

DRAFT

**BOARD AGENDA
REGULAR MEETING**

Wednesday, August 21, 2024
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. PUBLIC HEARING - District Wide Safety Plan
 - E. SPECIAL PRESENTATIONS - Community Service, Student Representative, Administration & Board Committee Reports
 - F. ADDITIONS TO AGENDA
 - G. CORRESPONDENCE RECEIVED
 - H. SUPERINTENDENT'S REPORT
 - I. 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 1-8-2024 through RESOLUTION 34-8-2024
 - A. RESOLUTION 1-8-2024
APPROVAL OF MINUTES – July 10, 2024
 - B. RESOLUTION 2-8-2024
ACKNOWLEDGE RECEIPT OF TREASURER'S AND FINANCIAL REPORTS – June & July 2024
 - C. CONFIRM TAX ROLLS AND AUTHORIZE TAX LEVY
RESOLUTION 3-8-2024
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the tax levy in the amount of \$5,632,834 plus \$60,000 (libraries) and review the equalized tax rates as per Attachment III C.
 - D. EQUIPMENT REMOVAL
RESOLUTION 4-8-2024
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, does hereby approve the equipment inventory removal list 07122024 as per Attachment III D.

E. FINANCIAL

RESOLUTION 5-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent does hereby acknowledge the following request to move to Reserves with the understanding that it is for the 2023-2024 school year:

| | | | |
|----------------------------------|-----------|-----------------------------|-----------|
| New Capital Reserve - A878.2 | \$250,000 | Technology Reserve - A878.3 | \$133,000 |
| Capital Reserve-Equipment A878.1 | \$150,000 | TRS- A867.1 | \$75,000 |

F. BUILDING LEVEL EMERGENCY RESPONSE PLAN APPROVAL

RESOLUTION 6-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the Building Level Emergency Response Plan (Confidential).

G. DISTRICT WIDE SCHOOL SAFETY PLAN APPROVAL

RESOLUTION 7-8-2024

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

H. CLAY TARGET LEAGUE

RESOLUTION 8-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District hereby approves the participation of eligible students in grades 7-12 in the New York State Clay Target League, and authorizes the use and association of the District's name and likeness with the League to allow for team play in the 2024-2025 school year.

I. ACCEPT DONATIONS

RESOLUTION 9-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, does hereby accept a donation from the Cherry Valley-Springfield Endowment Foundation for Educational Excellence, Inc.: Sensory Development for Pre-K - \$1,923.22

RESOLUTION 10-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, does hereby accept a donation from the NY School Insurance Reciprocal: Banning Cellphones - \$1,000.00

J. SERVICE PROVIDER AGREEMENT

RESOLUTION 11-8-2024

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 for the 2024-2025 school year with the following Service Provider: Janet Williammee, Educational Consultant, as per Attachment III J.

K. SERVICE PROVIDER AGREEMENT

RESOLUTION 12-8-2024

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 for the 2024-2025 school year with the following Service Provider: Seth Aldrich, Ph.D., as per Attachment III K.

L. PROFESSIONAL LEARNING PLAN APPROVAL

RESOLUTION 13-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the Professional Learning Plan per Attachment III L.

M. COMBINING CONTRACT

RESOLUTION 14-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the Combining Contract between the Cooperstown Central School District and the Cherry Valley-Springfield Central School District, for Varsity and Modified Football athletic competition during the 2024-2025 school year. Cherry Valley-Springfield students are responsible for their own transportation.

N. SABBATICAL LEAVE

RESOLUTION 15-8-2024

Whereas, Article VI, Section C. 6.3 of the Cherry Valley-Springfield Teachers' Association Contract empowers the Cherry Valley-Springfield Board of Education (the "Board") to authorize proposed sabbatical leaves; and

Whereas, a Teacher has submitted a proposal for sabbatical leave for the Spring Semester of the 2024-2025 School Year to the Superintendent of Schools and the Board has reviewed this request in accordance with the CBA.

Now, Therefore, Be It Resolved, that the Board of Education, upon careful consideration of this request, hereby denies the request for sabbatical leave and directs the Superintendent to notify the staff member of such action.

O. PERSONNEL

RESOLUTION 16-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby amend the following RESOLUTION 33-7-2024 to read: August 5, 2024 through August 5, 2028.
RESOLUTION 33-7-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Meghan McCaffrey, who is Provisionally Certified School Counselor, to a position as a School Counselor for a probationary period beginning ~~September 1, 2024 through September 1, 2028~~ August 5, 2024 through August 5, 2028.

RESOLUTION 17-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the resignation of Megan McCaffrey, School Counselor, effective August 30, 2024.

RESOLUTION 18-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the resignation of Timothy Fish, Substitute Bus Driver, effective July 25, 2024.

RESOLUTION 19-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the resignation of David Evans, as a Driver/Cleaner, effective July 19, 2024.

RESOLUTION 20-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the resignation of Jennifer O'Leary, Elementary Teacher and Ski Club Advisor, effective August 18, 2024.

RESOLUTION 21-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the resignation of Richard Lyford, Music Teacher and extracurricular: marching band, musical-vocal music and All-County, effective August 31, 2024.

RESOLUTION 22-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the resignation of Tessa Clapper, part-time food service helper, effective August 2, 2024.

RESOLUTION 23-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby approve the extended leave of absence for Sara Valenta, Licensed Teacher Assistant, previously effective September 3, 2024 through December 18, 2024, now to June 30, 2025.

RESOLUTION 24-8-2024

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 with the CV-S Administration Association from July 1, 2024 through June 30, 2028.

RESOLUTION 25-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Amanda Thomas, who is Initially Certified Early Childhood Education (Birth-Grade 2), to a position as an Elementary Teacher for a probationary period beginning September 1, 2024 through September 1, 2028.

RESOLUTION 26-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Jodi Mravlja to a position as a Long-term Substitute Teacher effective September 1, 2024 for the 2024-2025 school year and approves her leave of absence as a Licensed Teacher Assistant for the same time period.

RESOLUTION 27-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Cassie Clegg to a position as a Long-term Substitute Teacher effective September 1, 2024 for the 2024-2025 school year.

RESOLUTION 28-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Christine Johnson to a position as a Long-term Substitute Teacher effective September 1, 2024 for the 2024-2025 school year.

RESOLUTION 29-8-2024

RESOLVED that the Board of Education of the Cherry Valley-Springfield Central School District hereby re-appoints Ashlee Cornelia from the seniority/recall list, pursuant to Education Law 3013, to a leave replacement LTA position in the LTA tenure area, effective September 1, 2024. Ashlee Cornelia will be reinstated with the two (2) years and two (2) months seniority which she had accrued prior to being excessed.

RESOLUTION 30-8-2024

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 After School Program assignments for the 2024-2025 school year: Coordinator Substitute - Ashlee Cornelia Activity Leader - Ashlee Cornelia

RESOLUTION 31-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Christina Schuttig to a position as a teacher aide effective September 1, 2024 through June 27, 2025 or until the position is deemed unnecessary.

RESOLUTION 32-8-2024

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 mentee/mentor pairings and Coordinator for the 2024-2025 school year:

| |
|--|
| Jordan Rhodes - Coordinator |
| Megan Richards - Robin Horne |
| Mark Hitt - Erin Seales |
| Ryan Johnston - Terri Santillan |
| Sarah Paradiso - Traci Waterman (Sem. 2) |
| Amanda Thomas - |
| Cassie Clegg - Beth Spaulding |
| Tammie Waterman - Crystal Pierce |
| Jodi Mravlja - Kelly Oram |
| Stephanie Spencer - Sarah Williams |
| Christine Johnson - Joslyn Mabie |

RESOLUTION 33-8-2024

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 Support Staff Substitutes for the 2024-2025 school year: Caitlen Page Patricia Beckwith

RESOLUTION 34-8-2024

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 2024-2025 school year: Patricia Beckwith

IV. NEW BUSINESS

A. POLICY REVIEW

RESOLUTION 35-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a first reading of Policies and Regulations: 0100 Nondiscrimination and Equal Opportunity, 0110 Sexual Harassment, 0110.2 Sexual Harassment in the Workplace, 0111 Sex Discrimination and Sex-Based Harassment Under Title IX, 0111-R Sex Discrimination and Sex-Based Harassment Under Title IX Regulation - Grievance Procedure, 0111-E Title IX Definitions, 0115 Student Harassment and Bullying Prevention and Intervention, 0115-R Student Harassment and Bullying Prevention and Intervention, 0110.1 Sexual Harassment of Students (rescind policy), and 9520.6 Lactation Accommodation.

RESOLUTION 36-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a first reading and waives the second reading of Policy: 2342 Agenda Preparation and Dissemination.

RESOLUTION 37-8-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby direct the District Clerk to transmit to NYSSBA updated Policy: 2342 Agenda Preparation and Dissemination to the New York State School Boards Association by August 30, 2024.

B. BOND RESOLUTION DATED AUGUST 21, 2024

RESOLUTION 38-8-2024

A RESOLUTION AUTHORIZING THE ACQUISITION OF ONE (1) SIXTY-FIVE PASSENGER SCHOOL BUS VEHICLE, ONE (1) THIRTY PASSENGER SCHOOL BUS VEHICLE, AND ONE (1) SEVEN PASSENGER VEHICLE, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$279,000 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 one (1) sixty-five (65) passenger school bus vehicle; (b) the acquisition of one (1) thirty (30) passenger school bus vehicle; and (c) the acquisition of one (1) seven (7) passenger vehicle. The maximum cost of said purpose will not exceed \$279,000.

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 \$279,000 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 21, 2024.

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 one (1) sixty-five passenger school bus vehicle, one (1) thirty passenger school bus vehicle, and one (1) seven passenger 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.

Roll call vote: April Aramini _____ Ellen Johnson _____
Erin Seeley _____ Amy Garretson _____

V. OLD BUSINESS

Open Board Seat Discussion

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)
- Review recommendations made by the Committee on Preschool Special Education

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 and library levy of the 2024-2025 school year a sum not to exceed \$5,632,834 plus \$60,000 (library).

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 | Amount of Tax | Tax Rate |
|---------------|----------------|----------|---------------|----------|
| Cherry Valley | \$1,303,032.73 | 13.02 | \$13,879.69 | .14 |
| Decatur | 15,784.41 | 24.67 | 168.13 | .26 |
| Middlefield | 872,226.27 | 18.03 | 9,290.81 | .19 |
| Otsego | 5,859.14 | 12.50 | 62.41 | .13 |
| Roseboom | 765,664.25 | 12.21 | 8,155.73 | .13 |
| Springfield | 2,252,491.62 | 13.39 | 23,993.16 | .14 |
| Westford | 37,845.66 | 12.50 | 403.13 | .13 |
| Canajoharie | 110,580.66 | 9.37 | 1,177.89 | .10 |
| Minden | 269,348.14 | 12.02 | 2,869.05 | .13 |
| Warren | 1.13 | 20.47 | .01 | .22 |
| | ----- | | ----- | |
| | \$5,632,834.00 | | \$60,000.00 | |

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 3, 2024 and end November 6, 2024, 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:

1st month (9/3 – 10/4) – free period

2nd month (10/5 – 10/31) – interest of 2%

3rd month (11/1 – 11/6) – interest of 3%

Cherry Valley Springfield Equipment Inventory to be Removed 07/12/2024

| Client | Equip Type | Building | Location | Model | Description | CVSCS S/N | Manufacturer S/N | ONC BT BOCES S/N | Notes |
|--------|------------|----------|----------|---------------------|----------------------|-----------|---------------------|-------------------|-------------------------|
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003422 8YCB8H2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003547 4GPM5N2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003439 3ZFR6H2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003594 115DNQ2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003580 1TYDNQ2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003420 2V29H2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003531 4VLM8H2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003476 2YHM8N2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003440 8W78H2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003550 3XLN8H2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003419 H2G7H2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 20180546 FSJK9L3 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | F0W5ZW2 | | |
| CVS | Chromebook | HS/ELEM | N/A | Dell 3100 | 11.6 inch Chromebook | | 003788 8Y487Y2 | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 20190387 5CD1158212 | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 903123 SCD042FKHQ | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 930133 SCD042FKZXM | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 903900 SCD035709N | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003145 SCD042FKJZ | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003111 SCD042L92D | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 20190389 SCD115823H | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 20190299 SCD11581BX | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 20190335 SCD11581BY | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003990 SCD034JPKX | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003897 SCD03570F3 | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003966 SCD034JGAN | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 20190270 SCD1163WDF | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003882 SCD0356ZBG | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 20180302 SCD1158235 | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003891 SCD0356Z98 | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003135 SCD0428YFT | | |
| CVS | Chromebook | HS/ELEM | N/A | HP G811EE | 11.6 inch Chromebook | | 003150 SCD042FKKC | | |
| CVS | IPAD | HS/ELEM | N/A | Apple Ipad | IPAD 9.7 INCH OLD | | | | |
| CVS | IPAD | HS/ELEM | N/A | Apple Ipad | IPAD 9.7 INCH OLD | | | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 20190183 6PYVJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 13.3 LAPTOP | | 003170 105ZJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 20180487 HQXYJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 20190176 HUYVJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 20190432 3ZAZJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | MACBOOK PRO | 13.3 LAPTOP | | 003081 COZMLC4NFHD0 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE 3400 | 14.1 LAPTOP | | 003654 4JBXJT2 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE 3400 | 14.1 LAPTOP | | 003778 GPZ6KT2 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE 3400 | 14.1 LAPTOP | | 003641 DCLVJT2 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL INSPIRON 1750 | 17.3 LAPTOP | | 20180518 4007KT2 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 002553 DPJVBL1 | | 042095 |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | BJVYJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 84VYJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 003270 89VYJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 003859 D3VYJX1 | | |
| CVS | LAPTOP | HS/ELEM | N/A | DELL LATITUDE E6530 | 15.6 laptop | | 003818 HYRML72 | | |
| CVS | DESKTOP | CAFÉ | N/A | TOUCH DYNAMICS | TOUCH SCREEN PC | | | | |
| CVS | DESKTOP | RM149 | N/A | DELL AIO 5250 | 24 INCH | | 20190003 FC4PHH2 | | |
| CVS | SERVER | NOC | | UNITRENDS 7135 | OLD BACKUP SERVER | | 20190000 | | |
| CVS | COPIER | | | KONICA MINOLTA | OLD COPIER | | 20190021 86ZFD | FROM EASTERN COPY | REPLACED WITH NEW KM808 |

RELATED SERVICE AGREEMENT

This AGREEMENT made this 1st day of August 2024, by and between CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT (the "District") Board of Education and Janet Williammee, who resides at 3134 Co. Hwy. 11, Hartwick, NY 13348.

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

WHEREAS, Consultant is duly certified by the State of New York as a teacher who can provide services.

NOW, THEREFORE, the parties mutually agree as follows:

1. Consultant will provide consulting and instructional services during the 2024-25 school year for the student identified by the District's CSE to be in need of such services in the amount and frequency agreed upon for this student. Such services shall be appropriate to the needs of the student served. Consultant will submit to the District on at least a quarterly basis during the 2024-25 school year written progress reports prepared and signed by the Consultant.
2. Consultant 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. Consultant 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. 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 Consultant 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 Consultant.
5. For services rendered by Consultant to the District under the terms of this Agreement, the District's Board of Education will pay Consultant as follows:
One Hundred (100.00) dollars per sixty (60) minute session.

6. It is understood and agreed that at all times for all purposes hereunder, Consultant is an independent contractor and is not an employee of the District. Consultant 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 Consultant any sums for state or federal income tax, unemployment insurance, workers' compensation, disability insurance or social security insurance (FICA). Consultant understands and agrees that such insurance and tax payments are the sole responsibility of Consultant.

Board of Education President
Cherry Valley-Springfield Central School District

Janet Williammee
Educational Consultant

Between:

**And: Seth Aldrich, Ph.D.
Bilingual School Psychologist
New York State Licensed Psychologist
316 Long Road
Tully, New York 13059**

This contract is an agreement between the parties listed above for completion of bilingual evaluations and consultation for the 2024-2025 school year. The following linguistically appropriate assessment activities would be conducted for a bilingual evaluation:

- IQ assessment (Spanish and English measures as necessary)
- Other processing testing (e.g., phonemic awareness) as necessary
- Academic achievement (English and Spanish)
- Language proficiency measures in English and Spanish
- Language history survey
- Social, Emotional, Behavior diagnostic checklists (self-report, teacher and parent)
- Adaptive behavior (if necessary for concerns)
- Record review (e.g., RTI/MTSS data, attendance)
- Observation and clinical interview
- Consultation with school staff and parents

The contract fee per evaluation is \$180 per hour for assessment, report writing and consultation plus a charge for half of travel time. The total time will not exceed twenty (20) hours without prior amendment to this contract.

(District representative)

Date

Seth Aldrich, Ph.D.

Date

**Professional Learning Plan
Cherry Valley-Springfield Central School
2024-25**

Cherry Valley-Springfield Central School District Professional Development Plan

DISTRICT NAME: Cherry Valley-Springfield Central School

BEDS CODE: 472202040000

SUPERINTENDENT: TheriJo Snyder

ADDRESS: 597 County Route 54 Cherry Valley NY 13320

PHONE: 607-264-9332

FAX: 607-264-9023

YEAR PLAN IS IN EFFECT: September 2024 - June 30, 2025

Superintendent:

TheriJo Snyder

Board of Education:

President Amy Garretson

Vice President Erin Seeley

April Aramini

Megan Bosc

Ellen Johnson

PROFESSIONAL Plan PLAN HISTORY

Approved by the Board of Education Annually

2023-24 Cherry Valley-Springfield Central School District Staff Development Committee

TheriJo Snyder, Superintendent

Rachel Wright, Elementary Principal

Kevin Keane, Secondary Principal

Samantha Seamon, CSE Chairperson

Traci Waterman, Teacher

Jordan Rhodes, Teacher

Tom Fralick, Teacher

Michelle Gage, Teacher

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Introduction

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Professional Development Providers

Introduction

This Professional Development Plan for the Cherry Valley-Springfield Central School District describes a vision for adult learning that is collaborative, continuous, embedded in daily practice and focused on student achievement. We strive to strengthen a culture that supports adult learning by providing a framework that affords every educator an opportunity to enrich his/her practice.

Throughout this document, we reference the ultimate goal of professional development: improved student learning. While being mindful of that core purpose, it is important to acknowledge the additional benefits of this comprehensive professional development plan:

- improving job satisfaction
- improving our ability to recruit and retain highly effective educators
- increasing our knowledge of innovative practices
- meeting the NYSED requirements for professional development planning
- promoting shared decision-making and inclusive leadership

Professional development will consistently be an ongoing process that involves sustainable improvement in student learning and instructional practices. This requires evaluation of student performance and teacher self-assessment, identifying possible courses of action, testing new approaches, assessing results and then beginning the process anew. This work is best done with colleagues and not alone, because each of us is limited by our own perception of the problem and knowledge of possible solutions.

In the Cherry Valley-Springfield Central School District, our approach to professional development is to make certain that all educators have the best possible skills, content knowledge, and preparation for teaching. The needs of learners in the twenty-first century demand innovative, progressive, and cutting-edge instruction. As such, the quality of our professional development programs is influenced by a variety of factors. The National Staff Development Council recognizes these variables as the essential standards for professional development in education. The standards are

CONTEXT

Learning Communities: Staff development that improves the learning of all students organizes adults into learning communities whose goals are aligned with those of the school and district.

Leadership: Staff development that improves the learning of all students requires skillful school and district leaders who guide continuous instructional improvement.

Resources: Staff development that improves the learning of all students requires resources to support adult learning and collaboration.

PROCESS

Data-Driven: Staff development that improves the learning of all students uses disaggregated student data to determine adult learning priorities, monitor progress, and help sustain continuous

improvement.

Evaluation: Staff development that improves the learning of all students uses multiple sources of information to guide improvement and demonstrate its impact.

Researched-Based: Staff development that improves the learning of all students prepares educators to apply research to decision making.

Design: Staff development that improves the learning of all students uses learning strategies appropriate to the intended goal.

Learning: Staff development that improves the learning of all students applies knowledge about human learning and change.

Collaboration: Staff development that improves learning of all students provides educators with the knowledge and skills to collaborate.

CONTENT

Equity: Staff development that improves the learning of all students prepares educators to understand and appreciate all students, create safe, orderly, and supportive learning environments, and hold high expectations for students' academic achievement.

Quality Teaching: Staff development that improves the learning of all students deepens educators' content knowledge, provides them with research-based instructional strategies to assist students in meeting rigorous academic standards, and prepares them to use various types of classroom assessments appropriately.

Family Involvement: Staff development that improves the learning of all students provides educators with knowledge and skills to involve families and other stakeholders appropriately.

New York State Education Department Regulations and Requirements

This Professional Development Plan meets the requirements of the 100.2 (dd) Regulations of the State of New York. The purpose of this plan is to improve student learning by providing meaningful, focused, professional development opportunities that are aligned with the Learning Standards of New York State (NYS). Additionally, public school districts are required to have a professional development plan which describes how it will provide all of its teachers, teaching assistants and long-term substitute teachers with substantial professional development opportunities and how it will provide its professional certificate holders with opportunities to maintain such certificates in good standing based upon successfully completing 100 hours of professional development for teachers and 75 hours for teaching assistants every five years.

The Professional Development Planning Process

Although professionals in Cherry Valley-Springfield are continually improving their craft and honing their skills through their own self-improvement efforts, systemic change and growth requires collective and sustained efforts. This development plan promotes student achievement by providing learning opportunities for staff that are aligned with major school and/or district goals identified through regular needs assessments and a professional development planning process. The professional development

planning process is:

Identify school/district educational goals

- Review existing educational goals for state, district and schools
- Analyze student achievement data: past, present, projected trends
- Diagnose areas of student need
- Establish improvement with measurable goals expressed in terms of desired outcomes and within the context of the learning standards and district's priorities whenever possible

Plan for implementation

- Outline flexible and integrated professional development strategies and activities that address the needs as identified through school and district goals
- Identify sources of expertise to assist with identified needs and goals
- Select PD content and process at each level (district, school, team, or individual)
- Identify sources and uses of financial resources

Implement professional development strategies

- Integrate learning models that provide choice, differentiated learning, sustained collaboration and ongoing support
- Incorporate best practices into teaching, learning and leadership
- Identify critical factors for successful implementation

Monitor progress

- Identify success measures for professional development activities
- Identify data sources and gathering method for each measure
- Plan for articulation of findings
- Keep records of PD implementation, participation and feedback
- Administer feedback surveys and collectively analyze results

Needs Assessment

As part of the ongoing professional development planning cycle, the Cherry Valley-Springfield Central School District reviews multiple sources. The following items are analyzed annually to determine the focus and content of the professional development plan:

Student Achievement Data

- School Report Card
- NYS and District Assessments (e.g., 3-8 testing and Regents exams)
- Disaggregated Student Achievement Data
- Report Cards
- DASA Reports/School Safety and the Educational Climate (SSEC)
- Department Data Analyses and Recommendations
- Counseling and Social Work Records
- Student Attendance and Discipline reports
- Graduation and Dropout Rates

- Special education identifications and annual reviews
- NYS Learning Standards
- College Placement Rates
- Academic Intervention Services and RtI Records
- Elementary Benchmark Reading Assessments
- College Board (AP, SAT)
- Branching Minds data

Surveys

- Professional Development Needs Assessment Survey
- Professional Development Evaluation/Feedback Surveys

Additional Data Sources

- Internal School Review
- BEDS Data
- Longitudinal Student Performance Data
- Teacher Retention and Turnover Rates
- Professional Performance Reviews and Observations/Evaluations
- Program Evaluations
- SED Regulations and Mandates
- Mentor Program Evaluations

Goals and Implementation Plans for 2024-25 Professional Development

The district goals and each of the objectives designed to achieve such goals (all of which are detailed in subsequent pages) were identified in conjunction with an Internal School review process, based on the NYSED Focus School Review process, and took into consideration multiple data sources derived from a needs-assessment process. Additionally, recurring and ongoing annual commitments to professional development are noted.

GOAL 1: *Ensure all students are provided a quality Tier 1 instructional program that promotes student success.*

| Objective 1: Develop and implement a comprehensive MTSS plan. | | | |
|---|---------------------|---|--|
| Strategies | | | |
| <ol style="list-style-type: none"> 1. Develop a shared vision to service students who are most in need with evidence based instruction. 2. Adopt best practices in teaching that will have the highest impact on student success and achievement. 3. Implement data driven educational decision making. | | | |
| Activity | Timeline | Professional Development | Evidence |
| Participate in Targeted Data Based Decision Making Team workshops | Quarterly | Southeast Regional Partnership Center | Registration/ Attendance by team members Formalized MTSS plan |
| Complete data entry into Branching Minds | weekly | Data sessions with Branching Minds Tutorials during Grade Level Meetings Review during Faculty Meetings and Grade Level meetings as needed | Creation of intervention plans based on data entry |
| Implementation of ELA universal screening tool (STAR Literacy) | 2024-25 school year | Training for all elementary teachers and LTAs on how to give the assessment (September 2024) Development of benchmarking schedule that provides additional classroom support from ELA coordinators during assessment windows | Completed assessments Benchmarking schedule (Sept, March, May) Intervention plans in Branching Minds |

| | | | |
|--|---------|---|--|
| | | Development of intervention plans based on data review by Student Success Team | |
| Continued alignment of Rtl processes, particularly as they relate to Special Education referrals | ongoing | Updating of Special Education referral process to reflect Rtl and Child Study Team Review of processes with all staff | Child Study Team referrals CSE evaluations |
| Implementation of Bridges into Mathematics for K-5 | Ongoing | Collaboration with Bridges representatives to train two teachers to be in-house support for implementation Regular review of student data on Bridges assessments | Classroom observations Assessment data |
| Continued implementation of literacy programs consistent with Science of Reading | ongoing | Curriculum mapping of ELA PK-6 to identify areas for additional materials/resources/support | Benchmarking data Classroom observations Completed curriculum maps |

GOAL 2: Improve student achievement through content driven professional learning.

Objective 1: Secondary teachers will utilize best instructional practices in their content areas that will have the greatest impact on student achievement.

Strategies

1. Learning Targets
2. Gradual Release of Responsibility
3. Checking for Understanding

| Activity | Timeline | Professional Development | Evidence |
|---|-----------------|--|-----------------|
| Full implementation of the NYS Next Generation Learning Standards | Ongoing | Teachers will attend the annual conference of their statewide professional organization (NYSEC, AMTNYS, STANYS, NYSCSS). | Curriculum maps |

| | | | |
|----------------------|--|--|---|
| Classroom Management | Ongoing, starting in August with full day workshop with Gretchen Jones, Behavior Specialist, on Increasing Instructional Time and Student Performance Utilizing De-Escalation Strategies | Follow up conference Best Practices in Classroom Management: Clearly Defining Tier 1 Interventions | Development and implementation of school wide behavior expectation framework and mutually agreed upon best practices in classroom management. |
| Department meetings | Monthly | Review of best practices: Learning targets, gradual release of responsibility, checking for understanding. | Lesson plans reviewed in Pre and Post Observation conferences. |

GOAL 3: Through schoolwide SEL, we will create an equitable learning environment that empowers all students to achieve their potential.

| Objective 1: All Staff will utilize best practices for Social Emotional Learning (SEL) Standards in order to have the greatest impact on student achievement. | | | |
|--|--|--|---|
| STRATEGIES | | | |
| 1. Adopt NYS SEL Curriculum into classrooms 2. Provide opportunities for Professional Development in Social Emotional Learning 3. Implement data driven educational decision making | | | |
| Activity | Timeline | Professional Development | Evidence |
| Classroom Management | Ongoing, starting in August with full day workshop with Gretchen Jones, Behavior Specialist, on Increasing Instructional Time and Student Performance Utilizing De-Escalation Strategies | Follow up conference Best Practices in Classroom Management: Clearly Defining Tier 1 Interventions | Development and implementation of school wide behavior expectation framework and mutually agreed upon best practices in classroom management. |
| Procedures for Ready to Learn room use will be formalized based on learnings from de-escalation training (elementary) | Continuous | RTL Staff; School Counselors; Child Study/Student of Concern Team; RPC | RTL Data; Discipline data |

| | | | |
|--------------|----------------------------|---|---|
| TCI training | During 2024-25 school year | Selected faculty & staff will attend the 5-day training | Use of strategies with students; observation and follow-through |
|--------------|----------------------------|---|---|

Professional Development Providers

- Rachel Wright
- Kevin Keane
- TheriJo Snyder
- Samantha Seamon
- CV-S Faculty
- ONC BOCES

Teacher Mentor Program

Cherry Valley-Springfield Central School

Plan Adopted: August 18, 2004

Plan Revised: October 20, 2004

Plan Revised: October 19, 2006

Plan Revised September 20, 2007 (Inclusion of Experienced Teacher Mentor Program)

Plan Revised: July 22, 2010

Plan Revised: June 19, 2014

Plan Revised: July 25, 2018

Cherry Valley-Springfield Central School Teacher Mentoring Program

(NOTE: The word “teacher” refers to all professionally certified personnel)

I. Purpose – Teacher Mentoring in their first year of teaching

The purpose of the CVSCS Teacher Mentoring program is to meet the SED regulation requirements by forging a learning partnership with new staff. This will be accomplished through open communication, collaboration, a building of trust and rapport, and a sharing of resources and knowledge with ongoing support and guidance.

The specific goals of the Mentoring Program will include the following:

- Help beginning teachers transition from preparation to practice
- Provide guidance and support
- Develop and improve instructional skills and classroom management skills in order to improve student achievement
- Help beginning teachers, mentees, understand the culture of the school and community
- Maintain the retention rate for good beginning teachers
- Create a professional learning culture that crosses experience lines
- Help impart subject and content knowledge including the integration of the current standards and concepts
- Develop an understanding of the local (CVSCS) APPR process

Purpose – Experienced Teacher Mentoring Program

The purpose of the CVSCS Experienced Teacher Mentoring Program is to assist an experienced teacher, new to CVSCS, in acclimating to the school and forging a partnership with the staff. This will be accomplished through open communication, collaboration, building of trust and rapport, and a sharing of resources and knowledge with ongoing support and guidance. All experienced teachers who are new to our school will be given a mentor following the same process for determining mentor/mentee pairings used for teachers new to the teaching profession.

At the discretion of the District, CVS teachers new to an assignment or teachers who would benefit from a second year of mentoring may also be afforded a mentor. In such cases, the mentor panel may make a recommendation for a mentoring partnership to the Superintendent in the same manner recommendations are made for teachers in their first year of teaching service.

The specific goals of the Experienced Teacher Mentoring Program will include the following:

- Help experienced teachers to acclimate to CVSCS or their new grade level/teaching assignment
- Provide guidance and support
- Work in a collaborative manner with staff to improve student achievement
- Maintain the retention rate for good teachers
- Help experienced teachers, mentees, understand the culture of the school and community
- Create a professional learning culture to enhance instruction, student achievement and to support District goals
- Review current standards and concepts in the context of the District's goals
- Develop an understanding of the local (CVSCS) APPR process

II. The Mentor Panel

The purpose of the Mentor Panel will include the following:

- To update and maintain the mentor plan
- To design workshops/training opportunities to assist mentors and mentees
- To recommend mentor/mentee pairings to the Superintendent who, in turn, will make recommendations for appointment to the Board of Education
- To provide and encourage community building activities
- To annually evaluate the mentor program. Recommendations for financial considerations will be given to the Superintendent by March 1 and recommendations for modifying non-financial elements of the program will be given to the Superintendent by May 1. The Superintendent will share these recommendations with the Board of Education for their approval. Any revisions to the plan will be by mutual agreement between the BOE, the District and the Association.

The recommended composition of the Mentor Panel will include at least one administrator, at least four teachers and one LTA. There will be no term limits for Panel membership. Decisions made by the Panel will be reached through consensus.

III. Criteria for Mentor Selection

In the development of the mentor pool the Panel recognizes that the role of the mentor is voluntary.

The Panel should consider the following when selecting mentors:

- Mastery of pedagogical skills
- Content knowledge

- Teaching ability
- Interpersonal relationship qualities
- Willingness to serve as a mentor
- Permanent or professional certification and experience in teaching
- Demonstration of outstanding teaching skills
- Exhibition of effective interpersonal and written and oral communication skills;
- Exhibition of leadership qualities
- Enthusiasm for teaching
- The Mentor Panel Chairperson may not serve as a mentor *unless an exception is mutually agreed upon.*

IV. Selection of the Mentor

In making a mentor/mentee pairing recommendation to the Superintendent, the Mentor Panel's consideration will include the following criteria:

- Tenure area
- Grade level assignment
- Proximity in the building
- Tenured; Mentor Chair will discuss exceptions with the Superintendent.
- Not someone on special administrative assignment

Occasionally, despite the best efforts of everyone involved, the mentor/mentee relationship may not meet the needs of the new teacher, or circumstances beyond the control of the mentor may interfere with his/her ability to fulfill the commitment to the program. Either the mentee or the mentor may request a change in the pairing. The chair(s) of the Panel will meet with the mentor and/or the mentee to try to resolve the issue. If no satisfactory resolution can be found, a new mentor will be assigned to the new teacher. In cases of adjustment, the mentor stipend will be prorated. A mentor will only be assigned one mentee, unless the Panel deems that circumstances warrant an exception should be made.

V. Role of Mentor

The primary role of the mentor is to provide guidance and support for the new mentee as he/she transitions from teacher preparation to teaching practice. The mentor will also facilitate and support the mentor program goals. Specific responsibilities of the mentor include the following:

- Maintaining confidentiality while building trust and rapport
- Sharing knowledge, skills and information to include current standards and concepts
- Meeting once per week for a minimum of 30 minutes with the new teacher
 - * Note: It is recommended that mentors and mentees meet on a regular basis each week; however, they may occasionally satisfy this requirement by meeting for a longer block of time and forego a weekly meeting. *If this is the course of action, mentors must make informal contact on a weekly basis to provide positive support.*

- Visiting the new teachers classroom during teaching periods for the purpose of coaching and providing feedback
- Attending District's Mentor Panel workshops periodically throughout the year to provide feedback and support
- Participating in training
- Modeling collegiality
- Opening their classroom to the new teacher to model effective teaching techniques
- Arranging visits for the new teacher to observe other colleagues in the department or grade level
- Promoting self-reflection and self-analysis
- Offering non-judgmental listening
- Facilitating growth and development of the new teacher
- Maintaining a log of mentor/mentee activities to include weekly collaboration meetings, professional development experiences and community building activities. This documentation must also include the name of the new teacher, the teacher's certificate identification number, type of mentoring activity, number of clock hours successfully completed in the mentoring activity and the name and teaching certificate identification number of the mentor. The completed log should be submitted to the superintendent by June 1. The log is used by the Superintendent to verify that the mentorship took place and is reported to the state.
- The District must maintain these records for at least seven years from the completion date of the mentoring activities and will be made available for review by the State Education Department.
- Mentors may submit evidence of their mentoring activities to be included in the APPR evaluation.

VI. Mentor Activities

As the Teacher Mentoring Program must include specific types of mentoring activities, the Mentor will be responsible for scheduling activities to assist the new teacher, which might include the following:

- Modeling effective/highly effective practice as identified in the agreed upon District APPR evaluation rubric for the new teacher
- Observing the new teacher's instruction
- Planning instruction with the new teacher
- Providing peer coaching
- Team teaching
- Orienting the new teacher to the school culture
- Attending conferences and/or professional workshops

Mentors should:

- Share teaching and classroom management skills
- Facilitate interaction with colleagues
- Assist new teacher with self-evaluation

The mentor/mentee will have a total of 4 release days, taken as full or half days, to facilitate mentor program goals and activities that need to be conducted during the school day. Mentor/mentee pairings will request release time well in advance with their building principals so substitutes can be obtained. Other times that may be scheduled to fulfill the mentor program goals include before and after school, during the school day that is mutual, summer orientation and time that may be set aside during Superintendent's Conference Days.

VII. Mentor Training

The teacher mentor program will include training for mentors to assist them in fulfilling their duties.

VIII. Length of Partnership:

The formal mentor partnership will be for one year; however, we hope this professional partnership will last for many years as these partners work as colleagues. The mentor panel, in conjunction with the mentor, can make a recommendation to the Superintendent at the end of the first mentor year to continue the mentoring partnership for a second year.

IX. Training and PDP

Participation of mentors and mentees in training opportunities will satisfy the yearly PDP requirements.

X. Orientation Program

Mentor and mentees must participate in the initial orientation program unless the partnership begins mid-year. In such a case, a modified orientation will take place.

XI. Other Requirements

The purpose of the mentor program is to forge a learning partnership built on trust and rapport. The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher; unless

- A. Withholding such information poses a danger to the life, health, or safety of an individual, including but not limited to students and staff of the school;
- B. or unless such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character;

- C. or unless the school district has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

XII. Stipends/ In-service Credit

In accordance with Appendix F of the collective bargaining agreement, the mentor coordinator will be paid \$624 for the school year.

In accordance with Appendix F of the collective bargaining agreement, mentors will be paid \$800 for their role as a mentor for the year for teachers in their first year of service. Mentors will be paid \$600 for their role as a mentor for the year for an experienced teacher. Stipends will be prorated should a mentor serve less than a year.

In accordance with Appendix B of the collective bargaining agreement, mentors will be paid \$150/day for any summer orientation or training as planned by the Mentor Panel and approved by the Superintendent. Mentees participating in this Orientation Program during the summer vacation period will not be paid a per diem stipend or other compensation, except for in-service credit upon completion of their participation. The scheduling of this orientation program will constitute prior approval.

Cherry Valley-Springfield Central School

Teacher Mentor/Mentee Log

New Teacher _____

New Teacher Certificate Identification Number _____

Date of Hire _____

Mentor _____

Mentor Certificate Identification Number _____

Please submit a complete copy of the Mentor Program Log to the Superintendent by June 1 of this school year.

Subject: Policy Update-
NYSSBA Policy Update Service 2023-2024

Fourth Installment – July 2024

Dear Policy Update members,

We are including the following policies with this Fourth and final Installment of the Policy Update Service for the 2023-2024 service year:

Title IX Sex Discrimination and Sex-Based Harassment

NOTE: Amended federal regulations implementing Title IX are scheduled to go into effect August 1, 2024. However, please note there has been a federal court ruling from another jurisdiction that may preclude the enforcement of the regulations in certain schools districts throughout the nation. Accordingly, this ruling might potentially impact implementation of the regulations in your district. For more details, please consult your school attorney.

0100, Non-Discrimination and Equal Opportunity (policy required, update recommended)
We suggest updates to this policy to refer to Title IX grievance procedures, as well as upcoming federal requirements for website accessibility under the ADA.

0110, Sexual Harassment (policy recommended, update recommended)
We suggest updates to the cross-references in this policy to refer to Title IX grievance procedures.

0110.2, Sexual Harassment in the Workplace (policy required, update recommended)
We suggest updates to this policy to refer to Title IX grievance procedures, and to require reporting of sexual harassment allegations under this policy to the Title IX Coordinator, so that the district can determine whether the sexual harassment is also a violation of Title IX.

0111, Sex Discrimination and Sex-Based Harassment Under Title IX (policy required) **NEW**
School districts and BOCES that are recipients of federal funding must adopt a policy prohibiting sex

discrimination. While your district/BOCES has likely already adopted a policy prohibiting discrimination on the basis of sex, we recommend this stand-alone policy to outline the specific requirements of Title IX and its implementing regulations.

0111-R, Sex Discrimination and Sex-Based Harassment Under Title IX Regulation - Grievance Procedure (new regulation required) **NEW**

School districts and BOCES that are recipients of federal funding must adopt a grievance procedure to handle complaints of sex discrimination and sex-based harassment. This sample grievance procedure is based on a template developed by the U.S. Department of Education. Districts and BOCES must make clear certain elements of their grievance process. Suggested language is provided in the shaded NOTES paragraphs. However, please work with your legal counsel to adopt a grievance procedure that will work for your district.


0111-E, Title IX Definitions (new exhibit recommended)

We have provided this list of definitions under Title IX. **NEW**

0115, Student Harassment and Bullying Prevention and Intervention (policy and regulation)
(policy and regulation required, update recommended)

We suggest updates to this policy and regulation to refer to Title IX grievance procedures, and to require reporting of sexual harassment allegations under this policy to the Title IX Coordinator, so that the district can determine whether the sexual harassment is also a violation of Title IX. Students may also file complaints with the state Division of Human Rights.

0110.1, Sexual Harassment of Students (rescind policy)

 A separate policy on student sexual harassment may not be necessary, in addition to one on Title IX and one on the Dignity for All Students Act. If you have a separate policy and regulation for 0110.1, Sexual Harassment of Students, you may decide, after discussions with your legal counsel, that it can be rescinded.

Lactation Accommodation

9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace (policy

required, update required)

The NYS Department of Labor has updated their model policy in response to a change to Labor Law §206-c

Potential upcoming policy issues

We are monitoring two potential new laws that would require policy action:

Student ex officio board members (would modify policy #2245). Bill S.9018/A.9855 would make student ex officio board members mandatory for all union free (that operate a high school), central, central high school, and city school districts and BOCES. The bill makes other changes to who is eligible to be student ex officio board members and how they are selected. This bill has been passed by both houses, but has not yet been sent to the Governor to be signed. If/when this bill is signed, it would take effect on July 1st after it is signed.

Extreme heat in schools (would be a new policy #). Bill S.3397/A.9011 would require all school districts and BOCES to develop a policy to take actions to address student and staff safety when educational and support areas (except kitchens used to prepare student's food) reach 82° F, and must vacate those areas when they reach 88° F. This bill has been passed by both houses, but has not yet been sent to the Governor to be signed. If/when this bill is signed, it would take effect September 1, 2025.

Annual recap:

As a reminder, the following policies were also provided as part of this subscription year's Update Service:

1120, School District Records
2325, Videoconferencing of Board Meetings
4321.12, Timeout and Physical Restraint (All Students)
4327, Homebound Instruction
4772, Graduation Ceremonies

4773, Diploma and Credential Options for Students with Disabilities
5300.55, Corporal Punishment
5500, Student Records
5550, Student Privacy
5605, Student Voter Registration and Pre-Registration
6700, Purchasing
6710, Purchasing Authority
8130.2, Workplace Violence Prevention
8210.1, Use of Surveillance Cameras on School Property
8520, Free and Reduced Price Meal Services
8635-R, Information and Data Privacy, Security, Breach and Notification Regulation
8636, Artificial Intelligence
9260, Conditional Appointment and Emergency Conditional Appointment - Student Safety
9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace

Note to District Clerks:

We will be sending District Clerks a separate email survey asking to confirm the names of any additional individuals to receive these Policy Updates.

We look forward to serving you in the year to come!

Sincerely, your NYSSBA Policy Team

Jessica Goldstein, Deputy Director of Policy Services

Courtney Sanik, Senior Policy Consultant

Mary Williams-Noi, Policy and Equity Consultant

Stephanie Combs, Policy Consultant

Shazi Siddiqui, Operations Services Coordinator

Cross References

0100 - NON-DISCRIMINATION AND EQUAL OPPORTUNITY

0110 - SEXUAL HARASSMENT

0110.2 - SEXUAL HARASSMENT IN THE WORKPLACE

0111 - SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX

0111-E - SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX EXHIBIT -
DEFINITIONS

0111-R - SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX REGULATION
- GRIEVANCE PROCEDURE

0115 - STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

0115-R - STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION
REGULATION

9520.6 - POLICY ON THE RIGHTS OF EMPLOYEES TO EXPRESS BREAST MILK IN THE
WORKPLACE

NON-DISCRIMINATION AND EQUAL OPPORTUNITY

(X) Required

- ☐ Local
☐ Notice

NEW NOTE: We suggest updated language to comply with new federal requirements for website accessibility, and to refer Title IX complaints to the Title IX grievance procedure. Cross-references and legal citations are also updated.

OLD NOTE: The first paragraph of this policy reflects various amendments to state Executive Law, Education Law, and Civil Rights Law regarding protection against discrimination on the basis of traits associated with race such as hair texture and styles, religious practices, and gender identity.

This policy offers a blanket notice of non-discrimination of all legally-protected classes, as well as addressing public notification requirements and setting up a grievance procedure for allegations of violations of civil rights. This policy addresses website accessibility for persons with disabilities, further detailed below. This policy also indicates the district will follow the NYSED guidance for addressing the needs of transgender and gender-expansive students.

The state's model policy for workplace sexual harassment addresses all legally protected classes, and recommends the same complaint and investigation process be used for all claims of discrimination. We recommend in lieu of a separate grievance procedure for sexual harassment and one for other discrimination claims, that the district use the state's model policy, which is numbered 0110.2.

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

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

Employees also have protections under state law against discrimination on the basis of their familial status, reproductive healthcare decisions (their own or their dependents) and certain prior criminal history.

NEW NOTE: The second sentence of the paragraph below is optional, and would require the district to follow SED guidance on transgender and gender-expansive students. This guidance offers assistance in implementing state and federal legal protections for such students, as well as in navigating classroom and administrative situations. Districts are urged to consult with their school attorney in implementing laws prohibiting discrimination on the basis of gender identity.

Specific protections for students under the Dignity for All Students Act are addressed in policy 0115, Student Bullying and Harassment Prevention and Intervention. **Optional sentence:** The district will

follow the guidance from the State Education Department on creating a safe, supportive, and affirming school environment for transgender and gender-expansive students.]

As a condition of participation in federal meal programs, the district will post the following statement: "In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity." Discrimination complaint information is available at <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>.

NEW NOTE: For clearer organization, we suggest moving the following two paragraphs to here, moved up from lower down in the policy.

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

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

Website Accessibility

NEW NOTE: The U.S. Department of Justice issued amended regulations for website accessibility of public entities under the Americans with Disabilities Act, 28 CFR Part 35. Website content and mobile apps of local governments, including school districts, must adhere to the Web Content Accessibility Guidelines (WCAG) version 2.1, Level AA. WCAG 2.1 can be found here: <https://www.w3.org/TR/WCAG21/>.

The deadline for adhering to this standard is April 24, 2026 (for districts with a total population of at least 50,000 people), or April 26, 2027 (for districts with a total population under 50,000 people). School district population estimates are as calculated by the United States Census Bureau in the most recent Small Area Income and Poverty Estimates (located here: <https://www.census.gov/programs-surveys/saie.html>).

While the district does not need to adopt a policy, for accountability and to aid in compliance, we recommend the text below.

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

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

To promote the accessibility of the district's website and social media to persons with disabilities, and as required by federal regulations implementing the Americans With Disabilities Act, the district's website content and mobile apps will conform to the WCAG 2.1 Level AA standard for accessibility on or after **(insert appropriate date: April 24, 2026 [if the district's total population is at least 50,000 people] OR April 26, 2027 [if the district's total population is under 50,000 people])**. If a technical or legal limitation prevents accessibility, conforming alternate versions of web content may be used. Exceptions to this requirement are outlined in federal regulations 28 CFR Part 35, and includes certain archived web content, certain preexisting electronic documents, certain third-party content, individualized secured electronic documents, and preexisting social media

posts). The district's [insert appropriate title, such as Director of Technology] is responsible for addressing the accessibility of the district's website content and mobile apps.

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

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

Annual Notification

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

OLD NOTE: NYSSBA recommends including the full list of enumerated classes from state and federal law in the annual notice. Technically, the annual notice needs only to list those covered by federal law.

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

Complaints of sex discrimination and sex-based harassment are addressed by the district's Title IX grievance procedure, and will also be addressed by other district policies if the conduct is not a violation of Title IX. Complaints All complaints of discrimination and harassment made by employees and applicants are also addressed by the process outlined in policy 0110.2, Sexual Harassment in the Workplace. Complaints of discrimination and harassment by students are also addressed by the process outlined in policy 0115, Student Bullying and Harassment Prevention and Intervention.

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

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

Cross-ref:

0110.2, Sexual Harassment in the Workplace
0111, Sex Discrimination and Sex-Based Harassment Under Title IX
0115, Student Bullying and Harassment Prevention and Intervention
5030, Student Complaints and Grievances
5300, Code of Conduct
9140.1, Staff Complaints and Grievances

Ref:

Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*
Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)
Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)

Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)
§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*

Genetic Information Nondiscrimination Act of 2008 P.L. 110-233

28 CFR Part 35

34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25

Executive Law §§290 *et seq.* (New York State Human Rights Law)

Education Law §§10-18 (The Dignity for All Students Act)

Education Law §§313(3); 3201; 3201-a

~~ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist), www.ada.gov/peatoolkit/toolkitmain.htm~~

Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices,

<https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf>

Adoption date:

Cross References:

0000 - MISSION STATEMENT AND VISION

Adoption Date:

Classification:

Revised Dates: ; **07.24**

NYSSBA Sample Policy

SEXUAL HARASSMENT

- () Required
(X) Local
() Notice

NEW NOTE: If your district has adopted this policy 0110 as an introductory statement against sexual harassment, minor changes are suggested to the cross-referenced policies.

Sexual harassment is against federal and state law. The Board is committed to maintaining an educational and working environment free from such harassment, and therefore prohibits sexual harassment of students and employees in the district. The district will establish detailed policies and regulations for both students and employees which address definitions, protections, prohibited behavior (including retaliation), prevention activities, training/education, complaint reporting, investigations, and consequences.

Cross-ref:

~~0110.1, Sexual Harassment of Students~~

~~0110.2, Sexual Harassment of Employees in the Workplace~~

~~0111, Sex Discrimination and Sex-Based Harassment Under Title IX~~

~~0115, Student Bullying and Harassment Prevention and Intervention~~

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 et seq.; 34 CFR 106 et seq.

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.

Education Law §§10-18 (Dignity for All Students Act)

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

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

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

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

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

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

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

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

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues* (2006)

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

Adoption date:

Adoption Date:

Classification:

Revised Dates : ; **07.24**

NYSSBA Sample Policy

SEXUAL HARASSMENT IN THE WORKPLACE

(X) Required

- () Local
(X) Notice

NEW NOTE: We suggest changes to this policy to refer to Title IX grievance procedures. Because of the different definitions and legal standards for sexual harassment under Title IX and in state law for workplaces, we recommend reviewing all complaints of sexual harassment via the Title IX complaint procedure as well as this policy. New text is underlined below.

OLD NOTE: This model policy is largely based on a template developed by the New York State Department of Labor and New York State Division of Human Rights that can be used by employers to meet the New York State Labor Law requirements for a sexual harassment prevention policy. We suggest minor modifications to adapt the template to schools as a workplace. Employers are encouraged to tailor this policy to their individual needs, though as the minimum standard, no section in this policy should be omitted. The list of examples provided in this model policy is not meant to be exhaustive.

A separate administrative regulation is not needed. Additionally, the complaint process outlined in this policy serves to replace regulation 0100-R, Equal Opportunity and Non-discrimination Regulation.

Purpose and Goals

The _____ School District ("the district") is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the district recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, religion, citizenship/immigration status, military status, disability, predisposing genetic characteristics, familial status (including pregnancy, childbirth, or related medical condition), marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the district's commitment to a discrimination-free work environment.

A. Goals of this Policy

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the district. Employees can also file a complaint with a government agency or in court under federal, state, or local

antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

NEW NOTE: The paragraph below addresses Title IX reporting.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX pursuant to its grievance procedure. Because of this, any complaint of sexual harassment under this policy (covered by state law) should also be reviewed under the district's Title IX grievance procedure, either prior to or in tandem with this policy. See policy 0111 and regulation 0111-R.

Sexual Harassment and Discrimination Prevention Policy

NEW NOTE: The underlined text in item 6 below addresses Title IX reporting.

1. The district's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the district. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the district. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the district who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or ***name of appropriate person***. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the district to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The district will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual

- harassment occurring. The district will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the district will act as required. In addition to any required discipline, the district will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to **person or office designated**. This person must also notify the Title IX Coordinator to determine whether a Title IX complaint is warranted. If this person is also designated as the Title IX Coordinator, they must determine whether to proceed under Title IX either instead of or in addition to this policy.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the district's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

A. Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

B. Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, student, volunteer, parent, community member, board member, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

C. Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- Undermining an individual's immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment. Intentionally false or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or **person or office designated**. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or **person or office designated**.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to **person or office designated**. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The district will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The district recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, **person or office designated**:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, **[person or office designated]** will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. **[Person or office delegated]** will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

OLD NOTE: We suggest including language regarding record retention.

The district will retain the written documentation described above for a period of three years.

Appeals

OLD NOTE: Appeals of decisions are not required by law. The district may choose to include an appeal process. The one below is suggested for the district, based on our previous sample process.

Either party who is not satisfied with the outcome of the investigation may appeal to the Superintendent by submitting a written request within 15 calendar days of receiving notification of the outcome. The Superintendent will review the documentation from the initial complaint and will hold an informal hearing within 15 calendar days of the receipt of the appeal, where all involved parties may appear. The Superintendent will make a determination in writing within 15 calendar days of the hearing and notify the complainant and alleged harasser in writing of the determination, or that additional time is needed to complete the appeal.

If the Superintendent is the subject of the complaint, the appeal must be filed with the Board President, who will refer the complaint to a trained investigator not employed by the district.

Legal Protections and External Remedies

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

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

A. New York State Division of Human Rights

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

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

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

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

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

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

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

B. The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the

charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

D. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

E. Contact the District's Title IX Coordinator

NEW NOTE: The paragraph below addresses Title IX reporting.

The district is required to address instances of sex discrimination and sex-based harassment which could be prohibited under Title IX and its regulations. Employees are encouraged to contact the district's Title IX Coordinator with complaints of sex discrimination and sex-based harassment.

Notice and Training

OLD NOTE: The following section addresses the requirements for notice and training. The district's policy and regulation must be provided in English and an employee's primary language, for those languages for which the DOL has provided translated materials.

The district will provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

OLD NOTE: The paragraph below reflects that training must be provided in English and an employee's primary language, for those languages for which the DOL has provided translated materials. If the district employs minors/students, they must receive training as well. However, employees under 14 can be provided with simplified training.

All new employees will receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees will be provided training at least once a year regarding this policy and the district's commitment to a harassment-free working environment. Principals and other administrative employees who have

specific responsibilities for investigating and resolving complaints of sexual harassment will receive yearly training on this policy, regulation and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

OLD NOTE: Labor Law 201-g requires annual sexual harassment training for employees. The DOL has developed a model training program in consultation with the NYS Division of Human Rights. All employers (including school districts and BOCES) must either use this training program or one that at least meets the minimum standards of the model. The paragraph below outlines the main requirements. The DOL model training and standards can be found at <https://www.ny.gov/combating-sexual-harassment-workplace/employers>.

Annual employee training programs will be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Conclusion

The policy outlined above is aimed at providing district employees and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Cross-ref:

0111. Sex Discrimination and Sex-Based Harassment Under Title IX

Ref:

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.

Executive Law §296

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §55003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

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

Adoption date:

Adoption Date:

Classification:

Revised Dates: ; **07.24**

SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX

(X) Required

- ☐ Local
☒ Notice

NOTE: Under federal Title IX regulations, all recipients of Department of Education funding (including elementary and secondary school systems such as school districts and BOCES) are required to (1) adopt, publish, and implement a nondiscrimination policy, (2) publish a notice of nondiscrimination, and (3) adopt, publish and implement grievance procedures for complaints of sex discrimination, which includes sex-based harassment. This policy is designed to satisfy the first requirement, and outline the other two requirements. This policy also outlines the district's other main responsibilities under Title IX, and includes information on other related policies.

The district does not discriminate on the basis of sex, and prohibits sex discrimination in all of its education programs and activities, as required by Title IX and its regulations. Such discrimination includes sex-based harassment. This policy and related procedures apply to all students, employees, and applicants for employment.

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Title IX Coordinator

The district will designate at least one employee as Title IX Coordinator to receive complaints of sex-based discrimination and harassment, and coordinate the district's efforts to comply with Title IX and its regulations. If the district has more than one Title IX Coordinator, the district will designate one to have ultimate oversight over the district's Title IX responsibilities and ensure compliance with the law and its regulations.

Students, employees and applicants may contact the Title IX Coordinator to make complaints about sex discrimination and sex-based harassment.

Grievance Procedures

The district will adopt, publish, and implement grievance procedures, consistent with the requirements of Title IX regulations, that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or are attempting to participate in the district's programs or activities, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or its regulations.

Notice

The district will provide notice of nondiscrimination, this policy, and its grievance procedures, to district students, the parents/guardians/other legal representatives of students, employees, applicants for employment, and collective bargaining units. The notice will include:

1. A statement of nondiscrimination;
2. A prohibition of discrimination;

3. That questions about Title IX can be referred to the Title IX Coordinator, the U.S. Office of Civil Rights, or both;
4. The name and contact information of the Title IX coordinator(s);
5. How to locate this policy;
6. The district's Title IX grievance procedure;
7. How to report information about conduct that may be sex discrimination under Title IX; and
8. How to make a complaint of sex discrimination under Title IX and its regulations.

The district's notice of nondiscrimination will be posted on its website and in each handbook, catalog, announcement, bulletin, and application form which are available to people who are entitled to notice, or otherwise used in connection with the recruitment of employees. However, due to the size or format of those publications, the district may instead include a statement that the district prohibits sex discrimination in its education programs and activities, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the full notice on the district's website.

Employee Requirements

All employees (except those designated as "confidential" under Title IX and those who have been personally subjected to conduct which may constitute sex discrimination under Title IX) are required to notify the Title IX Coordinator if they have information about conduct that reasonably may constitute sex discrimination under Title IX and its regulations.

Supportive Measures

The district will offer supportive measures to complainants or respondents in cases alleging sex discrimination and sex-based harassment, as required by Title IX's regulations. Supportive measures may include, but are not limited to:

1. Counseling;
2. Extensions of deadlines and other course-related adjustments;
3. Escorts while on school grounds or activities;
4. Increased security and monitoring of certain areas of the district;
5. Restrictions on contact applied to one or more parties;
6. Leaves of absence;
7. Changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
8. Training and education programs related to sex-based harassment.

Emergency Removals and Administrative Leave

The district may remove a respondent from the district's education program or activity on an emergency basis. To do so, the district must perform an individualized safety and risk analysis, determine that an imminent and serious threat to the health or safety of a complainant or any student, employee, or other person justifies removal, and provide the respondent with notice and opportunity to challenge the decision immediately following the removal. Any such removal will be in accordance with the district's responsibilities under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and state Education Law section 3214.

The district may also place an employee respondent on administrative leave while the Title IX grievance process is pending. Any such leave will be in accordance with the district's responsibilities under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, state Education Law section 3020-a, and state Civil Service Law Section 75.

Pregnancy and Related Conditions

Under Title IX regulations, "pregnancy or related conditions" means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

The district will not discriminate against students, employees, or applicants for employment based on their current, potential, or past pregnancy or related conditions.

Under the Title IX regulations, the district has specific responsibilities regarding students who are pregnant or have related conditions:

NOTE: For item 5 below, the Title IX regulations do not make exceptions for leaves of absence for students who are of compulsory education age. If this should occur, we advise consulting with your legal counsel.

For item 6 below, in the assessment of public comment for the Title IX regulations, the USDOE clarified that lactation spaces may be used for breastfeeding, if students are already permitted to bring their child to the district's program or activity.

1. Providing the student with the contact information of the Title IX Coordinator (required of all employees who are informed by the student or their legal representative of their pregnancy or related condition);
2. Informing the student (and, if applicable, their legal representative who informed the Title IX Coordinator of the pregnancy or related conditions) of their rights under the Title IX regulations and the district's nondiscrimination notice;
3. Making reasonable modifications, based on the student's needs and in consultation with the student, as long as they do not fundamentally alter the district's education program or activity (including but not limited to: health or lactation breaks, absences, online/homebound instruction, time extensions, sitting/standing, access to water, counseling, physical space or supply changes, elevator access, or changes to policies, practices or procedures);
4. Allowing the student to voluntarily access separate programs and activities which are comparable to those offered to students who are not pregnant or have related conditions;
5. Allowing the student to voluntarily take a leave of absence and to be reinstated to their academic and extracurricular (if possible) status when they return.
6. Providing access to a lactation space (other than a bathroom, which is clean, shielded from view, and free from intrusion from others) to express breast milk or breastfeed (if students are permitted to bring their children to the district's program or activity);
7. Only requiring supporting documentation that is necessary and reasonable for the district to determine the reasonable modifications to make;
8. Providing medical services comparable to what the district would provide for other temporary medical conditions; and
9. Only requiring certification from a healthcare provider that the student is physically able to participate in the district's education program or activity if: (a) a certain level of physical ability or health is necessary for participation; (b) all students participating in the class, program or activity are required to provide such certification; and (c) the information is not used as a basis for prohibited discrimination.

NOTE: The Title IX regulations address workplace lactation rights. In the assessment of public comment for the Title IX regulations, the USDOE clarified that lactation spaces may be used for breastfeeding, if employees are already permitted to bring their children to the district's program or activity. Other federal and state laws offer additional protections and requirements, which are more fully covered in policy 9520.6. We suggest the following paragraph.

The Title IX regulations require the district to provide reasonable break time and access to a lactation space for employees to express breast milk or breastfeed (if employees are permitted to bring their children to the district's program or activity) as needed. Employees have specific rights to express breast milk under federal and state laws. See policy district policy 9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace, for more information.

Training

The district will ensure that all employees receive training related to their duties under Title IX promptly upon hiring or change of position, and annually thereafter. Such training will include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination and sex-based harassment, and employee notification requirements under Title IX.

Personnel in positions with additional responsibilities under Title IX will receive training specific to those responsibilities. Those positions include investigators, decisionmakers, persons who implement the district's grievance procedures or can modify or terminate supportive measures, informal resolution facilitators (if the district offers informal resolution), and Title IX Coordinator(s) and designees.

Students with Disabilities

For students with disabilities who are either a complainant or respondent for a Title IX complaint, the Title IX Coordinator will consult with members of a student's IEP or placement team to determine how to comply with the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

Recordkeeping

The district will maintain for at least seven years:

1. All records documenting the information resolution or grievance procedures for all complaints of sex discrimination, and the resulting outcome;
2. All records documenting the actions the district took in response to notifications received by the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; and
3. All materials used to provide training under Title IX, which must be made available to members of the public upon request.

Related Laws and Policies

NOTE: The information in the following paragraph is not required by the Title IX regulations, but serves to clarify that sex discrimination and sex-based harassment are also prohibited by other state laws. Conduct that is the subject of a Title IX grievance may not meet the threshold required by Title IX, but may be pursued under those policies. Additionally, the district can require that conduct that may constitute a crime must be reported to law enforcement.

Sex discrimination and sex-based harassment are also prohibited under other district policies cross-referenced below. Complaints of sex-based discrimination and harassment should be first reported to the Title IX Coordinator. If reported to another employee, that employee is required to notify the Title IX Coordinator. If the alleged conduct, even if it were true, would not meet the definition or standard of sex-based discrimination or harassment under Title IX, the district will proceed under other applicable policies. Any information gained during a Title IX investigation can be used in the investigation of violations of other policies and subsequent imposition of discipline. The Title IX Coordinator will facilitate the transfer of information to employees designated to address violations of other policies.

Additionally, if the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate law enforcement authorities.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110.2, Sexual Harassment in the Workplace

0115, Student Harassment and Bullying Prevention and Intervention

5300, Code of Conduct

9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace

Ref:

20 USC §§1681 et seq.

34 CFR Part 106

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NYSSBA Sample Policy

SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX REGULATION - GRIEVANCE PROCEDURE

(X) Required

- () Local
(x) Notice

NOTE: School districts and BOCES which are recipients of funding from the U.S. Department of Education (DOE), must adopt, publish and implement grievance procedures that comply with the Title IX regulations. This sample Title IX grievance procedure is adapted from a resource provided by the DOE. Note that the Title IX regulations are currently the subject of litigation. Please consult with your attorney in this matter.

Note for BOCES: If the BOCES receives federal financial assistance and operates an education program, it is considered a "recipient" under Title IX. A BOCES may also be considered a "postsecondary institution" (either as an "institution of professional education" or an "institution of vocational education") under the Title IX regulations, depending on the programs that are offered. Please discuss with your attorney, as the requirements for grievance procedures are slightly different (see 34 CFR §106.45). A resource for these requirements can be found here: <https://www2.ed.gov/about/offices/list/ocr/docs/resource-nondiscrimination-policies.pdf>.

The _____ School District ("district") has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the district investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
 - a student or employee of the district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of the district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the district's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The district's Title IX Coordinator.

A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 CFR §106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of the district; or
- Any person other than a student or employee who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex discrimination.

The district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures:

The district will treat complainants and respondents equitably.

The district requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The district has established the following approximate timeframes for the major stages of the grievance procedures, unless extended as described below:

NOTE: The district must describe reasonably prompt timeframes for major states of the grievance process (§106.45(b)). Under the regulations, these stages may include, for example, evaluation (i.e., the decision whether to dismiss or investigate a complaint); investigation; determination; and appeal. The DOE model does not include suggested timeframes. We suggest working with your school attorney to establish timeframes that are reasonably prompt. Here is some suggested language as a starting point:

- *Evaluations (whether to dismiss or investigate a complaint) will conclude approximately ____ working days following receipt of complaint.*
- *Investigations of complaints that have not been dismissed will begin approximately ____ working days following receipt of complaint.*
- *Determinations will be made approximately ____ working days following receipt of complaint.*
- *Appeals of dismissals must be submitted within ____ working days following receipt of the dismissal. A hearing will be held approximately ____ working days of the receipt of the appeal request. Appeals will be decided approximately ____ working days after the hearing concludes.*
- **[Include as similar to the district's appeal of determinations for other discrimination complaints:** *Appeals of determinations must be submitted within ____ working days following receipt of the decision. A hearing will be held approximately ____ working days of the receipt of the appeal request. Appeals will be decided approximately ____ working days after the hearing concludes.]*

The district has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

NOTE: The district must describe the process to allow for the reasonable extension of timeframes (§106.45(b)). The DOE model does not include a process. We suggest working with your school attorney to establish a process for time extensions. Here is some suggested language as a starting point:

- *Examples of reasons for good cause of delay of timeframes include, but are not limited to: illness of district staff necessary to complete the Title IX grievance process, illness or absence of parties and witnesses, difficulty locating witnesses or evidence, death or serious illness of an immediate family member of necessary district staff, parties, or relevant witnesses, loss or destruction of pertinent*

records, difficulty scheduling meetings with parties and witnesses, school holidays.

- *The Title IX Coordinator will evaluate the request for an extension of timeframes and make a prompt determination to either extend the timeframes, or take or recommend other action to be able to meet the timeframes.*

- *If an extension is granted, the Title IX Coordinator will notify the parties in writing of the reason(s) for the delay, and the estimated date the stages in the timeframe will be complete.*

The district will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The district will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of the district's Title IX grievance procedures, the district will notify the parties of the following:

NOTE: The Title IX regulations do not require districts to offer an informal resolution process. However, the district is free to provide such a process in some circumstances, as long as it complies with certain regulatory requirements. Requirements related to informal resolution are set forth in § 106.44(k)

- The district's Title IX grievance procedures **[include if informal resolution is offered: and any informal resolution process];**
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence **[include if permitted by the district: or an accurate description of this impermissible evidence]. [If the district provides a description of the evidence, include: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]**

NOTE: While the following paragraph is not included in the DOE sample procedure, we believe it is good practice to stress at the beginning that if prohibited conduct has occurred, it must stop immediately.

The Title IX Coordinator will notify the respondent that if behavior prohibited under Title IX or another district policy has occurred, it must cease immediately.

If, in the course of an investigation, the district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the district will notify the parties of the additional allegations.

Dismissal of a Complaint

The district may dismiss a complaint of sex discrimination if:

- The district is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the district's education program or activity and is not employed by the district;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the district will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The district will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the district will:

NOTE: Training requirements for staff, including decisionmakers are set forth in §106.8(d).

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the district will, at a minimum:

NOTE: Requirements related to supportive measures are set forth in §106.44(g). The Title IX Coordinator requirements are set forth in §106.44(f).

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the district's education program or activity.

Investigation

NOTE: This section reflects requirements for investigations under §106.45(f).

The district will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the district – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The district will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- The district will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the district provides a description of the evidence, the district will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The district will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- The district will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.
- Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

NOTE: The grievance process must provide a process for enabling the decisionmaker to question parties and witnesses to adequately assess their credibility, where it is disputed and relevant to the allegation (§106.45(g)). Below is suggested language.

The decisionmaker will adequately assess the credibility of parties and witnesses, where credibility is both in dispute and relevant to evaluating the allegation(s) of sex discrimination. If the decisionmaker serves as the investigator, they will evaluate the credibility of parties and witnesses while questioning the parties and witnesses during the investigation. If the decisionmaker does not serve as the investigator, the Title IX Coordinator will coordinate interviews of parties and witnesses for the decisionmaker to assess their credibility."

NOTE: Districts may, but are not required to, conduct live hearings. Districts may also conduct live hearings for some, but not all, complaints, but must include in its grievance process how the district will determine which procedures will apply, and the factors the district will consider.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district will:

NOTE: The district must select either the "preponderance of the evidence" (a lower level of proof) or "clear and convincing" (a higher level of proof). If the district uses the "clear and convincing" evidence standard of proof in all other comparable proceedings, including proceedings relating to other discrimination complaints, the Title IX regulations permit the district to elect to use that standard of proof in determining whether sex discrimination occurred.

- Use the **[select one: preponderance of the evidence **OR** clear and convincing]** standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people the district identifies as having had equal access to the district's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the district's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

NOTE: Districts are still permitted to address false statements by initiating a disciplinary process under its code of conduct as long as there is evidence independent of the determination whether sex discrimination occurred.

[Optional section:]

Appeal of Determinations

NOTE: The Title IX regulations require districts to offer an opportunity to appeal a dismissal of a complaint on the bases outlined in the Dismissal of a Complaint section. Regarding an appeal of a determination, however, the regulations require districts to offer an appeal process that, at a minimum, is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints.

This section provides sample text districts may elect to include in its grievance procedures, but districts are not required to use the text provided. If the district does not offer an appeal process for determinations, it may opt to omit a section on appeals of determinations from its published grievance procedures. Requirements related to appeals are set forth in §106.45(l).

The district offers the following process for appeals from a determination whether sex discrimination occurred:

NOTE: Describe the district's process to appeal determinations, if allowed. Below is suggested language as a starting point (the Board may decide that it should hear and decide appeals instead of the Superintendent, or that decisions of the Superintendent may be appealed to the Board, or that the Board will make determinations if the Superintendent finds there has been no violation of Title IX):

- Appeals must be made in writing to the Superintendent, must state the basis for the request, and must include any material or information that support the claims. The other party will be informed in writing if an appeal has been made.

- The Superintendent will determine whether the basis for the appeal is one allowed by this grievance procedure (see above). If the appeal meets those standards, the appeal request will be provided to the other party, who will be allowed to submit an optional response statement within five (5) working days.

- Appeals will generally not include new hearings or interviews or new investigations, however the Superintendent may do so if deemed necessary.

- The Superintendent may sustain or modify the decision of the Title IX Coordinator, and will notify both parties in writing of the decision within five (5) working days after the conclusion of the review.

- The decision of the Superintendent is final.

This appeal process will be, at a minimum, the same as the district offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

[Optional section:]

Informal Resolution

NOTE: The Title IX regulations do not require districts to offer an informal resolution process. However, a district is free to provide such a process, as long as it complies with certain regulatory requirements. This section provides sample text the district may elect to include in its grievance procedures, but districts are not required to use the exact text provided. Further, if the district does not offer informal resolution for sex discrimination complaints, it may opt to omit a section on informal resolution from its published grievance procedures. Requirements related to informal resolution are set forth in §106.44(k).

In lieu of resolving a complaint through the district's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The district does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

[Optional section:]

Related District Policies

NOTE: The following paragraph is not part of the DOE model grievance procedure and is not required to be included in the district's grievance procedure. However, New York State laws offer additional protections against sex discrimination and sexual harassment both for students (under Education Law §§10-18 (DASA) and Executive Law §296) and in the workplace (Executive Law §296-d and Labor Law §201-g). Additionally, the definitions and standards for what constitutes discrimination and harassment under those laws are different from each other, as well as from Title IX, particularly regarding what constitutes the creation of a hostile environment. Conduct that is the subject of a Title IX complaint may also be covered under the district's Code of Conduct. Because of this, we recommend that complaints of sexual harassment that are dismissed under Title IX, or that were determined not to be a violation of Title IX, be reviewed under the district's other policies.

If a Title IX complaint is dismissed, or if the district determines through its Title IX complaint resolution process that there was not a violation of Title IX, the Title IX Coordinator will advise the complainant that the alleged conduct may be prohibited under other district policies, including: the Code of Conduct, student harassment and bullying, and workplace sexual harassment. The Title IX Coordinator will facilitate the transfer of information gathered through the Title IX complaint process to be used in the application of the district's other policies.

Supportive Measures

NOTE: This section reflects the requirements for supportive measures in §106.44(g).

The district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the district's education program or activity or provide support during the district's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

NOTE: The district must describe the district's range of supportive measures (§106.45(l)), which must comply with §106.44(g). They may include, but are not limited to, the list below:

1. Counseling;
2. Extensions of deadlines and other course-related adjustments;
3. Escorts while on school grounds or activities;
4. Increased security and monitoring of certain areas of the district;
5. Restrictions on contact applied to one or more parties;
6. Leaves of absence;
7. Changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
8. Training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the district may impose disciplinary sanctions, which may include:

NOTE: The district must list or describe the range of disciplinary sanctions that may be imposed (§106.45(l)). Some examples are provided below as a starting point:

- Student respondents: consequences may include warning, reprimand, detention, in-school suspension, and suspension from school, to be imposed consistent with the district's Code of Conduct and applicable law;
- Employee respondents: consequences may include warning, reprimand, mandatory counseling, re-assignment, demotion, suspension, and termination, to be imposed consistent with all applicable contractual and statutory rights;
- Volunteer respondents: consequences may include warning, reprimand, loss of volunteer assignments, and removal from future volunteer opportunities; and
- Vendor respondents: consequences may include warning, removal from school property, denial of future access to school property, and denial of future business with the district.
- Other individuals: consequences may include warning, removal from school property, and denial of future access to school property.

The Title IX Coordinator will facilitate the transfer of information and determinations from the Title IX complaint process to the appropriate administrator, to aid in the imposition of disciplinary consequences.

The district may also provide remedies, which may include:

NOTE: The district must list or describe the range of remedies that the district may provide (§106.45(l)). Some examples are provided below as a starting point:

- Training of entire departments, classes, or groups;
- Peer support groups;
- Letters of apology;
- Separation of the parties;
- Additional supervision or mentoring for the respondent; and
- Restitution and restoration.

Adoption date:

Revised 07.24

SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX EXHIBIT - DEFINITIONS

Definitions of the following terms are based on the federal regulations implementing Title IX (34 CFR §106.2):

Complainant means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the district's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the district's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the district's education program or activity after the district determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the district's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the district, a student, or an employee or other person authorized by the district to provide aid, benefit, or service under the district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. **Quid pro quo harassment.** An employee, agent, or other person authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the district's education program or activity; or
3. **Specific offenses.**
 - a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence meaning violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship;
 2. The type of relationship; and
 3. The frequency of interaction between the persons involved in the relationship;
 - c. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the district, or a person similarly situated to a spouse of the victim;
 - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - iii. Shares a child in common with the victim; or
 - iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
 - d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. Fear for the person's safety or the safety of others; or
 - ii. Suffer substantial emotional distress.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment; or
2. Provide support during the district's grievance procedures or during an informal resolution process.

Adoption date:

Adoption Date:

Classification:

Revised Dates: ; 07.24

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

(X) Required

() Local

(X) Notice

NEW NOTE: We suggest changes to this policy to refer to Title IX grievance procedures.

OLD NOTE: 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.

This policy also reflects the New York State Education Department's terminology of the School Safety and Educational Climate (SSEC) reporting system, formerly known as Violent and Disruptive Incident Reporting (VADIR). The SSEC incorporates Dignity Act (DASA) reporting on harassment, bullying, and discrimination. This is reflected in the "Incident Reporting and Investigation" section and the cross-reference to policy 5710.

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.

OLD 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 off 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.
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.

OLD 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:

OLD 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,
- 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.

OLD 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

OLD 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.

OLD 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.

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.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX pursuant to its grievance procedure. Because of this, any complaint of sexual harassment under this policy (covered by state law) should also be reviewed under the district's Title IX grievance procedure, either prior to or in tandem with this policy. See policy 0111 and regulation 0111-R.

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 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.

OLD NOTE: The paragraph below has been modified to reflect the New York State Education Department's terminology of the School Safety and Educational Climate (SSEC) reporting system, formerly known as Violent and Disruptive Incident Reporting (VADIR).

The Board will receive the annual School Safety and Educational Climate (SSEC) Summary Data Collection Form, the state-required report relevant to bullying, violent and disruptive incidents, and the 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.

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).

NEW NOTE: We have added cross-references and legal citations to Title IX policies and regulations.

Cross-ref:

0100, Equal Opportunity and Nondiscrimination

0110, Sexual Harassment
0111, Sex Discrimination and Sex-Based Harassment Under Title IX
4321, Programs for Students with Disabilities
5300, Code of Conduct
5710, School Safety and Educational Climate (SSEC)_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.*; 34 CFR Part 106
§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 U.S. 503 (1969)
Mahanoy Area School District v. B.L., 594 U.S. ___, 141 S. Ct. 2038 (2021)
Pollnow v. Glennon, 594 F.Supp. 220, 224 *aff'd* 757 F.2d 496
Zeno v. Pine Plains 702 F.3d 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F.3d 109 (2nd 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)
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:

Adoption Date:

Classification:

Revised Dates : **07.24**

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

NEW NOTE: We suggest changes to this regulation to refer to Title IX grievance procedures, as well as the complaint process via the state's Division of Human Rights.

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation 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 can be reasonably expected to materially and substantially interfere 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

Definitions

1. Bullying

Under the amended Dignity for All Students Act bullying and harassment are equivalent and used interchangeably. In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is further understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - occurs when a bully uses their physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and the target believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance."

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying (which can be delivered orally, electronically or in writing) includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

The New York State Education Department provides further guidance on bullying and cyberbullying prevention on the following website:

http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html

2. 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 listed under *Harassment* as defined below).

OLD 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.

3. Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and 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:

- 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,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

For purposes of this definition, the term "threats, intimidation or abuse" includes verbal and non-verbal actions.

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.

Prevention

Prevention is the cornerstone of the district's effort to address bullying. The components of such an effort involve the following:

OLD NOTE: The list below should be customized to reflect the district's approach. Bullet 6 is intended to spur the district to look more closely at the challenges faced by LGBTQ students and consider strategies to meet their needs, particularly those of transgender youth.

- Following the principles and practices of "Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State – Adopted by the Board of Regents July 18, 2011." District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

OLD NOTE: As indicated in the policy, the Dignity Act does not require the use of a committee, but NYSSBA recommends it based on the model of successful bullying intervention programs. The following paragraph should reflect the district's approach regarding the use of a committee, the role of it and its composition.

The Superintendent will appoint a district-wide bullying prevention committee, chaired by the districtwide DAC. The committee will include representation from staff, administration, students and parents. The committee will assist with the development and implementation of the prevention and intervention program, which may include the strategies listed above. Building-level committees will be appointed by the building principal and will include representation from staff, administration, students and parents associated with that building.

Role of the Dignity Act Coordinator(s) (DAC)

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Dignity Act Coordinator (DAC) for each school, accountable for implementation of this policy. In addition, one will be designated as the district-wide coordinator who will be responsible for ensuring equivalency in programming across buildings. The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

OLD NOTE: In order to fulfill the duties as outlined, the DAC should be an administrator or other staff member that has both access to students and authority within the school building, though the DAC is not necessarily the staff member who will receive or investigate complaints. The district should take the opportunity in this section of the regulation to define the role of the DAC.

Incident(s) Reporting

OLD NOTE: Throughout this section, it is assumed that the principal, the principal's designee or the Dignity Act Coordinator will investigate complaints of bullying or harassment in a school. Districts may choose to use different staff (such as the Title IX Compliance Officer) to investigate these complaints based upon their needs, resources and standard disciplinary practices. The policy should reflect the district's practice.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to **the principal, the principal's designee** or the **Dignity Act Coordinator** as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting. The district will collect relevant data from written and verbal complaints to allow for systematic reporting.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it 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.

NEW NOTE: The following paragraph addresses the right of students to file complaints of discrimination and harassment with the state Division of Human Rights, pursuant to Executive Law section 297(5).

Students who are targets of discrimination and harassment may also file a complaint with the New York State Division of Human Rights (DHR) to allege a violation of the state Human Rights Law Article 15. Complaints about acts that occurred on or after 2/15/24 must be filed within three years of the act (complaints about acts that occurred before 2/15/24 must be filed within one year of the act). Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. Students may alternately file a Human Rights Law complaint in state court.

NEW NOTE: The following paragraph addresses the responsibility of the district to address incidents of sex discrimination and sex-based harassment under its Title IX grievance procedure.

For incidents that involve sex discrimination and/or sex-based harassment, staff must also notify the Title IX Coordinator to determine whether a Title IX complaint is warranted. If the Dignity Act Coordinator is also designated as the Title IX Coordinator, they must determine whether to proceed under Title IX either instead of or in addition to this policy.

The district will thoroughly, promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the

individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation will inform the complainant that:

1. the request may limit the district's ability to respond to the complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

Investigation and Resolution Procedure

OLD NOTE: The Board may choose to designate the Dignity Act Coordinator (DAC) as the staff member responsible for initially investigating all bullying complaints, or the DAC may be called upon when there is a formal complaint, or only under certain circumstances. The decision regarding when and how to use the DAC depends on the unique circumstances of the district. The language of this regulation should reflect the procedure and titles appropriate to the district. It is critical, though, that an individual be designated as responsible for handling investigations.

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the **principal**, **the principal's designee** or the **Dignity Act Coordinator** will make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than [choose timeframe; i.e. **three school days**] following receipt of a complaint, **the principal**, **the principal's designee** or the **Dignity Act Coordinator** will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify them that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure their safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
 - A "permanent" hall pass that allows the student to visit a designated adult at any time;
 - Access to private bathroom facilities;
 - Access to private locker room facilities;

- An escort during passing periods;
- If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
- An opportunity for independent study at home with district-provided tutor until the case is resolved;
- Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;
- Assignment of a bus monitor.

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, and 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.

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing them of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action will be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. The district will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator will report back to both the target and the accused, within *[insert timeframe, such as one week]* notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target will be asked to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint will be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the **principal, the principal's designee** or the **Dignity Act Coordinator** has a reasonable suspicion that the alleged bullying incident involves criminal activity, they must immediately notify the Superintendent, who will then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent or designee will promptly investigate and equitably resolve all bullying complaints that are referred to them, as well as those appealed to the Superintendent following an initial

investigation. In the event the complaint involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible **choose time frame; i.e.** but not later than three school days] following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent will submit all written statements and other materials concerning the case to the President of the Board.

The Board will notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board will render a decision in writing within 15 school days after the hearing has been concluded.

The district will retain documentation associated with complaints and investigations in accordance with Schedule LGS-1.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;

- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Policy Dissemination

OLD NOTE: The following section addresses dissemination of the policy and regulation. This should be customized to reflect the methods used in the district.

All students and employees will be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy will also be posted in a prominent location at each school.

All employees will receive information about this policy and regulation at least once a year.

Principals in each school will be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

Training

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The DAC(s), administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying will receive yearly training to support implementation of this policy, regulation and on related legal developments.

Adoption date:

Revised Dates. 07.24

POLICY ON THE RIGHTS OF EMPLOYEES TO EXPRESS BREAST MILK IN THE WORKPLACE

(X) Required

() Local

(X) Notice

NEW NOTE: Pursuant to recent changes to NY Labor Law §206-c, the state's model policy has been revised, as shown below. The most important change to the law was to specify that employees must be provided with 30 minutes of break time, which must be paid, and that employees may use existing paid break or meal time for time beyond 30 minutes. The policy was also brought more in line with the law, reflecting that employees are permitted to take such paid break time as often as is reasonably needed, instead of at least every three hours.

OLD NOTE: NY Labor Law §206-c establishes rights of employees to express breast milk in the workplace, and requires the Commissioner of Labor to develop and implement a policy regarding these rights. While employers are not required to formally adopt this policy, all employers must provide this policy to employees upon hire and annually thereafter, and to employees returning to work following the birth of a child. We therefore consider this a "Required" policy.

This is the model policy developed by the NYS Department of Labor on expressing breast milk in the workplace. We have only modified it in format to be able to be adopted and included in the district's policy manual, and added appropriate legal citations. The district is free to go above the minimum requirements. The state's model policy is posted here, along with translations in 16 languages, and other resources: <https://dol.ny.gov/breast-milk-expression-workplace>.

Introduction and Purpose

Section 206-c of the New York State Labor Law Section 206-c gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

Using Break Time for Breast Milk Expression

Employers must provide ~~reasonable unpaid~~ thirty (30) minutes of paid break time for their employees to express breast milk when the employee has a reasonable need to express breast milk. ~~In addition, Employees must also be permitted to use their existing paid break time or meal time to express if they need additional time for breast milk expression beyond the paid 30 minutes.~~ This time must be

provided for up to three years following childbirth. Employers must provide unpaid paid break time at ~~least every three hours if requested by the~~ as often as an employee reasonably needs to express breast milk. The number of unpaid paid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

~~An employee must be permitted employer is prohibited from requiring an employee to work before or after their normal shift to make up for any time used as unpaid paid break time to express breast milk, as long as this time falls within the employer's normal work hours. However, an employee is not required to make up their unpaid break time.~~

All employers must continue to follow existing federal and state laws, regulations, and guidance regarding mealtimes and paid and unpaid break time and meal times regardless of whether the employee uses such time to express breast milk. For additional information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

- NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods: dol.ny.gov/day-rest-and-meal-periods
- NY Department of Labor FAQs on Meal and Rest Periods: dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf
- U.S. Department of Labor FLSA FAQ on Meal and Rest Periods: dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked
- U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk: dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers

While an employer cannot require that an employee works while expressing breast milk, ~~nothing in Labor Law 206-c prevents~~ does not otherwise prevent an employee from voluntarily choosing to do so if they want to. ~~Time working while expressing breast milk must be compensated.~~

Unpaid Paid breaks provided for the expression of breast milk must be at least twenty ~~30~~ minutes. ~~However, if the designated lactation room where such break will be taken is not close to an employee's work station, the provided break must be at least thirty minutes.~~ An employee must be allowed to use regular break or meal time to take a longer unpaid break if needed. Employees may also opt to take shorter unpaid paid breaks. Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

Making a Request to Express Breast Milk at Work

If an employee wants to express breast milk at work, they ~~need to~~ must give employers the employer reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow employers the employer the time to find an appropriate location and adjust schedules if needed. Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days. Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

Lactation Room Requirements

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee's needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible. Undue hardship is defined in the statute as "causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

New York State Department of Labor Resources

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor's Division of Labor Standards. Call us at 1-888-52-LABOR, email us at LSAsk@labor.ny.gov, or visit ~~the nearest Labor Standards office~~ our website at dol.ny.gov/breast-milk-expression-workplace to ~~personally~~ file a complaint.

A list of our offices is available at dol.ny.gov/location/contact-division-labor-standards. Complaints are confidential.

Federal Resources

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit dol.gov/agencies/whd/pump-at-work.

Ref:

29 USC §218d (Breastfeeding Accommodations in the Workplace)

Labor Law §206-c

Adoption date:

Adoption Date:

Classification:

Revised Dates: ; **07.24**

NYSSBA Sample Policy

Policy 2342 AGENDA PREPARATION AND DISSEMINATION

() Required

(X) Local

(X) Notice

** current **

The Superintendent along with the Board President will prepare the agenda for each Board meeting according to the order of business, to facilitate orderly and efficient meetings, and to allow Board members sufficient preparation time.

Items of business may be suggested by any Board member, district employee, parent, student, or other member of the public, and must relate directly to district business. The inclusion of items suggested by district employees, parents, students, or other members of the public is at the discretion of the Superintendent, subject to the approval of the Board President.

Persons suggesting items of business must submit the item to the Superintendent at least six (6) days prior to a regular meeting and one (1) day prior to a special meeting. Items will not be added to the agenda later than these time periods, unless the item is of an emergency nature and authorized by the Superintendent in consultation with the Board President.

The agenda will specify whether the item is an action item, a consent item, a discussion item or an information item.

Availability of Agenda and Supporting Materials

The agenda and any supporting materials will be distributed to board members six (6) days in advance of the board meeting to permit careful consideration of items of business. The agenda, and supporting material to be discussed at the board meeting that is permissible to be released to the public, will be posted on the district's website, and made available upon request to the District Clerk, to the extent practicable, twenty-four hours before the meeting. In addition, the agenda will be released to the news media including local newspapers, radio stations and television stations in advance of the meeting. Copies of the agenda, and supporting material to be discussed at the board meeting that is permissible to be released to the public, will also be available in the Superintendent's office, twenty-four hours before the meeting and at the Board meeting, to anyone who requests a copy.

The District Clerk is responsible for ensuring that the agenda is available to the public and the media.

Cross-ref:

2350, Board Meeting Procedures

Ref:

Public Officers Law §103(e)

Adoption date:

Adoption Date:

Classification:

Revised Dates: ; 10.21, 12.21

2342 AGENDA PREPARATION AND DISSEMINATION

() Required

NEW

(X) Local

(X) Notice

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Persons suggesting items of business must submit the item to the Superintendent at least five (5) days prior to a regular meeting and one (1) day prior to a special meeting. Items will not be added to the agenda later than these time periods, unless the item is of an emergency nature and authorized by the Superintendent in consultation with the Board President.

The agenda will specify whether the item is an action item, a consent item, a discussion item or an information item.

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Cherry Valley-Springfield Central School District