OF MINUTES – August 8, 2022

B. RESOLUTION 13-8-2022  
ACKNOWLEDGE RECEIPT OF TREASURER'S AND FINANCIAL REPORTS – July & August 2022

C. CONFIRM TAX ROLLS AND AUTHORIZE TAX LEVY  
RESOLUTION 14-8-2022  
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the tax levy in the amount of \$5,414,104 and review the equalized tax rates as per Attachment III C.

D. BUILDING LEVEL EMERGENCY RESPONSE PLAN APPROVAL  
RESOLUTION 15-8-2022  
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the Building Level Emergency Response Plan (Confidential).

E. DISTRICT WIDE SCHOOL SAFETY PLAN APPROVAL

RESOLUTION 16-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the District Wide School Safety Plan.

F. SERVICE PROVIDER AGREEMENT

RESOLUTION 17-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the Agreement from August 18, 2022 through June 30, 2023 with the following Provider: Tina Caswell, MS, CCC-SLP AAC Consultation and Therapy, as per Attachment III F.

G. SERVICE PROVIDER AGREEMENT

RESOLUTION 18-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the Agreement from August 18, 2022 through June 30, 2023 with the following Provider: Sandra Preston sole employee of Starting Gait Physical Therapy, PLLC, as per Attachment III G.

H. THE ARC OTSEGO AGREEMENT

RESOLUTION 19-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the agreement with The ARC Otsego for the 2022-2023 school year as per Attachment III H.

I. PERSONNEL

RESOLUTION 20-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Sara Crews to a position as a Food Service Helper for a probationary period effective September 1, 2022 through March 1, 2023.

RESOLUTION 21-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Shelbi Kinsley-Tracy to a position as a Bus Monitor for a probationary period effective September 1, 2022 through March 1, 2023.

RESOLUTION 22-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoints and employs Melaine Schrader to a term position as Licensed Teacher Assistant for the maximum period September 1, 2022 to June 30, 2024. This is a term appointment, in effect until no later than June 30, 2024 only, unless terminated earlier or extended by further action of the Board, and is not a probationary appointment. It is specifically acknowledged that Ms. Schrader has agreed to waive any rights she may have to a probationary appointment and consideration for tenure and such agreement will be evidenced by a writing to be signed by both parties.

RESOLUTION 23-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Savannah Duncan as a long term substitute in the position of LTA, pending her certification as a Licensed Teacher Assistant and appoints and employs Savannah Duncan to a term position as Licensed Teacher Assistant for the maximum period September 1, 2022 to June 30, 2024. This is a term appointment, in effect until no later than June 30, 2024 only, unless terminated earlier or extended by further action of the Board, and is not a probationary appointment. It is specifically acknowledged that Mrs. Duncan has agreed to waive any rights she may have to a probationary appointment and consideration for tenure and such agreement will be evidenced by a writing to be signed by both parties.

RESOLUTION 24-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Katherine Yager who is Permanently Certified N, K-6 and Special Education, to a position as a Special Education Teacher probationary period beginning September 1, 2022 through September 1, 2026.

RESOLUTION 25-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Kayle Barnes who is Initially Certified Early Childhood Education (Birth -Grade 2) and Childhood Education (Grades 1-6), to a position as an Elementary Teacher for a long term substitute beginning September 1, 2022 through June 30, 2023.

RESOLUTION 26-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the following coordinator and mentee/mentor pairings for the 2022-2023 school year: Jordan Rhodes, Coordinator

Michael King - Donna Ahrens	Diane Kroon - Wade Blanchard
Tony Trunfio - Crystal Pierce	Rebecca Robinson - Erin Seales
Katherine Yager - Mary Mattson	Margaret Harmon - Kathleen Urban
Richard Lyford - Kelly Oram	Brittany Pitonza - Beth Spaulding
Kayla Barnes - Robin Horne	Mikayla Biele - Kaitlin Bullinger (ends after Sept.)
Maryssa Velten - Somer Timerman (ends after Sept.)	
Savannah Duncan - Vanessa McCord	Melanie Schrader - Sara Valenta
Ashley Cornelia - Molli McCarty	Megan Cashing - Theresa Kilpeck (ends after Dec.)

RESOLUTION 27-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following Extracurricular assignments for the 2022-2023 school year:

Boys Varsity Soccer - David Mayton	Cheerleading Advisor - Shannon Rockwell
Girls Modified Soccer - Celia Rathbun & Joslyn Mabie	

RESOLUTION 28-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following as a Support Staff Substitute for the 2022-2023 school year: Linda Hurley Bobbie Ann Templin

RESOLUTION 29-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following as an Instructional Substitute for the 2022-2023 school year: Linda Hurley Bobbie Ann Templin

#### IV. NEW BUSINESS

##### A. POLICY REVIEW

RESOLUTION 30-8-2022

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a first reading of Policies: 0115 Student Harassment and Bullying Prevention and Intervention, 2310 Regular Meetings, 2325 Videoconferencing of Board Meetings, 2340 Notice of Board Meetings, 2360 Minutes, 5205 Eligibility for Cocurricular and Extracurricular Activities (CV-S title is Academic Intervention Policy), 5225 Student Personal Expression, 5300.30 Prohibited Student Conduct.

##### B. SPECIAL VOTE

RESOLUTION 31-8-2022

A RESOLUTION AS TO SPECIAL MEETING AND VOTE CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT OTSEGO, HERKIMER AND MONTGOMERY COUNTIES, NEW YORK AUGUST 18, 2022

BE IT RESOLVED, by the Board of Education (the "Board") of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the "District"), as follows:

Section 1. That the provisions of this resolution shall be effective regardless of anything to the contrary in the policies of this Board, or the previous minutes of this Board, or otherwise.

Section 2. That the Board wishes to propose a capital improvement project involving the undertaking of a School Based Health Center, all as described in greater detail in Proposition No. 1 in the legal notice set forth below (collectively, the "Project").

Section 3. That a special meeting and vote of the qualified voters of the District (the "Special Meeting and Vote") will be held in the Cherry Valley-Springfield Central School - Band Entrance- at 597 Co. Hwy. 54, Cherry Valley, New York, on Tuesday, October 4, 2022, at 12:00 p.m., prevailing time, for the purpose of voting upon the proposition hereinafter set forth.

Section 4. That the notice of the Special Meeting and Vote, including the proposition to be voted upon, shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL SCHOOL DISTRICT MEETING AND VOTE CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT OTSEGO, HERKIMER AND MONTGOMERY COUNTIES, NEW YORK

The Board of Education of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the "District") HEREBY GIVES NOTICE that a special meeting and vote of the qualified voters of the District (the "Special Meeting and Vote") will be held on Tuesday, October 4, 2022 in the CV-S School located at 597 Co. Hwy. 54, Cherry Valley, New York, at 1:00 p.m., prevailing time, for the purpose of voting (by paper ballots) upon the proposition hereinafter set forth. Polls for the purpose of voting will be kept open between the hours of 12:00 p.m. and 8:00 p.m., prevailing time, on that day. This assumes that the polling place is open and can be safely accessed in accordance with the terms of any prevailing Executive Order(s) that may be in place from the Governor of New York in the wake of the COVID-19 pandemic. If on October 4 the polling place cannot be so accessed, or if the

polling place is closed on that day due to inclement weather (or for any other non-pandemic reason), it is the present intention of the District that the Special Meeting and Vote will be held on the day on which the polling place is next open and may be safely accessed, with the voting hours remaining the same. In the event that the polling place is for any reason closed or not safely accessible on October 4, for whatever reason, voters are asked to please consult the District's website for guidance on the timing of, and procedures for holding, the re-scheduled Special Meeting and Vote.

#### PROPOSITION NO. 1--CAPITAL IMPROVEMENT PROJECT, 2022

Shall the following resolution be adopted, to-wit:

RESOLVED, that the Board of Education (the "Board") of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the "District"), is hereby authorized to undertake a proposed Capital Improvement Project, 2022 (the "Project") consisting of the construction and installation of a School Based Health Center, consisting of the partial reconstruction and renovation of, and the construction of improvements and upgrades to, the District building and facility (and the site thereof), at an estimated maximum cost of \$658,050, together with various other measures that are generally described in (but are not to be limited by) the written plan for the Project that was prepared by the District with the assistance of BCA Architects & Engineers (the "Project Plan"), which is available for public inspection in the offices of the District Clerk. The description of the Project (or so much thereof as can be accomplished within the overall budget for the Project, once the construction bids are received) is to be undertaken at an estimated maximum cost of \$658,050, and will include the purchase of original furnishings, equipment, machinery and apparatus required in connection with the purposes for which such building, facility and site are used, and all ancillary or related work required in connection therewith, and the Board is authorized to expend therefor, including for preliminary costs and costs incidental thereto and in connection with the financing thereof, an amount not to exceed the estimated maximum cost of \$658,050, provided that the detailed costs of the components of the Project (as generally described in the Project Plan) may be reallocated among such components, or such components may be deleted, revised or supplemented if (1) the Board shall determine that such reallocation, deletion, revision or supplementation is in the best interests of the District and (2) the aggregate amount to be expended for the Project shall not exceed \$658,050 and (3) no material change shall be made in the overall scope and nature of the Project; and be it further

RESOLVED, that the Board is hereby authorized to expend or apply toward such Project the amount of \$225,000 from the District's Capital Reserve Fund; and be it further

RESOLVED, that a tax is hereby voted to finance the balance of the estimated maximum cost of the Project in an amount not to exceed \$433,050, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board; and be it further

RESOLVED, that in anticipation of such tax, obligations of the District (including, without limitation, serial bonds, statutory installment bonds and/or lease/purchase obligations) are hereby authorized to be issued in the aggregate principal amount not to exceed \$433,050, and a tax is hereby voted to pay the interest on such obligations as the same shall become due and payable; and be it further

RESOLVED, that the District has determined that the undertaking of Project is a "Type II action" that will not have a significant effect on the environment and, therefore, no other determinations or procedures under the State Environmental Quality Review Act ("SEQR") are required; and be it further

RESOLVED, that the New York State Building Aid funds expected to be received by the District are anticipated to offset a substantial part of such costs, and such funds shall, to the extent received, be applied to offset and reduce the amount of taxes herein authorized to be levied.

NOTICE IS HEREBY FURTHER GIVEN that such Proposition No. 1 shall appear on the paper ballots, as the case may be, to be utilized for voting on such

Proposition No. 1 in substantially the following abbreviated form:

**PROPOSITION NO. 1—CAPITAL IMPROVEMENT PROJECT, 2022**

**YES NO**

Shall the following resolution be adopted, to-wit:

**RESOLVED**, that (a) the Board of Education (the “Board”) of the Cherry Valley-Springfield Central School District, Otsego, Herkimer and Montgomery Counties, New York (the “District”) is hereby authorized to undertake a Capital Improvement Project, 2022 (the “Project”) consisting of the construction and installation of a School Based Health Center, consisting of the partial reconstruction and renovation of, and the construction of improvements and upgrades to, the District building and facility (and the site thereof), together with various other measures that are included and generally described in (but are not to be limited by) the Project Plan that was referred to in the public notice of the vote on this Proposition, and to expend therefor an amount not to exceed \$658,050; (b) the Board is hereby authorized to expend or apply toward the Project \$225,000 from the District’s Capital Reserve Fund; (c) a tax is hereby voted in an amount not to exceed \$433,050 to finance the balance of the estimated maximum cost of the Project, such tax to be levied and collected in installments in such years and in such amounts as shall be determined by the Board; (d) in anticipation of such tax, obligations of the District are hereby authorized to be issued in the aggregate principal amount of not to exceed \$433,050, and a tax is hereby voted to pay the interest on such obligations as the same shall become due and payable; and (e) New York State Building Aid funds expected to be received by the District are anticipated to offset a substantial part of such costs, and such funds, to the extent received, shall be applied to offset and reduce the amount of taxes herein authorized to be levied.

**NOTICE IS HEREBY FURTHER GIVEN** that applications for absentee ballots may be obtained at the office of the District Clerk between the hours of 9:00 a.m. and 4:00 p.m., prevailing time, except Saturdays, Sundays and holidays. Completed applications must be received by the District Clerk at least seven days before the Special Meeting and Vote, if the ballot is to be mailed to the voter, or on the day before the Special Meeting and Vote, if the ballot is to be issued personally to the voter. The list of all persons to whom absentee ballots shall have been issued will be available for inspection, in the office of the District Clerk, between the hours of 9:00 a.m. and 4:00 p.m., prevailing time, until the day set for voting, except for Saturdays, Sundays and holidays. No absentee ballot will be canvassed unless it is received prior to 5:00 p.m., prevailing time, on October 4, 2022, in the Office of the District Clerk, 597 Co. hwy. 54, Cherry Valley, New York.

Dated: August 18, 2022

Cherry Valley, New York

**BY ORDER OF THE BOARD OF EDUCATION OF THE  
CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT  
OTSEGO, HERKIMER AND MONTGOMERY COUNTIES, NEW YORK**

By: \_\_\_\_\_  
District Clerk

Section 5. That the District Clerk is hereby authorized and directed to cause notice to be given of such Special Meeting and Vote, in substantially the form hereinbefore prescribed, by publishing the same four (4) times within the seven (7) weeks next preceding the date of the Special Meeting and Vote, the first publication to be at least 45 days (but not more than 49 days) before the Special Meeting and Vote, in The Daily Star, which is a newspaper having general circulation in the District, and by giving such other notice as in the District Clerk’s discretion may be deemed advisable.

Section 6. That the temporary use of available funds of the District, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 2 of this resolution. The District then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) the date of any earlier expression by the District of its intent to reimburse expenditures for this or any earlier iteration of the Project) with the proceeds of the bonds, notes, lease/purchase arrangements or other obligations contemplated by this resolution. This resolution shall constitute the declaration (or reaffirmation) of the District's "official intent" to reimburse the expenditures authorized by Section 2 hereof (or expenditures for any earlier iteration of the Project) with such proceeds, as required by United States Treasury Regulations Section 1.150-2.

Section 7. That this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:                   AYES:                                   NOES:                                   ABSENT:

### C. BUS ACQUISITION

RESOLUTION 32-8-2022

BOND RESOLUTION DATED AUGUST 18, 2022

A RESOLUTION AUTHORIZING THE ACQUISITION OF TWO (2) SIXTY-FIVE PASSENGER SCHOOL BUS VEHICLES AND ONE (1) SEVEN PASSENGER SCHOOL BUS VEHICLE, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$277,000 OF THE CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT, OTSEGO, HERKIMER, AND MONTGOMERY COUNTIES, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE PRESIDENT OF THE BOARD OF EDUCATION.

BE IT RESOLVED, by the Board of Education of the Cherry Valley-Springfield Central School District, Otsego, Herkimer, and Montgomery Counties, New York (the "School District") (by the favorable vote of not less than two-thirds of all members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is (a) the acquisition of two (2) sixty-five (65) passenger school bus vehicles; and (b) the acquisition of one (1) seven (7) passenger school bus vehicle. The maximum cost of said purpose will not exceed \$277,000.

SECTION 2. The Board of Education plans to finance the School District's maximum estimated cost of said purpose by the issuance of a serial bond or bonds in an amount not to exceed \$277,000 of the School District, hereby authorized to be issued therefor pursuant to the Local Finance Law. The School District shall provide for the payment of the principal of and interest on such bonds by the levying of a tax on the real property of the School District, to be paid in annual installments as approved by the qualified voters of the School District voting at the Annual Meeting of the School District held this past May 17, 2022.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 29 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is five (5) years.

SECTION 4. The faith and credit of said School District are hereby irrevocably pledged for the payment of the principal of and interest on such bond as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of

and interest on such bond becoming due and payable in such year. There shall annually be levied on all the taxable real property of said School District, a tax sufficient to pay the principal of and interest on such bond as the same become due and payable.

SECTION 5. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Board of Education pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bond herein authorized and of any bond anticipation notes issued in anticipation of said bond, and the renewals of said notes, are hereby delegated to the President of the Board of Education, the chief fiscal officer of the School District.

SECTION 6. The President of the Board of Education is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bond authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bond authorized by this resolution, and any notes issued in anticipation thereof as a "qualified tax-exempt bond" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 7. The President of the Board of Education is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bond or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 8. The School District hereby determines that the acquisition of two (2) school bus vehicles and one (1) seven passenger school bus vehicle is a Type II action that will not have a significant effect on the environment, and, therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 9. The expected source of funds to be used initially to pay for the expenditures authorized by Section 1 of this resolution shall be from the School District's General Fund. The School District then reasonably expects to reimburse any such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the School District's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) (a) Such obligations are authorized for an object or purpose for which said School District is not authorized to expend money, or
- (b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (2) Said obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 11. The Clerk of the School District is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the School District for such publication having a general circulation in the School District.



SECTION 12. This resolution shall take effect immediately upon its adoption.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Amy Garretson VOTING  
Gregory Lowry VOTING  
April Aramini VOTING  
Erin Seeley VOTING  
Robert Tabor VOTING

V. OLD BUSINESS

VI. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL

- Matters leading to the employment of particular individuals(s)
- Employment history of particular individual(s) or corporation(s)

VII. ADJOURNMENT



## RESOLUTION TO CONFIRM TAX ROLLS

WHEREAS, the Board of Education of the Cherry Valley-Springfield Central School District has been authorized by the voters at the Budget Vote to raise for the current budget of the 2022-2023 school year a sum not to exceed \$5,414,104.

THEREFORE BE IT RESOLVED that, the Board of Education fix the equalized tax rates by towns as they appear on the following described tax roll:

Name of Town	Amount of Tax	Tax Rate
Cherry Valley	\$1,254,936.54	12.54
Decatur	16,058.27	25.55
Middlefield	836,707.49	17.44
Otsego	5,655.22	12.08
Roseboom	795,802.14	12.71
Springfield	2,103,087.76	12.63
Westford	38,034.17	12.63
Canajoharie	107,638.49	10.99
Minden	256,183.13	11.94
Warren	.78	18.94
	-----	
	\$5,414,104.00	

AND BE IT HEREBY DIRECTED THAT, a copy of this Warrant, duly signed, shall be affixed to the above-described tax rolls authorizing the collection of said taxes to begin September 1, 2022 and end November 4, 2022, giving an effective period of 60 days at the expiration of which time the tax collector shall make an accounting in writing to the Board.

AND IT IS FURTHER DIRECTED THAT, the delinquent tax penalties shall be fixed as follows:

- 1<sup>st</sup> month (9/1 – 10/3) – free period
- 2<sup>nd</sup> month (10/4 – 10/31) – interest of 2%
- 3<sup>rd</sup> month (11/1 – 11/4) – interest of 3%





**Tina N. Caswell, MS, CCC-SLP**  
**AAC Consultation and Therapy**  
**Services Contract (607) 242-1124**  
[tcaswell@binghamton.edu](mailto:tcaswell@binghamton.edu)

Agreement, made this August 18, 2022 between Tina Caswell, MS, CCC-SLP Speech Language Pathologist, of 17 Exeter Drive in Endicott, NY, and Cherry Valley-Springfield Central School District (CVSCSD) agrees to the following:

- 1. Services to be performed:** Augmentative and Alternative Communication (AAC) consultation services for
- 2. Schedules:** Consultation services will be provided by Tina N. Caswell, MS, CCC-SLP, licensed Speech-Language Pathologist.
- 3. Period of agreement:** This contract shall be effective for the 2022-2023 school year or until termination by either party, in writing, as described below. This contract shall cover services to be performed during the 2022-2023 school year. If the Cherry Valley-Springfield Central School District (CVSCSD) or Tina Caswell wishes to terminate the contract, 30 days prior written notice must be provided to the other party. Further changes to the contract may be requested in writing and initialed by both parties.
- 4. Payment:** In consideration of Tina Caswell rendering services pursuant to this agreement, the Cherry Valley-Springfield Central School District (CVSCSD) will pay the rate of \$100.00 per hour for services rendered for therapist services including clinical observations, travel, direct client contact, consultation with team members (including family members) and written documentation.
- 5. Confidential and Proprietary Information:** It is understood that as a result of this contract, Tina Caswell will be dealing with confidential and proprietary information of both and its clients. Tina Caswell agrees to respect the confidentiality of information regarding the Cherry Valley-Springfield Central School District (CVSCSD) and its clients and agrees not to disclose to anyone directly or indirectly any such information.
- 6. Non-Discrimination:** Tina Caswell agrees not to discriminate based on race, color, national origin, religion, ethnic group, religious practice, weight, marital status, military status, sex, age, sexual orientation, gender identity, disability or predisposing genetic characteristic in its employment practices and/or with respect to rendition of services provided under this contract.

7. By signing this agreement, Tina N. Caswell certifies that she can legally provide services for the **Cherry Valley-Springfield Central School District** (CVSCSD) as a licensed Speech-Language Pathologist.

In WITNESS WHEREOF, the parties hereto have executed this agreement the day and year written below.

**School District:**

**Date**

**President of the Board of Education**

**School District**

**Date**

**Tina N. Caswell,**  
**MS,CCC-SLP Licensed**  
**Speech-Language Pathologist**  
**#007491**

## **RELATED SERVICE AGREEMENT**

This AGREEMENT made this 18<sup>th</sup> day of August 2022, by and between CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT (the "District") Board of Education and Sandra Preston, who resides at 1696 Co. Hwy. 50 Cherry Valley, NY 13320 and is the owner and sole employee of Starting Gait Physical Therapy, PLLC

**WHEREAS**, the District's Board of Education is required to provide therapy services to students identified by the District's Committee on Special Education ("CSE") to be in need of such related services; and

**WHEREAS**, Therapist is duly licensed by the State of New York to provide physical therapy services.

**NOW, THEREFORE**, the parties mutually agree as follows:

1. Therapist will provide physical therapy evaluations and physical therapy services during the 2022 summer and the 2022-2023 school year for those student(s) identified by the District's CSE to be in need of such services in the amount and frequency as listed on the IEP for each of those students. Such therapy services shall be appropriate to the needs of those students and shall address the annual goals contained within the IEP for each student served. Therapist will submit to the District on at least a quarterly basis during the 2022 summer and the 2022-2023 school year written progress reports prepared and signed by the Therapist. For Medicaid eligible student's, Therapist will provide documentation to the District in the time and form required to obtain Medicaid reimbursement for such services.
2. Therapist warrants and represents that she is properly licensed, certified and/or registered as required by the law of the State of New York to provide the services required by this Agreement. The services rendered under this Agreement shall conform to current accepted professional standards and skills for such services.
3. Therapist shall observe all applicable laws and requirements relating to the confidentiality of records and personally identifiable information relative to the services provided pursuant to this Agreement.
4. Therapist shall maintain liability insurance consistent in terms and amounts with the requirements of the County of Otsego during the term of this Agreement. The District, its Board of Education, employees, officers, and agents shall be named as Additional Insureds under this policy.
5. This Agreement may be terminated by either party at any time, with or without cause, upon not less than thirty (30) days written notice to the other party; provided however, that failure of Therapist to comply with any of the terms,

conditions, or requirements expressed in this Agreement shall constitute a material breach of the Agreement and shall entitle the District's Board of Education to terminate the Agreement immediately upon delivery of written notice of termination to Therapist.

6. For services rendered by Therapist to the District under the terms of this Agreement, the District's Board of Education will pay Therapist as follows:  
One Hundred (100.00) dollars per sixty (60) minute session.
7. It is understood and agreed that at all times for all purposes hereunder, Therapist is an independent contractor and is not an employee of the District. Therapist shall not make any claim, demand, or application for any right, privilege, or benefit applicable to an employee of the District, including but not limited to worker's compensation, unemployment insurance benefits, social security coverage, or retirement membership coverage. The District will not withhold from the fee payments to Therapist any sums for state or federal income tax, unemployment insurance, workers' compensation, disability insurance or social security insurance (FICA). Therapist understands and agrees that such insurance and tax payments are the sole responsibility of Therapist.

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Board of Education President  
Cherry Valley-Springfield Central School District

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Starting Gait Physical  
Therapy, PLLC  
Sandra Preston, Physical  
Therapist



*Otsego County Chapter of NYSARC, Inc.*

**The Arc Otsego  
35 Academy Street  
P.O. Box 490  
Oneonta, NY 13820**

**607-432-8595 - Fax 607-433-8430**

**CONTRACTUAL AGREEMENT FOR PROVISION OF SERVICE TO CHERRY  
VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT  
FOR THE 2022/2023 SCHOOL YEAR**

**School:**

**Name:** Cherry Valley-Springfield Central School

**Address:** PO. Box 485  
Cherry Valley, NY 13320

**Phone:** (607) 264-9012

**Contact Person:** Bonnie Georgi

**E-Mail:** bgeorgi@cvscs.org

**Service:** Transition Services

**Agreement:** It is agreed and understood that The Arc Otsego, hereafter referred to as the Agency, will provide transition services in accordance with the following terms and conditions for Cherry Valley Springfield Central School also referred to as the School. Services will be individually based for each student. Examples of services available include interest assessment, job shadowing, soft skills training, community-based assessments, interviewing techniques, and application preparation.

Services may be provided at the school, at The Arc Otsego, or at a site in the community. Transportation for services will be decided upon on an individual basis and will be mutually agreed upon between the Agency and the School. School transportation will be utilized whenever possible.

The School will be responsible for providing a room or area for the Agency to meet with student(s). The School will provide feedback to the Agency at least once per semester. The Agency will develop a plan for the provision of services to each student receiving transition services. The Agency will provide documentation on the services provided for each student, including student progress, needs, and recommendations.

The School agrees to notify the Agency as early as possible if a student will not be available. The Agency agrees to notify the School as early as possible if a transition specialist will not be available.

**Dates of Agreement:** This agreement is effective for the 2022-2023 school year, and may be terminated by either party upon notification of the other by written notice 60 days prior to the termination or modification of services. The 60-day notification can be waived upon mutual agreement of both parties.

**Rates and Terms of Compensation:** Payment for services will be as follows:  
60 individual hours @ \$80 per hour - totaling \$4,800.00

**Reporting & Scheduling:** The Agency contact for the School for transition services is the Senior Director of Community Programs & Affirmative Business, whose office is located at The Arc Otsego, P.O. Box 490, Oneonta, NY 13820 and who is available by phone at 607-433-8447 x3110 or by cell 607-434-1006.

**Billing Procedures:** It shall be the responsibility of The Arc Otsego to submit an invoice to the School on The Arc Otsego letterhead that includes the individual's services were provided to, hours broken down by individual and charges by individual. All invoices will be submitted twice per school year in a timely manner following December 31 and June 30. Payment will be made by the School within thirty days of receipt and mailed to The Arc Otsego Business Office, P. O. Box 490, Oneonta, NY 13820.

**Other Terms and Conditions:**

Both the Agency and the School agree to provide services in accordance with all federal, state, and local regulations and laws.

Both the Agency and the School agree that the Agency is a "covered entity," as that term is used in the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The services rendered by the Agency may be "health care" as defined by HIPAA, which would make the information about participating students that is generated, maintained, or modified by the Agency "protected health information." Both the Agency and the School acknowledge that the Agency cannot disclose protected health information to a non-health care provider without the participating student (or parent/guardian of a minor) signing an authorization that is compliant with HIPAA.

As part of the initial intake and screening process, the Agency will ask each potential participating student (or parent/guardian of a minor) to sign an authorization that will permit the Agency to share relevant information with the School. Under HIPAA, the Agency may not make participation in the transition program conditional on the signing of an authorization. Accordingly, if a student refuses to authorize the disclosure of information, the Agency and the School shall agree on what information constitutes the minimum necessary to justify payment. Submission of that information shall satisfy the requirements of this agreement.

The Agency and the School agree to report to each other any event encountered in the course of performance of this agreement that results in injury to the person or property of third parties, or which may otherwise subject the Agency or School to liability. Events shall be reported immediately upon discovery. Reporting does not excuse or satisfy any obligation of either party to report any event to law enforcement or other entities under the requirements of any applicable law.

The Agency and the School agree to hold each other, its officers, agents, and employees, harmless from and against any and all actions, suits, damages, liability, or other proceedings that may arise as the result of performing services under this agreement. This does not require either party to be responsible for or defend against claims or damages arising solely from errors or omissions of the Agency or the School, their officers, agents, or employees.

AGENCY

SCHOOL

Otsego County Chapter of NYSARC, Inc.  
dba The Arc Otsego

Cherry Valley-Springfield Central School

By:   
Todd Hansen  
Executive Director

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: 8/1/22

Date: \_\_\_\_\_

## NYSSBA Sample Policy 0115

(X) Required

( ) Local

(X) Notice

**STUDENT HARASSMENT AND BULLYING  
PREVENTION AND INTERVENTION**

*NOTE: We have revised a background note to address a recent Supreme Court ruling, and have updated the legal citations. This body of the policy itself does not need revision.*

*This policy reflects the provisions and requirements of the Dignity for All Students Act and the Commissioner's Regulations implementing it, including changes made under the CROWN Act, which specifies that discrimination on the basis of race includes traits historically associated with race, such as hair texture and hairstyles like braids, locks, and twists.*

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

*REVISED NOTE: The Dignity Act and its amendments make clear that off-campus activity, specifically cyberbullying, can constitute harassment that is prohibited under the law. The U.S. Supreme Court ruling in Mahanoy Area School District v. B.L. (2021) clearly sets forth that students enjoy no First Amendment protection to engage in of campus or off campus speech which threatens, bullies, or harasses others. School officials should keep abreast of legal developments in this area and communicate with their school attorneys, since this is an area of law that is continuing to evolve and can still be difficult to navigate. In all cases, school officials should consider non-punitive options when addressing problematic off campus behavior.*

**Definitions**

1. **Bullying.** Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

## NYSSBA Sample Policy 0115

2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
4. **Hazing.** Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

*NOTE: The definition of harassment reflects cyberbullying under the Dignity Act.*

5. **Harassment.** Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

*NOTE: The language below reflects the provisions of the Crown Act. In practice, while discrimination on the basis of traits associated with race such as hair or hairstyles could manifest as bullying or harassment of student hair by other students, it could also manifest as school employees or officials treating students differently because of hair that is associated with race.*

- Race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,

## NYSSBA Sample Policy 0115

- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

For the purpose of this definition the term “threats, intimidation or abuse” includes verbal and non-verbal actions.

In some instances, bullying or harassment may constitute a violation of an individual’s civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.

*NOTE: The Dignity Act expands nondiscrimination protections of students in public schools under New York State law. These protections should be reflected in the district’s nondiscrimination and equal opportunity policies. These policies should be reviewed with the district’s attorney.*

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

#### *Prevention*

*NOTE: A key element of this policy, and to avoiding litigation, is prevention. It is critically important that this section, and the related section in the regulation, be reviewed carefully. An issue that has emerged in recent years is the challenges faced by lesbian, gay, bisexual, transgender and questioning (LGBTQ) students in public schools. Boards of Education and the school community in general are encouraged to raise their awareness about this and develop ways to accommodate and include LGBTQ students so that bullying and harassment are avoided.*

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.



## NYSSBA Sample Policy 0115

*NOTE: Since Commissioner's Regulations use the term "Dignity Act Coordinator", NYSSBA recommends incorporating it throughout this policy and regulation.*

*It should be noted that although the law doesn't require a committee, NYSSBA believes it is important that the task of implementation be assigned to a committee made up of various constituencies, rather than assigning it to the Superintendent, the Dignity Act Coordinator or another administrator. The Board may choose to give this responsibility to an existing district-wide committee, such as wellness, safety or shared decision-making, rather than establishing a new one. Districts should customize the wording in the following paragraph to reflect its implementation strategy. In addition, the applicable titles used by the district should be inserted.*

In order to implement this program the Board will designate at its annual organizational meeting a **Dignity Act Coordinator (DAC)** for each school in the district. One of the **DAC's** will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each **DAC** is to oversee and enforce this policy in the school to which they are assigned.

In addition, the Superintendent will establish a district-wide [*insert applicable title Task Force on Bullying Prevention.*] as well as **Bullying Prevention Coordinating Committees** in each school that will be overseen by the district-wide **DAC**. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

### *Intervention*

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

## NYSSBA Sample Policy 0115

*Provisions for students who do not feel safe at school*

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the *[insert applicable title, such as building principal or DAC]*. The *building principal*, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

*Incident Reporting and Investigation*

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to *[insert applicable title, building principal or DAC]* within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, [0100, **Equal Opportunity and Nondiscrimination**, or 0110, **Sexual Harassment**] and the district's Code of Conduct. The *[insert title: DAC or Building Principal]* will prepare a *[insert time period such as quarterly – NOTE: The law doesn't specify a time period, but it is recommended that one be included here]]* report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by *[insert applicable title: DAC or Building Principal]* in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany

**NYSSBA Sample Policy 0115**

this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

*Disciplinary Consequences/Remediation*

While the focus of this policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying will be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

*Non-Retaliation*

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

*Training*

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the districtwide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.



## NYSSBA Sample Policy 0115

*Dissemination, Monitoring and Review*

This policy, or a plain language summary, will be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity and Nondiscrimination  
0110, Sexual Harassment  
4321, Programs for Students with Disabilities  
5300, Code of Conduct  
5710, Violent and Disruptive Incident Reporting  
9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §10 – 18  
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§313(3), 3201, 3201-a  
8 NYCRR §§100.2(c), (l), (jj), (kk); 119.6  
*Tinker v. Des Moines Independent Community School Dist.*, 393 US 503, (1969)  
~~*Doninger v. Niehoff*, 527 F.3d 41 (2d Cir. 2008)~~  
*Mahan v. Area School District v. B.L.*, 594 U.S. (2021)  
*Pollnow v. Glennon*, 594 F.Supp. 220, 224 *aff'd* 757 F.2d. 496  
*Zeno v. Pine Plains* 702 F3rd 655 (2<sup>nd</sup> Cir. 2012)  
*Cuff v. Valley Central School District* F3rd 109 (2<sup>nd</sup> Cir 2012)  
*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S, 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncala v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

**NYSSBA Sample Policy 0115**

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

*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)

*Appeal of K.S.*, 43 Ed. Dept. Rep. 492

*Appeal of Ravick*, 40 Ed. Dept. Rep. 262

*Appeal of Orman*, 39 Ed. Dept. Rep. 811

Adoption date:

## NYSSBA Sample Policy 2310

( ) Required  
(X) Local  
(X) Notice

**REGULAR MEETINGS**

*NOTE: This policy addresses regular Board meetings. We have added language referencing separate policy 1225 for videoconferencing, and included language better reflecting a provision of the Open Meetings law regarding accessibility.*

In order to perform its duties in an open and public manner, and in accordance with state law, the Board of Education ~~shall~~ will hold regular business meetings once a month.

The time, dates and place of regular Board of Education meetings ~~shall~~ will be established at the annual organizational meeting. In the event that the day appointed for a regular meeting falls on a legal holiday, the meeting ~~shall~~ will be rescheduled. All regular Board meetings are open to the public, ~~and meeting facilities shall provide access to persons with disabilities.~~ The district will make all reasonable efforts to ensure that the meeting facility provides barrier-free access to the physically handicapped, and accommodates all members of the public who wish to attend.

~~Board members are permitted to participate in board meetings via videoconferencing, in accordance with state law. Any site where videoconferencing is to take place must be open to the public.~~ The district will comply with applicable notice requirements (see policy 2340). Videoconferencing of Board meetings is addressed in policy 2325.

In addition to the members of the Board, the following individuals will regularly attend the business meetings of the Board: *[include titles such as the Superintendent of Schools, the Assistant Superintendent,]* and other specified personnel as deemed necessary.

Cross-ref: 2210, Board Organizational Meeting  
2325, Videoconferencing of Board Meetings  
2340, Notice of Meetings  
2360, Minutes

Ref: Public Officer's Law §§102; 103; 104

Adoption date:



## NYSSBA Sample Policy 2325

( ) Required  
 (X) Local  
 (X) Notice

## VIDEOCONFERENCING OF BOARD MEETINGS

*NOTE: Chapter 56 of the Laws of 2022 amended the Open Meetings Law, revising the requirements for meeting via videoconference by adding new section 103-a. This section is effective July 1, 2024 (unless it is extended or made permanent in the future). Until August 14, 2022 (when the current pandemic-related virtual meeting authority expires), boards can continue to meet remotely without permitting in-person public access, but must permit the public to view or listen to the meeting, and must record and later transcribe the meeting. The amended law also provides that during a declared emergency, boards may meet virtually without the need for in-person access.*

*To allow Board members to participate via videoconferencing under extraordinary circumstances pursuant to §103-a, Boards must adopt a resolution after holding a public hearing and must maintain an official website. Note that the Board's resolution can be applicable to the Board and its committees or subcommittees, or may specify that each committee or subcommittee may make its own determination. The law also requires the establishment and posting of written procedures governing participation by videoconferencing. Such procedures, which could take the form of this policy, or a separate document attached to it, should be tailored to your district's process.*

*The NYS Committee on Open Government has issued guidance on this topic: <https://opengovernment.ny.gov/system/files/documents/2022/05/chapter-56-of-the-laws-of-2022-guidance-document-05-20-22.pdf>. Based on this guidance, it is our understanding that, whether or not the Board adopts a resolution to allow videoconferencing under extraordinary circumstances, Board members can participate via videoconferencing as was permitted by the Open Meetings Law prior to the enactment of §103-a, i.e., where all locations, including those where Board members participate by videoconference, must be open to members of the public.*

### I. Videoconferencing – Locations Open to the Public

*NOTE: This section addresses the type of remote participation which was in place prior to the enactment of §103-a, and which is still in effect. This type of remote participation does not depend on a Board resolution. The first paragraph reflects the Committee on Open Government's Advisory Opinion #5575 addressing the confidentiality of information discussed during executive session. In that opinion, the COOG also advised that if a district has the technological capability for a member to participate by videoconferencing, then the Board may not put in place a blanket prohibition on it, and that multiple requests should be accommodated if feasible. Any restrictions a Board sets on the number of times a Board member participates by videoconferencing in a given time period must be reasonable.*

## NYSSBA Sample Policy 2325

Members of the Board of Education may attend Board meetings by videoconference, if their location is open to the public, and appropriate public notice has been given as outlined in policy 2340, Notice of Meetings. Such members may participate in all aspects of the meeting, including establishing a quorum, discussions, and voting. Board members participating via videoconference must disclose the total number of people in attendance at that location. To promote the highest degree of confidentiality during executive session, such Board members must sign an affidavit that the only people, if any, present in the room during the executive session were authorized to be there.

*NOTE: The Open Meetings Law requires boards to make all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free access to the physically handicapped, and are held in an appropriate facility that can adequately accommodate members of the public who wish to attend the meeting. The COOG Opinion #5575 advises that, for local municipalities, this applies to "primary" meeting locations, not remote locations.*

The district will make all reasonable efforts to ensure that the facility of the primary meeting site provides barrier-free access to the physically handicapped, and accommodates all members of the public who wish to attend. Sites where a member participates via videoconference which are open to the public are not required to comply with these conditions.

*II. Videoconferencing Under Extraordinary Circumstances (Public Officers Law Section 103-a) – Locations Not Open to the Public*

*NOTE: This section is only applicable if the Board has adopted a resolution permitting videoconferencing under extraordinary circumstances. Unless otherwise noted, all provisions of this section of the policy reflect requirements of Public Officers Law §103-a or the COOG 5/20/22 Guidance.*

*The Board's resolution, as well as its written procedures (which could take the form of this policy), must include the "extraordinary circumstances" necessitating participation by videoconference of Board members. The law includes some examples (shown below: disability, illness, caregiving), but is not an exhaustive list (it also includes "or other significant or unexpected factor or event"). Before adding examples of other significant or unexpected factors or events that would preclude physical attendance to this policy, the authorizing resolution, or any separate written procedures, please review with your attorney.*

Pursuant to Board resolution # \_\_\_\_\_, dated \_\_\_\_\_, Board members are permitted to participate in meetings via videoconferencing under extraordinary circumstances, in accordance with state law and this policy. [**Optional language:** That resolution is attached to this policy as an exhibit.] Extraordinary circumstances include: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the members' physical attendance at the meeting.

*NOTE: The first sentence of the paragraph below reflects a requirement of the law. The second sentence reflects clarifying guidance from the Committee on Open Government.*



## NYSSBA Sample Policy 2325

To utilize videoconferencing under extraordinary circumstances, a quorum of Board members must be present in the same physical location(s) where the public can attend the meeting. Board members videoconferencing under extraordinary circumstances can participate in meeting discussions and voting, and their locations are not required to be open to the public, but they do not count towards a quorum unless their locations are open to the public.

The in-person quorum requirement will not apply in the event of a declared state disaster emergency or local state of emergency, if the district determines that such emergency would affect or impair the district's ability to hold an in-person meeting.

*NOTE: The following paragraph does not reflect a requirement of §103-a, but is suggested to effectuate the law as part of the Board's written procedures, consistent with COOG guidance and model procedures. The law does not include a deadline for requests, but videoconferencing must be included in the notice of meetings. Your Board may wish to include other elements it finds necessary.*

To participate via videoconference under extraordinary circumstances, Board members must notify the Superintendent, District Clerk, or designee, as soon as the need arises, stating the extraordinary circumstance, no later than four business days prior to the meeting, in order to give proper notice to the public. The district will also notify the Board officers. If extraordinary circumstances arise within four business days prior to the meeting, the district will update its public notice as soon as practicable. If the district cannot update its public notice, the district may reschedule its meeting. Such notification may be made by any means (e.g., phone, electronically, in writing or in person), but the Board member should receive confirmation, so they know the request was received and approved.

*NOTE: The following paragraph does not reflect a requirement of §103-a, but is suggested to effectuate the law.*

If more than one Board member wishes to participate in the same meeting by videoconferencing under extraordinary circumstances, the district will consider the need for a quorum at locations where the public may attend. The district may reschedule meetings if appropriate.

The district will give public notice of meetings using videoconferencing under extraordinary circumstances pursuant to policy 2340).

*NOTE: The district's written procedures governing videoconferencing under extraordinary circumstances must be posted on the district's website.*

This policy, or the district's written procedures for videoconferencing under extraordinary circumstances if a separate document, will be posted on the district website.

## NYSSBA Sample Policy 2325

Except for properly convened executive sessions, all Board members (i.e., those attending both in person and via videoconferencing) must be able to be heard, seen and identified (e.g., their first and last name shown) during the meeting, including all motions, proposals, resolutions or any other matter formally discussed or voted upon.

*NOTE: Opinion #5575 of the Committee on Open Government (issued prior to the enactment of §103-a) advised that Board members participating via videoconference, as their locations were required to be open to the public, could be required to sign an affidavit regarding those present during executive sessions. Under §103-a, remote locations are not required to be open to the public. The Board may still wish to address confidentiality of information discussed during executive session. If the Board wishes to require Board members to sign an affidavit as described in the first paragraph of this policy, we urge you to consult with your attorney.*

All meetings that are broadcast or utilize videoconference technology will utilize technology that permits access by members of the public with disabilities, consistent with the Americans with Disabilities Act, as amended.

For all meetings involving videoconferencing under extraordinary circumstances, the district will provide members of the public the opportunity to view the meeting via video, and participate in public comment via videoconference in real time where public comment is authorized, to the same extent as in-person comment.

Minutes of meetings involving videoconferencing under extraordinary circumstances will include which members participated remotely.

All meetings where videoconferencing under extraordinary circumstances is used will be recorded, except those portions held in executive session. Recordings will be posted or linked on the district website within five business days of the meeting, and remain posted or linked for at least five years after the meeting. Recordings will be transcribed upon request.

Cross-ref: 1230, Public Comment at Board Meetings  
2310, Regular Board Meetings  
2320, Special Board Meetings  
2340, Notice of Meetings  
2360, Minutes

Ref: Public Officer's Law §§102; 103; 103-a; 104  
NYS Department of State, Committee on Open Government, Advisory Opinion OML-AO-#5575 (3/6/2018)  
"Questions and Answers, Chapter 56 of the Laws of 2022," NYS Committee on Open Government, <https://opengovernment.ny.gov/system/files/documents/2022/05/chapter-56-of-the-laws-of-2022-guidance-document-05-20-22.pdf>

Adoption date:

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## NYSSBA Sample Policy 2360

( ) Required  
 ( ) Local  
 (X) Notice

## MINUTES

*NOTE: We have added language to reflect legal requirements regarding videoconferencing, and an option under the Open Meetings law deeming unabridged video or audio recordings or transcripts to be minutes.*

*Minutes must be kept of every open meeting, pursuant to the Open Meetings Law. Such minutes must include a record and summary of motions, proposals, resolutions, and any other matters formally voted on during the course of the meeting. Boards have the discretion to determine if such additional information is to be made part of the official minutes.*

*Beyond meeting a requirement of law, minutes can be an effective public relations tool. Minutes are the main channel of communication from the Board to school personnel and the public. They are the only legal record of Board meetings. Most important, the Board can use past meeting minutes to learn how certain things came to be.*

The Board of Education believes that open and accurate communication regarding its internal operations enhances the district's public relations program and provides a record of the district's progress towards its annual goals. Therefore, the Board will maintain a complete and accurate set of minutes of each meeting, in accordance with law.

The minutes ~~shall~~ will constitute the official record of proceedings of the Board and ~~shall~~ will be open to public inspection [must include the following if the district maintains and regularly updates a website using a high-speed internet connection: and posted on the district website] within one week of executive sessions and within two weeks of all other meetings. Minutes which have not been approved by the Board within this time frame ~~shall~~ will be marked, "DRAFT." A draft of the minutes of each meeting ~~shall~~ will be forwarded to each member of the Board not later than the time the agenda for the next meeting is disseminated.

The [insert title, such as District Clerk or Board Secretary] ~~shall~~ will be responsible for taking the minutes, and ~~shall~~ will present the draft minutes to the Board President within [insert number of days such as one] day of the meeting. The minutes ~~shall~~ will conform to an established format.

All motions, proposals, resolutions, and any other matters formally voted upon by the Board ~~shall~~ will be recorded in Board minutes. In recording such votes, the names of the Board members ~~shall~~ will be called in alphabetical order, and the record ~~shall~~ will indicate the final vote of each Board member.

If a Board member is not present at the opening of a meeting, the subsequent arrival time of such member ~~shall~~ will be indicated in the minutes. The minutes of any meeting involving videoconferencing under extraordinary circumstances will include which Board members participated remotely.

**NYSSBA Sample Policy 2360**

Unabridged video or audio recordings, or unabridged written transcripts, can be used as minutes and made available to the public as such.

**Ref:**    Open Meetings Law, Public Officers Law §§~~100 et seq.~~ 103-a: 106  
          Freedom of Information Law, Public Officers Law §§84 et seq.  
          Education Law §2121

**Adoption date:**

## NYSSBA Sample Policy 5205

Required  
 Local  
 Notice

**ELIGIBILITY FOR COCURRICULAR AND EXTRACURRICULAR ACTIVITIES**

*NOTE: We have provided additional background notes on handling student behavior as it pertains to student personal expression. Districts should take care not to violate student rights to free expression under the First Amendment. We have added a citation to a recent Supreme Court Case which focused on this topic. While we do not believe this policy itself needs revision with respect to the Mahanoy v. B.L. case, we do believe it is prudent to include a statement regarding nondiscrimination.*

*This policy applies the same behavior standards to students participating in all extracurricular activities. In addition, the Board can take the opportunity to clarify its stance on minimum grade point averages.*

The Board of Education has the authority to establish reasonable standards as prerequisites for eligibility for cocurricular and extracurricular activities. These standards apply to entry qualifications as well as to continued participation in such activities. Advisors/Coaches must disseminate a copy of the expected standards of conduct to all students and parents at the start of each school year, and participating students should be individually informed of the application and scope of such standards.

Students will not be discriminated against in extracurricular activities on the basis of legally protected statuses, as outlined in policy 0100, Nondiscrimination and Equal Opportunity.

Eligibility and continued participation in cocurricular and extracurricular activities are a privilege extended to students, as opposed to a right, and the behavioral standards set forth in the district Code of Conduct (policy 5300) apply to all students participating in any cocurricular and/or extracurricular activity. All student participants, including athletes, will be informed that they have the obligation to act in a responsible manner because of the leadership roles they play in the school environment and as a result are expected to adhere to a ban on the consumption/use of alcoholic beverages, drugs (other than those appropriately prescribed), and/or tobacco products on or off campus.

*NOTE: Some districts don't specify a minimum grade point average, but instead require passing most or all classes. The following paragraph should be modified accordingly. In addition, if the Board wishes to establish a consistent GPA for eligibility for participants in all activities, it can do so below.*

Advisors/Coaches must specify minimum school attendance requirements, and the minimum grade point average (GPA) they expect student participants to maintain. All such standards must be reasonable. The relationship between a student's GPA and his/her eligibility must be clearly explained to all student participants.

## NYSSBA Sample Policy 5205

*NEW NOTE: Be aware that training rules or conditions which overly restrict off-campus student expression may be problematic. For example, mere criticism of school programs or policies, vulgar venting without disruption or targeting of/harm to an individual may not be enough to remove a student from the opportunity or privilege of representing the district on a team or as a school officer. It might also be advisable to have some oversight of training rules.*

“Training rules” are generally accepted as a condition of participation in student athletics, and may include attendance at practices, individual training programs, etc. Similar rules of rehearsal attendance and practice may apply to other extracurricular or cocurricular activities such as orchestra, band and theater.

*NEW NOTE: Removing a student from the opportunity or privilege of representing the school or as a school officer may have First Amendment implications, and therefore districts should consult with school attorneys prior to enforcing training rules based upon student personal expression, particularly student off-campus personal expression.*

Advisors/Coaches will provide these expectations in writing at the beginning of the school year or season, as appropriate.

Although suspension from participation in an extracurricular activity does not require a full hearing pursuant to Section 3214 of the Education Law, ~~a student~~ students must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee, and present ~~his/her~~ their side of the story as part of a general discussion of the conduct under review.

Cross-ref:     0100, Nondiscrimination and Equal Opportunity  
                  5300, Code of Conduct

Ref:     Education Law §§1709(3); 2801  
           Mahanoy Area School District v. B.L., 594 U.S.     (2021)  
           Bush v. Dassel-Cokato Board of Ed., 745 F. Supp. 562 (D. Minn. 1990)  
           Matter of O'Conner v. Bd. of Ed., 65 Misc.2d 40 (1970)  
           Matter of Wilson, 28 EDR 254 (1988)  
           Matter of Keily, 24 EDR 138 (1984)  
           Matter of Miller, 23 EDR 23 (1983)  
           Matter of Moore, 22 EDR 180 (1982)  
           Matter of Clark, 21 EDR 542 (1982)  
           Matter of Vetter, 20 EDR 547 (1981)

Adoption date:

## NYSSBA Sample Policy 5225

( ) Required  
 (X) Local  
 (X) Notice

## STUDENT PERSONAL EXPRESSION

*NOTE: This policy addresses the complex area of student personal expression which takes place outside the context of school-sponsored activities. Student expression that occurs under the aegis of a school-sponsored activity is covered by policy 5220.*

*We have updated this policy to clarify the parameters for student speech that impacts the school environment. We have suggested the changes below for additional clarity, including a citation to a recent Supreme Court case *Mahanoy Area School District v. B.L.* We have provided additional background notes on handling student behavior as it pertains to student personal expression. Districts should take care not to violate student rights to free expression under the First Amendment. We also suggest including the expanded definition of race under the Crown Act.*

The Board of Education recognizes the importance and value of student personal expression and recognizes that students do not “shed their ~~first amendment right of free constitutional rights to freedom of speech or~~ expression at the schoolhouse gate” (see the *Tinker v. Des Moines* case). As in broader American society, the Board also understands that there is a balancing of an individual’s rights under the First Amendment with the rights of the community. Student personal expression in this context refers to student verbal and written communication using any medium (paper, e-mail, social media or website postings, etc.) including, but not limited to, poetry, prose, art, video and music composition that is intended to be shared with the broader school community, or other actions taken to express viewpoints such as demonstrating or protesting.

Although students generally retain their right to free expression in school, that right is not unfettered. School officials may regulate expression as to time, place and manner. ~~Students’ expression which causes a substantial disruption or which materially interferes with school activities or rights of others or might reasonably lead the school administration to forecast substantial disruption of or material interference with school activities, is not constitutionally protected speech.~~ Students’ expression which either is forecasted to cause or actually causes a substantial disruption and/or which materially interferes with school activities or rights of others is not constitutionally protected speech. Moreover, personal expression which involves threats or bullying/harassment of students and is directly connected to school or its activities is also not constitutionally protected speech.

*Distribution of Materials*

When students wish to personally express themselves in the broader school community by distributing materials, they must seek prior approval from the building principal or his/her designee. The building principal or his/her designee will render his/her a decision within two

## NYSSBA Sample Policy 5225

school days of receiving the request. The building principal shall give due consideration to the constitutionally protected right of freedom of expression, the maintenance of the normal operation of school and its activities, the protection of persons and property and the need to assist students in learning appropriate ways to exercise their rights. Unless such student expression takes place within the confines of a school-sponsored event/activity (see policy 5220 for guidance on School-Sponsored Student Expression), authorization will be granted if:

- The material is distributed as directed by the Principal or designee in such a manner as to not materially or substantially interfere with the rights of others or substantially disrupt the normal operation of the school;
- The material is not considered to be obscene, lewd, indecent, libelous, an invasion of the privacy of other individuals, or an expression that attacks a person's character, family, or actual or perceived race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), color, religion, religious practice, age, weight, sex, ethnic group, national origin, physical appearance, sexual orientation, gender (including gender identity or gender expression) or disabling condition.
- The material is free from advertisements or promotion of cigarettes, liquor, illegal or illicit drugs, or drug paraphernalia or other products or services harmful to minors and/or not permitted to minors by law, or advocating breaking laws and school policies and/or regulations.

*Procedural Due Process*

~~If a student(s) seeks~~ Students seeking to distribute material within school buildings or at school events, ~~he/she~~ must present such material for prior review by the Building Principal who must make a decision regarding distribution within two (2) school days of receipt of the request and the provide the reason for the denial in writing. The aggrieved student(s) may within two (2) school days appeal in writing to the Superintendent of Schools. The Superintendent of Schools must issue a written decision within two (2) school days after receiving the appeal.

*Off-Campus Student Expression*

*NEW NOTE: Removing a student from the opportunity or privilege of representing the school or as a school officer may have First Amendment implications, and therefore districts should consult with school attorneys prior to enforcing training rules based upon student personal expression, particularly student off-campus personal expression.*

Generally, school administrative authority regarding student expression does not extend beyond school grounds or school-sponsored functions. However, with today's technologies, the line between off and on campus expression can be blurred. ~~Students are advised that if off campus personal expression substantially disrupts or materially interferes with school activities or might reasonably lead the school administration to forecast substantial disruption of or material interference with school activities or interrupts another individual's access to school,~~



## NYSSBA Sample Policy 5225

~~such as when the speech is threatening in nature, they may be subject to discipline under the Code of Conduct. The First Amendment does not protect students from engaging in off campus personal expression which is forecasted to cause or actually causes substantial disruption or material interference with school activities or interrupts another individual's access to school, such threatening or bullying/harassing of others in the school community. Such conduct may subject the student to discipline under the Code of Conduct.~~

*Student Demonstrations and Protests*

Students maintain their constitutional right while they are in school, or at school sponsored events, to peacefully assemble. However, the district may take reasonable actions to maintain a safe and functioning learning environment, to ensure that the school environment is not materially disrupted. Accordingly, school officials maintain the authority to limit student demonstrations which result in materially disrupting the operation of the schools' educational process. In addition, the school may deem student absences from school or class to demonstrate or protest to be unexcused under the district's Attendance policy (#5100), and those absences may result in consequences under that policy.

The district may also plan and host its own events to address issues of student and school concern.

*Violation of Policy*

Students who violate this policy will be subject to the appropriate disciplinary action, which may include short or long-term suspension, in accordance with the Code of Conduct.

Cross-ref: 0115, Student Harassment, Hazing and Bullying Prevention and Intervention  
4526, Computer Use in Instruction  
5100, Student Attendance  
5220, School-Sponsored Student Expression  
5300, Code of Conduct

Ref: *Mahanoy Area School District v. B.L.*, 594 U.S. \_\_\_\_ (2021)  
*Morse v. Frederick*, 551 U.S. 393 (2007)  
*Bethel School District v. Fraser*, 478 U.S. 675 (1986)  
*Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503 (1969) (limits on student free speech rights in school setting)  
*Eisner v. Stamford Board of Educ.*, 314 F Supp 832, mod' d 440 F2nd 803 (1971)

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## NYSSBA Sample Policy 5300.30

 Required Local Notice**PROHIBITED STUDENT CONDUCT**

*NOTE: We are suggesting a minor change to subsection H on student off-campus behavior, a background note urging districts to work closely with legal counsel, in the area of student expression, and a citation to the Supreme Court case Mahanoy Area School District v. B.L.*

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment with the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination. Exclusion from the school environment and suspension will only be used when necessary to protect the safety of students and staff or when all other measures have been exhausted.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their mistakes or misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may learn from their behavior and grow in self-discipline.

The Board recognizes the need to make its expectations for student behavior while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their behavior.

Students may be subject to disciplinary action, up to and including, in extreme or repeated occurrences, suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of this type of behavior include, but are not limited to:
1. Running or otherwise unsafe behavior in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.
  6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the

- building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that deliberately goes against what a student has been asked to do or where they are supposed to be at any given time. This behavior is considered insubordinate. Examples of this type of behavior include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating belligerence or disrespect.
  2. Lateness for, missing or leaving school without permission.
  3. Skipping detention.
- C. Engage in conduct that prevents others from being able to learn, focus, or be engaged in their work. This behavior is considered disruptive. Examples of this type of behavior include, but are not limited to:
1. Inappropriate public sexual contact
  3. Display or use of personal electronic devices, such as, but not limited to, cell phones, music or video players, cameras, in a manner that is in violation of district policy.
- D. Engage in conduct that is violent. Examples of this type of behavior include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, other school employee, another student or any other person lawfully on school property.
  2. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  3. Displaying what appears to be a weapon.
  4. Threatening to use any weapon.
  5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  6. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, physical or mental health or welfare of others. Examples of such this type of behavior include, but are not limited to:

*NOTE: Smoking and other tobacco use and use of electronic cigarettes (including vaping), including cannabis, is prohibited, by law, in school buildings, on school grounds, and in school vehicles. This policy reflects the requirements of law.*

1. Attempting to engage in or perform an act of violence noted in Section D.
  2. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
  3. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  5. Discrimination, which includes using race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
  6. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation or abuse. (See policy 0115, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
  7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  8. Hazing, which includes an induction, initiation or membership process involving harassment (see policy 0115 for a more complete definition).
  9. Selling, using, distributing or possessing obscene material.
  10. Using vulgar or abusive language, cursing or swearing.
  11. Smoking a cigarette, cigar, pipe, electronic cigarette (i.e., vape), or using chewing or smokeless tobacco, or smoking/vaping/ingesting cannabis or concentrated cannabis (includes cannabis products) or smoking cannabinoid hemp (except for lawful medical cannabis use in compliance with state law and regulation).
  12. Possessing, consuming, selling, offering, manufacturing, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption.
  13. Inappropriately using or sharing prescription and over-the-counter drugs.
  14. Gambling.
  15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
  17. Knowingly making false statements or knowingly submitting false information to school staff during a disciplinary process.
- F. Engage in misbehaviors otherwise prohibited by sections A-E of this section while on a

school bus and to remain seated, keep objects and body parts inside the bus, obey the directions from the bus driver or monitor. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

- G. Engage in any form of academic misbehavior. Examples of academic misbehavior include, but are not limited to:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. Assisting another student in any of the above actions.
- H. Engage in off-campus misbehavior that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such misbehavior includes, ~~but isn't limited to,~~ threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention).

*NEW NOTE: In this area of Constitutional law, the U.S. Supreme court cases are subject to much interpretation. Accordingly, to determine in any specific circumstance whether certain student conduct is actionable, it would be wise to consult with the district's school attorney.*

Ref: Education Law §§10 – 18 (Dignity for All Students Act)  
Mahanoy Area School District v. B.L., 594 U.S. \_\_\_\_ (2021)

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