

Maine-Endwell Central School District

"Reach for Excellence"



Employee Handbook

2023-2024

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Purpose of Handbook: The purpose of this handbook is to provide employees with general information regarding the Maine-Endwell Central School District. Employees are encouraged to familiarize themselves with the contents of this handbook, as it will answer many common questions. This handbook is not an employment contract and is not intended to create contractual obligations of any kind.

Mission of the District: The Maine-Endwell Central School District's mission is to deliver a premier education to each student.

Vision: We promise to inspire, engage, empower and graduate all students as well-rounded, community-minded, global thinkers, leaders and innovators.

Core beliefs:

- Students are our first priority, and we always make decisions in their best interest.
- Every student can learn and achieve success.
- We act with integrity, value diversity and preserve the dignity of each person.
- We promote and support innovation.
- A positive, risk-free and safe environment is essential for learning.
- We are a community of leaders who exemplify strong character.
- We value collaboration, community partnerships and shared decision-making.
- We always pursue excellence.

More information on the districts' Strategic Plan can be found on the District web site.

Board of Education (2023-2024):

Gregg Armezzani	Melinda Spooner
Kathy Baker	Michael Chudacik
Megan Gorski	Lynn Ross
Lindsey Stanton	Jill Beebe (District Clerk)

Administration:

Jason R. Van Fossen, Superintendent of Schools
Jeffrey L'Amoreaux, Assistant Superintendent of Business
Julie Gallagher, Assistant Superintendent of Curriculum & Instruction
Kevin Hores, Director of Physical Ed, Health & Athletics
Michael Aubel, Director of Human Resources
Vanessa DuBrava, Director of Special Education
Linda Kelly, Principal - Homer Brink School
Kara Mallery, Assistant Principal - Homer Brink
William Dundon, Principal - Maine Memorial School
Dana Calandra, Coordinator of Student Programs
Richard Otis, Principal - Middle School
Michele Osterhout, Assistant Principal - Middle School
Mark Wilson, Principal - High School
Anthony Ballard, Associate Principal - High School
Erica Staiger, Associate Principal - High School

Bargaining Units:

Administrative	Custodial/ Maintenance
Support Staff	School Lunch
Teachers	Transportation

EMPLOYMENT INFORMATION

Employment Applications: All applications received by the Maine-Endwell Central School District are kept on file and considered active for one year. Applications are available at any office within the district or on our website at www.me.stier.org. Information on applications must be complete and accurate in order to be considered for employment.

Equal Employment Opportunity: The school district does not discriminate in employment or in the education programs and activities that it operates on the basis of sex, sexual orientation, age, ethnic group, religion, religious practice, race, color, national origin, marital status, military status, gender (identity, expression), disability or predisposing genetic characteristic in violation of Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, §504 of the Rehabilitation Act of 1973, New York State Human Rights Law and the Dignity for All Students Act. [Policy 4611](#)

Accidents and Medical Emergencies: Be aware of the medical staff in your building and the extension for that office. The building administrator should also be notified immediately of any injury or medical emergency. If you are injured while on the job, you must fill out the "Employee Injury Report" that is located in the district forms section of your computer. This must be done on the same day that the accident took place and given to the nurse's office.

Americans with Disabilities Act: Maine-Endwell complies fully with the Americans with Disabilities Act as well as state laws that require we make reasonable accommodations for disabled individuals in the workplace. All information concerning disabilities is kept strictly confidential.

Workers' Compensation Insurance: Maine-Endwell provides a workers' compensation program for all employees at no cost to the employee. This program covers any job-related injury sustained during the course of employment that requires medical treatment. Employees who sustain job-related injuries must inform their supervisor immediately.

Personnel Files: Maine-Endwell maintains a personnel file on all employees. This file includes an employee's application, observations, evaluations and other employment records. If you wish to view your personnel records, contact the Personnel Office at 754-1400 ext. 2313 to set up a convenient time. If you wish copies of any items in your personnel file, a nominal fee of .25¢ will be charged for each page requested. If preferred, the District can scan and email a copy for no charge.

Disciplinary Action: Occasionally, it becomes necessary for a supervisor to take disciplinary action against an employee. This may result when an employee's actions do not conform to generally accepted standards of behavior or when an employee violates work rules or his/her performance is less than acceptable. The severity of the disciplinary action depends on the particular situation and can include verbal and written warnings, suspension or termination. If an employee does not agree with the disciplinary action, there is a grievance procedure in place according to your individual bargaining unit contract.

Resignations: Employees who find it necessary to resign from their position for any reason should do so by addressing a signed letter to the Board of Education with a copy given to the Superintendent and to your supervisor. The letter should include the last day you will be working for the district. Proper notice should be given.

EMPLOYEE BENEFITS

Medical Coverage

Maine-Endwell offers a group health insurance plan to cover eligible individuals or family members through Excellus Blue Cross/Blue Shield. An explanation of the plan's coverage is available from the Personnel Office at 754-1 400 ext. 2313. Please refer to your individual bargaining unit contract for employee/employer contribution rates. Dental insurance is also offered depending on your bargaining unit contract. Claim forms for health and dental are available on the district forms section of your computer.

COBRA

The federal Consolidation Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under Maine - Endwell's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or dependent pays the full premium. Maine-Endwell provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Maine-Endwell's health insurance plan. The notice includes important information about the employee's rights and obligations.

Health Insurance Buy-out

An alternative to health insurance is available to all eligible employees. This alternative provides that when an employee is otherwise eligible for the Health Insurance Reimbursement Plan of the District, that employee may elect to receive a fixed sum of money, or prorated portion thereof. If you would like additional information pertaining to the buy-out, please refer to your individual bargaining unit contract or contact the Personnel Office at 754 -1400 ext. 2313.

Retirement

All employees are eligible to join either the New York State Employee's Retirement System or the New York State Teacher's Retirement System, depending on your employment classification. All full-time teachers and all 12-month employees must join the retirement system when they are hired. For all other employees, membership is optional. If you are interested in enrollment, contact the Personnel Office at 754 -1400 ext. 2313.

When an employee is ready to retire, notification to the district must be made in accordance with your individual bargaining unit contract specifications. You must meet eligibility requirements according to New York State and District policy in order to qualify for certain benefits upon retirement.

Flexible Spending

Maine-Endwell employees are eligible to participate in the Flexible Spending Account Program. These accounts allow you to deduct money from your pay on a pre-tax basis for the purposes of paying medical insurance deductibles, co-payments and non-covered but medically necessary medical expenses or paying dependent care costs. Open enrollment is in September with an October 1st coverage effective date. Contact the Personnel Office at 754-1400 ext. 2313 for more information.

Tax Sheltered Annuities

All Maine-Endwell employees are eligible to participate in a tax sheltered annuity program. The district has a current list of TSA providers and has contracted with OMNI for administrative services. OMNI can be reached at 1-877-544-6664. Contact the Personnel Office at 754-1400 ext. 2313 for more information. [Policy 4210](#)

Family and Medical Leave Act

Federal law allows "eligible" employees to take up to 12 weeks of leave under the Family Medical Leave Act (FMLA). Eligible employees are those who have worked at least one year and for 1,250 hours during the previous year. This leave may or may not be paid. Reasons for taking leave include caring for the employee's child after birth, or placement for adoption or foster care; care for the employee's spouse, child, or parent who has a serious health condition; or for a serious health condition that makes the employee unable to perform their job. Advanced notice (90 days) is required and medical certification is always required. The employee retains their health insurance coverage during this time. For more information, contact the Personnel Office at 754-1400 ext. 2313. [Policy 4612](#)

Vacation

All 12-month employees are entitled to vacation time. Please refer to your individual bargaining unit contract for details concerning how vacation time is earned. A "Request for Leave" form must be filled out prior to taking vacation time. This form is found in district forms on your computer.

Personal Business

All employees are granted personal business days each year. When you are first hired, these days are pro-rated depending on when you begin employment with the district. Most employees can carry over up to two (2) personal days to the following year. If you have more than two (2) personal days left, those days will be added to your sick days. Please refer to your individual bargaining unit contract concerning personal business days. A "Request for Leave" form must be filled out in advance. This form is found in-district forms on your computer.

Sick Days

Please refer to your individual bargaining unit contract for specific information regarding sick days. Tenured Teachers are awarded sick days on September 1st. After the first year of service, Maintenance/ Custodial staff will be awarded the 12 sick days annually on July 1st. After the first year of service, the Transportation Department staff will be awarded their 10 sick days annually on September 1st. All other employees are granted the earned sick day on the 15th of each month if the majority of the month has been worked.

Leave of Absence

In unusual circumstances, it may be necessary to request a leave of absence from your position. There are two types of leave - short term and long term. Please refer to your individual bargaining unit contract for specifications on each type of leave. A request for a long: term leave requires approval by the Board of Education.

GENERAL INFORMATION

Cancellations/Delays

In the event of inclement weather, most local radio and television stations will carry information on closings and/or delays beginning as early as 5:30 a.m. All employees will receive a global connects call to their primary number. This information is also available on our website at www.me.stier.org. Please refer to your individual bargaining unit contract regarding reporting for work on these days.

Emergency/Crisis Situations

In the event of an emergency or crisis situation, each building in the district has a plan in place. Please take steps to make yourself aware of the procedures in place in your particular building.

Six-Day Cycle

To allow more efficient use of school facilities, Maine-Endwell has a six-day cycle. Days are numbered one through six. If there is a holiday or a day cancelled due to weather conditions, the succeeding day takes the number of the day missed.

School District Functions

Any employee who attends a school district function held within the district may do so free of charge upon presenting their employee badge.

Visitors

All visitors must sign in at the main office or reception area in each building and obtain a visitor's pass. If unauthorized visitors are observed at any time, notify the main office and direct the individual to the appropriate sign-in area.

Direct Deposit

Direct Deposit is available to all employees. The form is available in the district forms section of your computer. This form must be signed by the bank.

Holidays

Certain holidays are granted to employees every year and are set when the district calendar is approved by the Board of Education. The number of holidays is dependent on an employee's individual bargaining unit contract.

Jury Duty

Maine-Endwell encourages its employees to fulfill their civic responsibility by serving on jury duty when required. Employees are paid their regular rate of pay when required to serve. A copy of your jury summons should be given to your principal or supervisor. They will forward it to the Personnel Office. [Policy 4220](#)

Evaluations/Observations

All employees will be observed and/or evaluated in accordance with the provisions of their individual bargaining unit contract specifications.

Personal Information

It is important that the district have current contact information concerning all employees. If you have any changes, please fill out an Information Change form and send it to the Personnel Office. This form is in the district forms section on your computer. Updates to

your personal information cannot be made without your signature. It is also important that you keep your employee emergency card located in the main office of your building up to date at all times.

District Forms

All employee forms used by the district are available online in the district forms section of your computer.

Conferences

If you are requested to attend a conference or you wish to attend a conference, the first step is to fill out a "Request for Attendance at a Conference" form that is in district forms. This must be completely filled out, signed by you and approved by your building administrator or supervisor. A completed registration form for the conference must also be attached to your request form. Once approved by your building administrator, it will be given to your building secretary for processing. If the conference is out of town, a district car will be requested for you. If hotel accommodations are necessary, submit all pertinent information: check-in date, check-out date, hotel name, address, phone number, type of room, name of person sharing room with, rate of room etc. A tax-exempt form will be returned to you to take to the conference. You will be expected to return the hotel receipt to the district. Confirmed information will be sent back to you when completed. [Policy 4170](#)

District Cars

A district car is to be used whenever available for travel outside the immediate area. Mileage cannot be claimed if you do not request the use of a district car or if one is available and you choose not to take it. The district will reimburse for actual travel related expenses, based on travel location, up to the maximum fee set by the U.S. General Services Administration Guidelines (www.gsa.gov). Any approvable expenses reimbursed by anyone other than the District will be deducted from the amount reimbursed by the District.

Maine-Endwell CSD 2023-2024 School Calendar

July 2023						
Su	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
School Day tally = 17 +2						

August 2023						
Su	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
School Day tally = 17 +2						

September 2023						
Su	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
School Day tally = 17 +2						

Sept 4 Labor Day
 Sept 5-6 Superintendent's Conf. Days
 Sept 7 First Day of Classes

October 2023						
Su	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
School Day tally = 19+2						

November 2023						
Su	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
School Day tally = 18						

December 2023						
Su	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	School Day tally = 15					

Oct 4 Early Dismissal Drill
 Oct 5-6 Superintendent's Conf. Days

Nov 10 Veterans' Day
 Nov 22-24 Thanksgiving break

Dec. 1,8,15,21 Parent / Teacher Conf.
 Dec 22-Jan 2 Winter Recess

January 2024						
Su	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
School Day tally = 20						

February 2024						
Su	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		
School Day tally = 19						

March 2024						
Su	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	School Day tally = 19					

Jan 15 Martin Luther King Day
 Jan 23-26 Regents Exam days

Feb 16 No school
 Feb 19 President's Day

Mar 15 No school
 Mar 29-Apr 5 Spring Recess

April 2024						
Su	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
School Day tally = 17						

May 2024						
Su	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
School Day tally = 21						

June 2024						
Su	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	School Day tally = 17					

April 15-22 3-8 ELA Testing (tent)
 April 30 Math 3-8 (tent)

May 1-7 Math 3-8 (tent)
 May 24-27 Memorial Day

June 4, 14, 18, 20-25 Regents Exams
 June 19 Juneteenth
 June 28 Graduation

Legend:

- Superintendent's Conference Day
- Regents Testing
- Emergency Dismissal Drill

- Observed Holidays/ Recess/ School not in session

Priority Make up days: 2/16, 5/24, 4/5

PAYROLL DATES

PAYROLL DATE
7/6/23
7/20/23
8/3/23
8/17/23
8/31/23
9/14/23
9/28/23
10/12/23
10/26/23
11/9/23
11/21/23
12/7/23
12/21/23
1/4/24
1/18/24
2/1/24
2/15/24
2/29/24
3/14/24
3/28/24
4/4/14
4/11/24
4/25/24
5/9/24
5/23/24
6/6/24
6/20/24

CONTACT INFORMATION

Maine Memorial Elementary: 2693 Main Street, Maine, NY	PH: 607-862-3263
Homer Brink Elementary: 3618 Briar Lane, Endwell, NY	PH: 607-786-8244
High School: 750 Farm to Market Road, Endwell, NY	PH: 607-748-8070
Middle School: 1119 Farm to Market Road, Endwell, NY	PH: 607-786-8271
District Office: 712 Farm to Market Road, Endwell, NY	PH: 607-754-1400

SUPERINTENDENT'S OFFICE

- Jason R. Van Fossen - Superintendent of Schools
- Julie Gallagher – Assistant Superintendent of Curriculum & Instruction
- Jeffrey L'Amoreaux – Assistant Superintendent of Business
- Mike Aubel – Director of Human Resources
- Jennifer Olsen – District Office Executive Assistant
- Corinna Evanish – Business Office Secretary
- Catherine Nolan - Personnel Clerk

SPECIAL EDUCATION SERVICES OFFICE

- Vanessa DuBrava - Director of Special Education
- Jackie Wilson - Senior Typist
- Nicole Robertson – Senior Typist

MANAGED SERVICES (Information Technology/Data)

- Ben Taylor – Manager of IT Services
- Ivy Perez – PC LAN Technician
- Griffin Stephenson - PC LAN Technician
- Kyle Andrus - PC LAN Technician

COMMUNICATIONS COORDINATORS

- Michelle Buchanan
- Alex Ladstatter

AUXILIARY SERVICES

- Mike Aubel - Director of Auxiliary Services
- Melissa Verbraak - Head Bus Driver
- Steve Eckert - Maintenance Supervisor

ATHLETIC OFFICE

- Kevin Hores - Director of Health, Physical Education & Athletics
- Shelly Goldstone – Sr. Typist, Athletics Office

FOOD SERVICE

- Jessica Brown - Food Service Director

ALCOHOL AND DRUG TESTING OF DRIVERS

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees especially those in safety-sensitive positions. To ensure the safety of its students and to comply with federal regulations, the Board requires alcohol and controlled substance testing of certain district employees, mainly “drivers.”

A “driver” is defined as any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

The district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver’s license. Such employees include:

1. drivers of vehicles designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer’s rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a listed vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads a listed vehicle).

Controlled substance and alcohol tests will be conducted at the time of employment and randomly throughout the school year. In addition, testing will be conducted when a supervisor has a reasonable suspicion that an employee has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the employee has been found to violate district policy and federal regulations; and after the employee’s return to duty.

In accordance with federal and state law, a driver will not be permitted to drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. uses or is under the influence of alcohol or a controlled substance within six hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the bus driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or 8 hours have passed, whichever occurs first.

Any employee who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may

return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing.

Should the district receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the district that the individual shall be re-tested and that re-test will become the test of record.

The Superintendent of Schools shall ensure that a copy of this policy, the district's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations is provided to all drivers prior to the initiation of the testing program and to each driver subsequently hired or transferred to a position subject to testing.

Ref: Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306
49 U.S.C. §521(b)
49 CFR Part 391 (Qualifications/Disqualifications)
49 CFR Part 382 (Drug Testing Requirements)
49 CFR Part 40 (Testing Procedures)
49 CFR §395.2 (On-duty time defined)
Vehicle and Traffic Law §§509-1; 1192; 1193
Will v. Frontier CSD Bd. of Educ., 97 N.Y.2d 690 (2002)

Adoption date: 11/9/17

ALCOHOL AND DRUG-TESTING OF DRIVERS REGULATION – 4125R

Any employee who operates a commercial motor vehicle and is in a safety-sensitive function shall be subject to alcohol and controlled substance testing. An employee having any questions concerning the district's policy or regulation, state law or the federal regulations shall contact the Superintendent of Schools.

Any treatment, rehabilitation program or discipline will be provided in accordance with district policy and/or collective bargaining agreements.

I. Covered Employees

Covered employees include district employees who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to obtain a commercial driver's license. Such employees include:

1. drivers of vehicles designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer's rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a listed vehicle (e.g., a mechanic who performs test drives, repairs, inspects or loads or unloads a listed vehicle).

Such employees include, but are not limited to full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed or under lease to an employer or who operate a commercial motor vehicle at the direction or with the consent of the district.

Drivers will be removed from their safety-sensitive functions if they violate the district's policy or federal regulations pertaining to the possession or consumption of alcohol or controlled substances. A driver is performing a safety-sensitive function when:

1. waiting to be dispatched, unless the driver has been relieved from duty;
2. inspecting, servicing or conditioning any commercial motor vehicle;
3. driving a commercial motor vehicle;
4. attending a vehicle being loaded or unloaded;
5. performing the driver requirements of the federal regulations pertaining to accidents;
6. attending to a disabled vehicle.

Covered employees are required to be in compliance with district policy and regulation:

- when performing any on-duty safety-sensitive functions, including all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility; and
- during all time spent providing a breath sample, saliva sample or urine specimen and travel time to and from the collection site in order to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing.

II. Prohibitions and Consequences

The Supervisor of Transportation or his/her designee shall prohibit an employee from driving a listed vehicle or performing other safety-sensitive duties if the employee:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. has consumed or is under the influence of alcohol or a controlled substance within six hours before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for controlled substances; or
4. refuses to take a required alcohol or controlled substance test. Refusal to submit shall mean the failure to provide adequate breath or urine without a valid medical explanation or to engage in conduct that clearly obstructs the testing process, such as a failure to arrive for the drug testing or failure to sign the alcohol testing form prior to specimen collection.

An employee is prohibited from consuming alcohol within eight hours after being involved in an accident, or before undergoing a post-accident test, if such a test is required. Illegal drug use by drivers is prohibited on or off duty.

Any employee who tests 0.02 or greater but less than 0.04 will be removed from driving and other safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

In the event that an employee has a breath alcohol concentration of 0.04 or greater, has tested positive for a controlled substance or has refused to take a test, he or she will, in addition to immediate removal from driving and any other safety-related duties, not be returned to duty until he or she:

1. has been evaluated by a substance abuse professional;
2. has complied with any treatment recommendations; and
3. has received a satisfactory result from a return to duty test.

Upon return to duty, the employee will be subject to follow-up testing.

III. Types of Testing

The Superintendent of Schools and the Director of Transportation shall ensure that the following alcohol and drug tests are implemented and that any employee who is required to take an alcohol or controlled substance test shall be notified prior to the test that it is required pursuant to federal regulations or district policy.

1. Pre-employment: Controlled substance tests will be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. These tests will also be given when employees transfer to a safety-sensitive function.
2. Post-accident: Alcohol and controlled substance tests will be conducted if a driver is involved in an accident in which:
 - a. there has been a fatality; OR
 - b. the driver has received a citation for a moving violation in connection with the accident AND EITHER:
 - there is an injury treated away from the scene of the accident; or
 - there is a disabled vehicle towed from the scene.
3. Reasonable Suspicion: Alcohol and controlled substance tests will be conducted if the Transportation Supervisor or other school official who has completed the minimum two hours of training has a reasonable suspicion that the driver has violated district policy and regulation. A "reasonable suspicion" must be based on specific, contemporaneous, articulable observations

concerning the driver's behavior, appearance, speech or body odors that are characteristic of controlled substance or alcohol misuse. Alcohol tests can only be done just before, during or just after the employee drives a listed vehicle or performs other safety-sensitive duties. The supervisor who makes the determination of reasonable suspicion cannot do the testing.

4. Random Testing: Random alcohol tests shall be conducted annually at a minimum rate of 25 percent of the average number of positions subject to such testing pursuant to federal regulation. Random alcohol tests must be conducted just before, during or just after the employee drives a listed vehicle or performs other safety-sensitive duties. Random controlled substance tests shall be conducted annually at a minimum rate of 50 percent of the average number of positions subject to such testing pursuant to federal regulation. Random controlled substance tests may be conducted at any time. Random alcohol and controlled substance tests must be unannounced and spread reasonably throughout the calendar year.
5. Return-to-Duty Testing: An employee who refused to take a test or has engaged in prohibited alcohol and controlled substance use, except for alcohol concentration of between 0.02 and 0.04, shall be required to take an alcohol or controlled substance test and achieve a satisfactory result before returning to duty in the safety-sensitive position. If removal was due to alcohol use, a satisfactory result will be less than 0.02 alcohol concentration. If removal was due to controlled substance use, a satisfactory result will be one that it is verified as negative. The test will not be administered until the employee has been evaluated by a substance abuse professional and has complied with any treatment recommendations.
6. Follow-Up Testing: After an employee who was found to violate the district's policy against alcohol and controlled substance use returns to duty, he or she will be subject to at least six unannounced tests in the first 12 months following the employee's return to duty. Follow-up testing may be extended for up to 60 months from the date of the employee's return to duty. Follow-up alcohol testing may only be conducted before, during or after the driver has performed his or her driving duties.

IV. Testing Procedures

A. Alcohol Testing Procedures

Alcohol testing will be conducted with evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration. An approved non-evidential screening device may be used to perform screening tests but not for confirmation alcohol tests. The employee and the Breath Alcohol Technician conducting the test must complete the alcohol testing form to ensure that the results are properly recorded.

1. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test.
2. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.
3. If the confirmation test results indicate an alcohol concentration from 0.02 to 0.03999, the employee will be restricted from duty for at least 24 hours from the time of the test.
4. If the confirmation test results indicate an alcohol concentration equal to or greater than 0.04, the employee will be removed from all safety-sensitive duties and no return to duty will be permitted

until the employee has successfully passed required return-to-duty tests. The employee must also be reviewed by a Substance Abuse Professional and comply with his/her recommendations. Follow-up tests will also be required.

5. For post-accident testing, the results of breath or blood tests conducted by law enforcement officials will be accepted as long as the testing conforms with federal and state requirements for alcohol testing and the results are made available to the district.

All testing procedures will conform to the requirements outlined in federal regulations (49 CFR Part 40) for ensuring the accuracy, reliability and confidentiality of test results. These procedures include training and proficiency requirements for Breath Alcohol Technicians, quality assurance plans for the EBT devices including calibration, requirements for suitable test location, and protection of employee test records.

B. Drug Testing Procedures

The employee must provide a urine specimen which will be analyzed at a laboratory certified and monitored by the U.S. Dept. of Health and Human Services.

1. Regulations require that each urine specimen be divided into one "primary" specimen and one "split" specimen.
2. All urine specimens are analyzed for the following drugs:
 - a. Marijuana (THC metabolite)
 - b. Cocaine
 - c. Amphetamines
 - d. Opiates (including heroin)
 - e. Phencyclidine (PCP)
3. If the primary specimen confirms the presence of one or more of these drugs, the employee has 72 hours to request that the split specimen be sent to another certified lab for analysis. [Note: The employee must be removed from driving duties at this time--pursuant to federal regulations, the driver's removal cannot await the result of split sample.]
4. If the screening test has a drug-positive result, a confirmation test will then be performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis.
5. All drug test results will be reviewed and interpreted by a physician (also called a Medical Review Officer) before they are reported to the district.
6. If the laboratory reports a positive result to the Medical Review Officer (MRO), the MRO shall interview the employee to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of a prohibited drug, the drug test result is reported as negative.
7. If the MRO reports a positive drug result, the employee must be evaluated by a substance abuse professional and follow his/her recommendations prior to taking a return-to-duty test. Follow-up testing is also required.
8. For post-accident testing, the results of urine tests conducted by law enforcement officials will be accepted as long as the testing conforms with federal and state requirements for controlled substance testing and the results are made available to the district.

All controlled substance testing shall comply with the requirements of the federal regulations (49 CFR Part 40) including procedures for the proper identification, security and custody of the sample, use of certified laboratories, gas chromatography/mass spectrometry analysis testing, assurance that all drug test results are reviewed and interpreted by a physician, and ensuring confidentiality of employee test records.

V. Dilute Specimen Testing

If the district receives a drug test result which is negative but dilute and the creatinine concentration is greater than 5mg/dl, the district shall require a re-test to be conducted in each of the following cases:

- Pre-employment tests
- Return-to-duty tests
- Follow-up tests
- Reasonable suspicion tests
- Random tests

The result of the re-test shall become the test of record. If the employee refuses to take the re-test it will be considered the same as a positive test result.

VI. Training

The Supervisor of Transportation and every other person designated to determine whether reasonable suspicion exists to require an employee to undergo reasonable suspicion testing must receive at least one hour of training on alcohol misuse and at least one additional hour of training on controlled substance use which they will use in making their determinations.

VII. Recordkeeping and Reporting

The Transportation Supervisor shall ensure that alcohol and drug testing records are maintained and are available, if requested, for submission to the federal government or any State or local officials with regulatory authority over the employer or any of its drivers.

VIII. Required Notification

Every affected employee shall receive information about the signs, symptoms, and effects of alcohol misuse and controlled substance use as well as a copy of the district's policy and procedures, the consequences of testing positive and who to contact within the district to seek further information and/or assistance.

Each covered employee is required to sign a statement certifying that he/she has received this information. The district shall maintain the original signed certification until the employee's employment is discontinued. The district will provide a copy of the certification to the covered employee upon request.

IX. Penalties

Any employer or driver who violates the requirements of the federal regulations of the Omnibus Transportation Employee Testing Act of 1991 may be subject to civil penalties.

In addition, in accordance with New York State law, a driver convicted of driving a listed vehicle with one or more student passengers while impaired by the use of drugs or alcohol will have his/her license revoked for one year and is subject to fines ranging from \$500 to \$5,000 and/or imprisonment. Any bus driver convicted more than once in 10 years for such crimes will have his/her license revoked for three years and is subject to a fine of \$1,000 to \$5,000 and/or imprisonment.

Adoption date: 11/9/17

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PHYSICAL EXAMINATIONS - ALL EMPLOYEES

The Superintendent is authorized to require physical examinations of all new employees after an offer of employment has been made. The Superintendent shall determine the particular classes of employees who should receive such an examination as well as the type of physical examination. The type of examination should be consistent with the duties that the individual shall be assigned, and in relation to those individuals who are required by statute or regulation to have a physical examination; these examinations shall be conducted in accordance with the statute or regulation.

During the course of an individual's employment, the Superintendent may authorize an examination of an employee in accordance with Education Law 913. The Superintendent shall inform the Board of Education when an examination is requested.

If it is determined as a result of the physical examination that there is question as to whether the individual is able to perform the duties to be assigned or assigned to that individual or whether, in accordance with the standards of the Americans With Disabilities Act a reasonable accommodation should be considered or that there are health and safety questions, the Superintendent will review such issues with the appropriate school personnel including the school physician and school attorney and shall make a report to the Board of Education in executive session.

Nothing herein shall be construed to imply or suggest a violation of the Americans with Disabilities Act or the State Human Rights Law.

Amended: 6/24/21

Amended: 4/16/18
Reviewed: 5/26/11
Reviewed: 6/27/02
Adopted: 2/11/93

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SMOKING AND OTHER TOBACCO USE ON SCHOOL PREMISES

Due to the health hazards associated with smoking, and in accordance with federal and state law, the Board of Education prohibits smoking and all other tobacco use in all school district buildings, on school grounds, and in any vehicle used to transport children or personnel. Smoking, vaping or tobacco use is also prohibited within 100 feet of all school entrances, exits and outdoor areas, except where that is a residence or residential property. The Board also prohibits the use of e-cigarettes in these locations.

The district's smoking policy shall be prominently posted in each building, at designated outdoor locations on school premises (e.g. athletic fields) and in all district vehicles. The Board designates the Superintendent of Schools or his/her designee as agent responsible for informing individuals smoking or using tobacco unlawfully that they are in violation of Article 13-E of the Public Health Law and/or Section 409 of the Education Law and/or the federal Pro-Children Acts of 1994 and 2001.

Ref: Education Law §§409(2)
Public Health Law Article 13-E
Public Health Law §§206; 340; 347
The Pro-Children Act of 2001, 20 U.S.C. §§7181 *et seq.*
The Pro-Children Act of 1994, 20 U.S.C. §§6081 *et seq.*

Revised: 2/27/14
Reviewed: 5/26/11
Revised: 6/27/02

Amended: 4/16/18

Adopted: 11/9/89

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**PREVENTION OF UNLAWFUL POSSESSION, USE OR DISTRIBUTION OF
CONTROLLED SUBSTANCES AND ALCOHOL BY EMPLOYEES**

The Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226 requires that, as a condition for receiving funds or any other form of financial assistance under any Federal program, the district must certify that it has adopted and implemented a program to prevent the unlawful manufacture, possession, use or distribution of a controlled substance and alcohol by students and employees. Controlled substance means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C.812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15. This district will make a good faith effort to maintain a drug-free workplace. "Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The purpose of this policy is to comply with the requirements of the relevant Federal statutes and regulations. This policy shall be construed in a manner so that such purpose is accomplished.

The following is hereby adopted for, and applies to, all employees of the district:

- a) Standards of Conduct: The Maine-Endwell Central School District prohibits the unlawful manufacture, possession, use or distribution of controlled substances and alcohol on school premises or as a part of any school activity is hereby prohibited.
- b) Disciplinary sanctions up to and including termination of employment and referral for prosecution will be imposed on employees who violate the Standards of Conduct set forth in (a) above. A description of the sanctions is set forth in the attached notice to employees.
- c) Information about any drug and alcohol counseling, rehabilitation and re-entry programs that are available to employees will be given to employees.
- d) Notice To Employees: Distribution to employees of the attached notice is mandatory. The Superintendent is hereby directed to adopt a procedure to give notice to each present employee and each employee hired in the future. A record shall be kept that such notice was given.
- e) The Board shall biennially conduct a review of this program with the Superintendent to:
 - determine the effectiveness of the program and implement changes if they are needed; and
 - ensure that the disciplinary sanctions for violation of Standards of Conduct are consistently enforced.

Reviewed: 1/24/18

Adopted: 6/28/90

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MAINE-ENDWELL CENTRAL SCHOOL DISTRICT

The following notice is hereby given to employees in accordance with the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226. Compliance with the Standards of Conduct contained in this notice is mandatory.

NOTICE TO EMPLOYEES

REGARDING CONTROLLED SUBSTANCES AND ALCOHOL STANDARDS OF CONDUCT

The unlawful manufacture, possession, use or distribution of a controlled substance as well as the possession, use or distribution of alcohol on school premises or as a part of any of the activities of the school is prohibited.

An employee convicted of a drug violation occurring in the workplace must, by law, notify his/her immediate supervisor within five (5) days of the conviction.

Within ten (10) days of receiving notice of conviction from an employee, the district must notify any federal agency from which the district is receiving direct federal aid.

DISCIPLINARY SANCTIONS

Any employee who violates the Standards of Conduct set forth in this notice is subject to disciplinary sanctions.

Within thirty (30) days of such conviction(s), the district shall initiate appropriate disciplinary action against any employee pursuant to applicable laws and collective bargaining agreements, if any, impose sanctions on said convicted employee up to including termination or requiring satisfactory participation in a drug abuse assistance or rehabilitation program.

DEFINITIONS

The phrase "unlawful manufacture, possession, use or distribution of a controlled substance on school premises or as a part of any school activity" includes the use, possession, sale or gift of any drug or controlled substance, including marijuana, or any instruments for the use of such drugs, controlled substance or marijuana, such as a pipe, syringe or other paraphernalia while on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function. Excepted is any drug taken in accordance with a current prescription signed by a physician that is to be taken by that particular person at the time in question.

The phrase "the possession, use or distribution of alcohol on school premises" includes being under the influence of an alcoholic beverage, drinking an alcoholic beverage or being in possession of an alcoholic beverage on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer and cider having alcoholic content.

INTERNET USE-GENERAL INFORMATION – STAFF

The Maine-Endwell Intranet (MEI) and Internet access will be provided to the staff of the district in accordance with the terms of this policy. Internet access from school district computers is reserved solely for educational purposes and must not interfere with or adversely affect the employee's performance. Use by outside groups is prohibited. Use by student clubs and organizations is limited to those times when the Internet access points are not in use of instruction and shall be limited to educational purposes and governed by this policy.

The school district reserves the right to monitor all Intranet and Internet activity including transmission and receipt of e-mail.

A violation of this policy will have adverse personnel action up to and including dismissal.

Prohibited Conduct

No staff person who gains access to the Internet from any access point or digital device within the school district shall:

1. Access, transmit, or retransmit material which promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacturer of destructive devices such as explosives, fireworks, smoke bombs or incendiary devices or the like.
2. Access, transmit, and re-transmit any information containing pornographic or other sexually oriented material. Pornographic is defined as pictures or writing that are intended to stimulate erotic feelings by the description or portrayal of the nude human form or sexual activity.
3. Access, transmit, or retransmit material that advocates or promotes violence or hatred against particular individuals or groups of individuals or advocates or promotes the superiority of one racial group over another.
4. Access, transmit, or retransmit any material which is violent, derogatory, and inflammatory or otherwise constituting cyber bullying.
5. Download, use or possess any digital, audio, video or game files unless in accordance with District procedures and copyright law for use of digital material for educational purposes.
6. Use or possess bootleg software. Bootleg software is defined as any software in possession of a user which has been downloaded from the network or is otherwise in possession of the user without the appropriate registration of the software including the payment of any fees owing to the owner of the software.

7. Transmit e-mail through an anonymous remailer.
8. Commit or attempt to commit any willful act involving the use of the network which disrupts the operation of the network within the school district or any network connected to the Internet including use or attempted use or possession of computer viruses.
9. Disable or attempt to disable filtering software.
10. Employees and authorized users may use the District's email system for limited personal use. However, there is no expectation of privacy in email use. Personal use should not include chain letters, junk mail, and jokes. Employees and authorized users shall not use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups and list services, etc. without specific permission from the Principal/supervisor. The District's email system shall not be used for personal gain or profit.

Opinions, advice, services and all other information expressed online are those of the online authors and not of the school district.

The Internet contains information pertaining to a variety of subjects. Not all this information is accurate or reliable, particularly where the advice of medical, legal, accounting or other professionals would be appropriate. Users are advised not to rely on advice found on the Internet. The school district is not responsible for such advice.

The school district does not guarantee or imply that access to the Internet will always be available when staff wants to access it or that the software provided by the district will always work as intended. The school district is not responsible for failures in the operation or technical functioning of the Internet or the computers or software used to access the Internet.

Reviewed 9/13/18
Reviewed 1/24/18
Revised: 1/10/13
Reviewed: 5/26/11
Updated: 11/12/09
Adopted: 7/27/00

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**EMPLOYEE USE OF PERSONAL ELECTRONIC DEVICES FOR
WORK-RELATED DUTIES**

The Board of Education authorizes District employees and volunteers to use personal electronic devices, including but not limited to laptop or notebook computers, tablets or smart phones to access the district's computer network for the performance of job duties in accordance with this policy. Any other staff use of personal electronic devices must not interfere with performance of work responsibilities or disrupt school operations.

If a staff member wishes to use his/her personal device in the performance of job duties, the following is required:

- Register the device with the computer network coordinator using the appropriate district procedure as established.
- Abide by the rules of acceptable network use outlined in policy 2710, Computer Resources and Data Management and its associated regulation.
- Use only the district's network to access the Internet or district applications while on school grounds. Connection to the Internet with a personal device via networks other than the district's filtered wireless network, including personal 3G or 4G wireless accounts, is not permitted for the performance of job duties.

Staff members who choose to use their own personal device will not be reimbursed for such use.

Maintenance and repair of personal devices is the owner's responsibility. The district's technology department will not service or repair any personal device.

Privacy

To ensure district compliance with federal and state confidentiality requirements, the district's technology department will monitor district computer network activity. The district maintains its right to access and monitor the district's network. In order to avoid an invasion of privacy of personal devices, staff members are advised to keep all district files separate from personal files by properly using the district's computer network to perform work functions and maintain district records. Employees should not have an expectation of privacy if the district's network is used for personal purposes.

Violations of Policy

Violation of this policy may result in revocation of permission to use a personal electronic device for work purposes and/or discipline of the employee in accordance with applicable negotiated agreements. When appropriate, the district will report to and cooperate with law enforcement officials.

Separation from Employment

When a staff member leaves district employment, access to the district's network will be discontinued.

The Superintendent, or his/her designee, will develop regulations and maintain records to implement and monitor this policy.

Cross-ref:

5230 Student Records

2710 Computer Resources and Data Management

Reviewed: 1/24/18

Adopted: 3/24/16

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CODE OF ETHICS

Resolved by the Board of Education of the Maine-Endwell Central School District that the following Code of Ethics be and is hereby adopted for the district:

Section 1. Preamble

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct for the officers and the employees of the Board of Education (instructional and non-instructional). These rules shall serve as a guide for official conduct of the officers and employees of this district. The rules of ethical conduct of this resolution as adopted, shall not conflict with, but shall be an addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. Definition

- (a) "District Officer or employee" means an officer or employee of the district, whether paid or unpaid.
- (b) "Interest" means a pecuniary or a material benefit, directly or indirectly accruing to a district officer or employee, unless the context otherwise requires.

Section 3. Standards of Conduct

Every officer or employee of this district (sometimes referred to herein as "he/she") shall be subject to and abide by the following standards of conduct.

- (a) **Gifts** – He/she shall not directly or indirectly, solicit any gift; or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form having a value of seventy-five dollars (\$75) or more, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

Advertising novelties that have wide distribution are exempt from this provision and are not considered to be covered by the term gifts.

- (b) **Confidential Information** – He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.
- (c) **Representation Before One's Own District** - He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the district of which he/she is an officer, member or employee or over which he/she has jurisdiction or to which he/she has any power to appoint any member, officer or employee.

- (d) **Representation for a Contingent Fee** - He/she shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any activity of his/her district whereby his/her compensation is to be dependent or contingent upon any action by such district in relation to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- (e) **Disclosure of Interest in Legislation** - To the extent that he/she knows thereof, a member of the board of education, and any officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any legislation or other matter before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/*she* has in such legislation or other matter.
- (f) **Investments in Conflict with Official Duties** - He/she shall not invest or hold any investment in an amount significant to him/her directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his/her official duties. This section is further extended in its intent to include a spouse or other member of his/her immediate household.
- (g) **Private Employment** - He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- (h) **Future Employment** - He/she shall not, after the termination of any service or employment with such district, appear before any committee proceeding or action of the district in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.
- (i) **Submission of Bids or Purchase of Goods or Services** - He/she shall not, either directly or indirectly, purchase or attempt to purchase any goods to be sold by this District except on public sale after proper advertisement.
- (j) **Use of Student or Employee Services or Materials** - He/she shall not have work done on any item or property owned or controlled by him/her or his/her family by students or employees of the District during schools hours, nor shall he/she use such students or employees in repair of, improvement of, or construction of, products or items which will be for his/her family's use or enjoyment or personal gain without adequate and proper compensation, nor shall he/she use the materials or facilities of the District in repair of, improvement of or construction of products or items which will be for his/her or his/her family's use, enjoyment or personal gain.

Section 4. Claim for Damages

Nothing herein shall be deemed to bar or prevent the timely filing by a present or future District officer or employee of any claim, account, demand or suit against the District on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5. Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every officer or employee of the District before entering upon the duties of his/her office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this policy, or the enforcement of provisions thereof.

Section 6. Posting of Resolution

The Superintendent of Schools shall cause a copy of this resolution to be kept posted in each school building in a place conspicuous to its officers and employees, together with a copy of Article 18 of the General Municipal Law. Failure to post any such copy shall have no effect on the duty of compliance with Article 18, or with the enforcement of the provisions thereof, or with this Code of Ethics.

Section 7. Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 8. Effective Date

This policy shall take effect on the first day of January 1971 and is in compliance with Section 806 of the General Municipal Law.

Reviewed: 1/24/18

Revised: 12/19/13

Reviewed: 5/26/11

Revised: 6/27/02

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**EXPENSES FOR APPROVED TRAVEL OUTSIDE THE SCHOOL
DISTRICT**

Upon documentation as determined by the District, travel related expenses incurred by an employee during a District assignment approved in advance for travel outside the District, shall be reimbursable as follows:

Transportation

When available, District-owned transportation shall be used for travel. When a District-owned vehicle is used, tolls, parking charges and other related transportation expenses may be reimbursable.

When District transportation is requested in a timely manner and is not available, reimbursement for mileage incurred for the use of privately owned vehicles will be paid at the current rate set by the Internal Revenue Service plus tolls and parking fees.

Reimbursement

Reimbursements for travel related expenses (lodging, meals, and registrations) shall be made on established District forms with the appropriate receipts attached. The district will reimburse for actual travel related expenses, based on travel location, up to the maximum fee set by the U.S. General Services Administration Guidelines. (www.gsa.gov)

Any approvable expenses reimbursed by anyone other than the District shall be deducted from the amount reimbursed by the District.

Reviewed: 1/24/18
Revised: 1/27/11
Revised: 6/13/02

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TAX-SHELTERED ANNUITIES

1. The District will, at the request of any employee, purchase an annuity or mutual fund approved under the provisions of Section 403(b) of the Internal Revenue Code of 1954 as amended, selected by such employee and make payroll deductions on behalf of such employee in payment thereof.
2. The Assistant Superintendent for Business, or his/her designee, is authorized to approve on behalf of the Board of Education, application from employees for agreements with the School District for reduction in contract salary, the amount of such reductions to be remitted to the writer of the annuity or mutual fund for application to a non-forfeitable annuity account maintained under the terms of a contract or contracts qualifying for purposes of Section 403(b), issued by the writer of the annuity.
3. Any such agreement may be terminated at any time upon written notice by either such employee or the School District or Board of Education, except as indicated in 5 below.
4. Any company authorized to sell tax-sheltered annuities or approved mutual funds, under the provisions of Section 403(b) in New York State may be approved under the provisions of this rule.
5. The number of different companies from whom such annuities or mutual funds shall be purchased by the district shall not exceed fifty at any given time.

References:

Internal Revenue Code of 1954 as amended, Section 403(b)
New York State Insurance Law, Section 227, Paragraph I, Subdivision L
New York State Education Law, Section 3109, Chapter 890
Opinion of Counsel, State Education Department, No. 102 dated 4/4/63
U. S. Labor Department Reg. 2510.3-2(f) 12/9/77
Resolution Authorizing Participation in HEA Annuity Program,
Minutes, Board of Education Meeting 4/4/63

Reviewed: 1/24/18

Revised: 3/22/12

Reviewed: 2/27/03

JURY DUTY

Employees called for Jury Duty shall receive their regular daily pay from the District. Any compensation received for serving on jury duty shall be signed over to the District. It is understood that employees released from duty under this rule, shall report to work on all days or half days for which service is not required.

Reviewed: 1/24/18

Reviewed: 7/6/11

Revised: 2/27/03

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SEXUAL HARASSMENT

Introduction

Maine-Endwell Central School District is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Maine-Endwell Central School District's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with Maine-Endwell Central School District. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. Maine-Endwell Central School District's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Maine-Endwell Central School District. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Maine-Endwell Central School District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of Maine-Endwell Central School District who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or to the School Compliance Officer. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Maine-Endwell Central School District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes including, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees 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 provided pursuant to a contract with the employer.

5. Maine-Endwell Central School District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Maine-Endwell Central School District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Maine-Endwell Central School District will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the School Compliance Officer.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’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 who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- 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;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual 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 or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- 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.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, 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, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

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 sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; 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.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Maine-Endwell Central School District cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or School Compliance Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or School Compliance Officer.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the School Compliance Officer.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

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

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Maine-Endwell Central School District will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the School Compliance Officer will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by Maine-Endwell Central School District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Maine-Endwell Central School District, employees 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 seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

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

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **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 Maine-Endwell Central School District does not extend your time to file with DHR or in court. The one year or three years is counted from 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 are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary 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.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the 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, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. 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 DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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 with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit: www.nyc.gov/html/cchr/html/home/home.shtml.

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. Contact the local police department.

New York State Law

In March of 2022, NY Governor Hochul signed a bill requiring that the New York State Division of Human Rights (NYSDHR) establish a toll-free confidential hotline for complainants of workplace sexual harassment. As of July 20, 2022, the hotline is operational during the hours of 9 a.m. to 5 p.m. and can be reached at 1-800-HARASS-3 (1-800-427-2773). As a NY employer, you are required to include this information with your Anti-Harassment Policy in your employee handbook. In addition, NYSDOL and NYSDHR will publish posters to be displayed visibly with your other labor posters. If you have not conducted your mandatory harassment prevention training this year, please contact JoLynn Haresign, jharesign@industrialui.com or Anthony Paradiso, aparadiso@industrialui.com for information on the training options we offer. We will also review your policies to make sure they are compliant with the new requirements and will alert you when NY publishes the new posters. [*Check out our latest blog about workplace harassment.*](#)

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MAINE-ENDWELL CENTRAL SCHOOL DISTRICT

SEXUAL HARASSMENT COMPLAINT FORM

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to:

Julie Gallagher, Compliance Officer
712 Farm to Market Road
Endwell NY 13760
jgallagher@me.stier.org
607-754-1400 ext. 2323

You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. **For additional resources, visit: ny.gov/combatting-sexual-harassment-workplace.**

Complainant Information

Name: _____

Work address: _____

Work phone: _____

Job title: _____ Email: _____

Please indicate your preferred communication method: _____

Supervisory Information

Immediate Supervisor's Name: _____

Title: _____

Work phone: _____ Work address: _____

Complaint Information

1. The Complaint of sexual harassment is made against:

Name: _____ Title: _____

Work address: _____ Work phone: _____

Relationship to you: []Supervisor []Subordinate []Co-worker []Other (_____)

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____
Is the sexual harassment continuing? [] Yes [] No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint: _____

Answering this last question is optional but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information. _____

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, you must follow your sexual harassment prevention policy by investigating the allegations through actions such as:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

**NON-DISCRIMINATION AND ANTI-HARASSMENT
IN THE SCHOOL DISTRICT**

The school district does not discriminate in employment or in the education programs and activities that it operates on the basis of a person's actual or perceived sex, sexual orientation, age, ethnic group, religion, religious practice, race, color, national origin, marital status, military status, gender (identity/expression), disability, weight or predisposing genetic characteristic in violation of Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, §504 of the Rehabilitation Act of 1973, the New York State Human Rights Law and the Dignity for All Students Act.

Definitions

Disability – “physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevent the exercise of normal bodily functions, or a record of same or regarded by others as an impairment.”

Harassment – “the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's education performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety' such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.”

Bullying - Bullying occurs when someone purposely says or does mean or hurtful things to another person who has a hard time defending themselves or is in an otherwise vulnerable position. “Bullying” is a form of harassment that consists of inappropriate and often persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and/or badgering of others.

Different forms or kinds of bullying may include:

Verbal bullying, being socially excluded or isolated, being physically bullied, being bullied through lies or false rumors, having money or other items taken or damaged, being threatened or forced to do things, racial bullying, sexual bullying, and cyber-bullying as well as any other conduct which has the effect of hurting emotionally or physically the target of the bullying or any witnesses to the bullying.

Grievance Procedure

Section 1

If any person believes that the school district or any of the district's staff has failed to apply or has inadequately applied the principles or regulations of (1) Title VII of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, or (3) §504 of the Rehabilitation Act of 1973, (4) The New York State Human Rights Law or (5) the Dignity for All Students Act that person may bring forward a complaint, which shall be referred to as a grievance, to the district's compliance officer. Please see Form20-3 on the district website and shared drive.

Section 2

The complainant shall discuss the grievance informally with the compliance officer, who shall investigate the complaint and respond, in writing, to the complainant.

The complainant may thereafter initiate formal procedures according to the following steps:

Step (a):

A written statement of the grievance signed by the complainant shall be submitted to the compliance officer within seven days of receipt of the response to the grievance. The compliance officer shall further investigate the matters contained in the grievance and shall reply in writing to the complainant within seven days.

Step (b):

If the complainant wishes to appeal the decision of the compliance officer, the complainant may submit a signed statement of appeal to the superintendent within seven days after receipt of the compliance officer's response. The superintendent shall meet with the complainant and any representative and make such other inquiries that the superintendent deems appropriate. Thereafter, the superintendent shall set forth a conclusion and respond in writing to the complainant within 14 days.

Step (c):

If the complainant is not satisfied with the conclusion of the superintendent, the complainant may appeal through a signed, written statement to the board of education within seven days of receipt of the superintendent's response in Step (b). In an attempt to resolve the grievance, the board of education shall meet with the complainant and any representative within 30 days of receipt of such an appeal. The board's written disposition of the appeal shall be sent to the complainant within ten days of this meeting.

Step (d):

If the grievance has not been satisfactorily settled at Step (c), further appeal may be made to the Office of Civil Rights, Department of Education, Washington, D.C. 20201.

Section 3

The compliance officer, on request, will provide a copy of the district's grievance procedure to any employee or student of the district.

A copy of each of the Acts and Regulations, on which this notice is based, will be made available upon written request directed to the district's compliance officer.

When used in this policy "days" shall mean calendar days. The words "person" and "complainant" shall include an employee as well as a student of the district.

Inquiries concerning the nondiscriminatory policy may be directed to Director, Office for Civil Rights, Department of Education, Washington, D.C. 20201.

Publication

The school district shall promulgate this policy and sexual harassment policy as follows:

- o A copy of this policy and the sexual harassment policy shall be provided to each employee.
- o These policies shall be published as part of the district's student handbook.

- o These policies shall be published annually in a district publication and posted on the district website.
- o These policies shall be provided annually to the president of each bargaining unit.

Annual publications shall contain the name, business address and telephone number of the district's compliance officer.

The district's compliance officer is:

Julie Gallagher
Director K-12 Instruction
712 Farm to Market Rd.
Endwell NY 13760
607-754-1400 ext. 2323

Employment Application

Each employment application of the school district shall contain the following language:

The school district does not discriminate in employment or in the education programs and activities that it operates on the basis of sex, sexual orientation, age, ethnic group, religion, religious practice, race, color, national origin, marital status, military status, gender (identity, expression), disability or predisposing genetic characteristic in violation of Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, §504 of the Rehabilitation Act of 1973, New York State Human Rights Law and the Dignity for All Students Act.

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FAMILY AND MEDICAL LEAVE

General

Employees, who have been employed for at least one year and for at least 1,250 hours during the preceding 12-month period, are eligible for family and medical leave. Except for those employees designated as "highly compensated employees," employees will be returned to the same or to an equivalent position upon their return from leave.

Family or medical leave will be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of the employee's accrued paid vacation leave, sick leave or personal leave. If leave is requested for any of the other reasons listed below, an employee must use all of the employee's accrued paid vacation or personal leave. The remainder of the leave period will then consist of unpaid leave.

Reasons for Leave

All employees who meet the applicable time-of-service requirements may be granted a total of 12 weeks of unpaid family leave and paid sick, vacation, and personal leave combined during any school year (defined as July 1 to June 30) for the following reasons:

- (1) the birth of the employee's child and in order to care for the child;
- (2) the placement of a child with the employee for adoption or foster care;
- (3) to care for a spouse, child or parent who has a serious health condition; or
- (4) a serious health condition that renders the employee incapable of performing the functions of the employee's job.
- (5) Call to active duty.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of the birth or placement.

Caregiver Leave for an Injured Service Member

This benefit provides 26 weeks of FMLA leaving during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member's office, grade, rank or rating.

Application for Leave

In all cases, an employee requesting leave must complete the attached "Application for Family and Medical Leave" and return it to the personnel office. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

Notice of Leave

An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least 30 days before the leave is to begin. If leave is to begin within 30 days, an employee must give notice to the employee's immediate supervisor and to the personnel office as soon as the necessity for the leave arises.

Medical Certification of Leave

An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of the job.

Benefits Coverage During Leave

During a period of family or medical leave, an employee will be retained on the district's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that the employee made to the plan before taking leave. Failure of the employee to pay such share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the district for payment of the District's share of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing the employee's job or to circumstances beyond the employee's control.

An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

Restoration to Employment

An employee eligible for family and medical leave - with the exception of those employees designated as "highly compensated employees" - will be restored to the employee's former position or to a position with equivalent pay, benefits, and other terms and conditions of employment. The district cannot guarantee that an employee will be returned to such person's original position. A determination as to whether a position is an "equivalent position" will be made by the district.

Return From Leave

An employee must complete a "Notice of Intention to Return From Family or Medical Leave" before the employee can be returned to active status. If an employee wishes to return to work before the expiration of a family or medical leave of absence, notification must be given to the personnel office at least 15 working days before the employee's planned return.

Failure to Return From Leave

The failure of an employee to return to work upon the expiration of a family or medical leave of absence could be considered an abandonment of the employee's employment. An employee, who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of the employee's own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the personnel office, for final consideration. This written request should be made as soon as the employee realizes that the employee will not be able to return at the expiration of the leave period.

Intermittent Leave for Instructional Employees

Special rules apply if an employee employed "mainly in an instructional capacity" requests medical leave that is foreseeable based on a planned medical treatment and the employee would be gone for more than 20 percent of the working days during the period of leave. In such cases, the district may require the employee to do the following:

- (1) take leave for periods of a particular duration; or
- (2) transfer temporarily to another position offered by the employer for which the employee is qualified, as long as the new position has equivalent pay and benefits and better accommodates the recurring periods of leave.

Employees employed in an "instructional capacity" include teachers or other employees whose principal function is to directly provide educational services. This includes special education assistants (e.g., sign language interpreters) whose presence in the classroom is necessary. Teacher assistants, cafeteria workers and other primarily non-instructional employees are not "instructional employees".

Leave Requested Near the End of an Academic Term

Special rules have been established to allow those persons employed in an "instructional capacity" to take needed family or medical leave without disrupting the classroom at a critical point in the year. The district may require an instructional employee who begins family or medical leave more than five weeks before the end of an academic term to continue such leave until the end of the term if (1) the leave period is at least three weeks, and (2) the employee's return to work would occur during the three-week period before the end of the term.

Reviewed: 1/24/18

Revised: 7/26/11

Revised: 2/27/03

Adopted: 9/23/93

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DISTRICT-WIDE GRADING & REPORTING POLICY

Grading is an essential tool used to indicate that an acceptable level of learning is occurring for all students. The Board of Education recognizes that the classroom teacher has the primary responsibility to evaluate students and determine student grades.

The district shall implement an equitable grading system that is research based, educationally and pedagogically* sound, and developed for the best interests of students. Classroom teachers shall evaluate and assign grades according to the student's present level of proficiency.

A grading and reporting system shall be developed by the Superintendent of Schools and carried out through administrative regulations assigned to this policy. Classroom teachers shall evaluate students and assign grades according to the established system.

The Board of Education recognizes that the classroom teacher has the primary responsibility to evaluate students and determine student grades. Parents are urged to communicate with their child's teacher if a concern or question arises.

Parents are urged to reach out to their child's teacher for clarification to questions related to specific criteria or rubrics being used to assess learning, types of assessments being used to assess learning, and strategies being utilized to address deficiencies in learning.

Once a grade is assigned to a student by a teacher, the grade may only be changed by a district administrator after notification to the teacher of the reason for such change. Should an administrator enforce a grade change, he/she shall be prepared to report to the Superintendent of Schools and/or the Board of Education.

* Pedagogy: the science and art of education; the study and practice of how best to teach.
Source: <http://en.wikipedia.org/wiki/Pedagogy>

Reviewed: 1/24/18
Adopted: 1/8/15

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Policy #5115 – District-Wide Grading & Reporting Policy
Administrative Regulations #13

Grading & Reporting System

I. Grading and Reporting Philosophy

Grading is an essential tool used to indicate that an acceptable level of learning is occurring for all students.

II. Purposes for Grading Student Work

- A. Communicate achievement status to students, parents, and other educators
- B. Provide information for students that they can use for self-evaluation and growth
- C. Encourage student growth and progress in learning
- D. Identify students for available educational opportunities (e.g. courses or programs)
- E. Evaluate the effectiveness of curricular, instructional, and assessment practices

III. Key Definitions:

- **Score** – the number or letter given to any student assessment or performance.
- **Grade** – the number or letter reported at the end of a period of time as a summary statement of performance.
- **Grading Period** – an academic period which results in a quarter (ten-week period of time) or final grade.
- **Assessment** – is the process of documenting, usually in measurable terms, knowledge, skill, attitudes, and beliefs. The evaluation or estimation of the nature, quality, or ability of someone or something.
- **Achievement assessment** – Assessments focused on academic performance and proficiency on well-defined course objectives. Assignments that assess students' knowledge of course material and can include; **tests, quizzes, projects, or performances.**
- **Process assessment** – Assessing students based on behavioral factors such as effort, attendance, conduct or to assess practice and progress and can include; **homework completion, class participation, or attendance.**
- **Differentiation of Assessment and Grading** – Assessing students at their current cognitive ability.

IV. Goal 1 – Create Consistency of Grading and Reporting: High School / Middle School

- A. The High School and Middle School will use an 80/20 ratio. Eighty (80%) percent of a student's quarter grade will be determined using student scores earned on "achievement" assessments and the remaining twenty (20%) percent will be determined using student scores earned on "process" assessments.

Teachers’ assess student learning during a ten-week quarter. A quarter grade is determined based on the cumulative total of these assessments:

EXAMPLE – for illustration purposes

Achievement		Process	
Assessment	Scores	Assessment	Score
Test 1	82/100	Homework 1	10/10
Test 2	95/100	Homework 2	5/5
Project 1	60/60	Classwork 1	8/10
Essay 1	30/50	Classwork 2	10/20
Quiz 1	28/30	Homework 3	5/10
Total Earned	Total Possible	Total Earned	Total Possible
295	340	38	55
$295/340 = 87\% * .8$		$38/55 = 70\% * .2$	
= 69.6		= 14	
$69.6 + 14 = 84\%$ Quarter Grade			

B. The score for each assessment is to be determined by and at the sole discretion of the teacher. The score shall be based on a pedagogically appropriate rubric and / or clearly articulated standards for student learning. The teacher is responsible for creating, administering, scoring, and reporting student assessment results in a fair, accurate, and timely manner.

V. Goal 2 – Fair and accurate representation of knowledge or ability to determine a grade – All Buildings

A. Building principals – in consultation with their instructional staff – will determine an acceptable number of assessment scores per quarter by academic department or grade level.

B. Building principals – in consultation with their instructional staff – will determine which assessments are to be considered “achievement” and which are to be considered “process”. Once these have been determined, all members of the department and / or grade level, will adhere to these agreed upon definitions. Point totals for each assessment will be agreed upon and used by each member of the department and / or grade level too.

C. The instructional staff will provide such information to their students (and parents) at the beginning of each course or academic year. This information should be readily available and accessible by request at any time.

VI. Goal 3 – Determination of grades at the end of the grading period and the use of professional judgment when considering the body of evidence – All Buildings

A. Students are responsible for completing all assigned work to the best of their abilities. Individual teachers have responsibility for keeping students before, during, or after school to get all types of work completed.

- B. The grade assigned for the grading period should be based both on the body of evidence (scores) and professional judgment. Teachers have the latitude to infuse their judgment when assigning quarter or final grades. Justification will be provided and reported on a student's report card when applicable.
- C. Based on evidence and professional judgment, teachers are expected to assign the most appropriate grade.
- D. During a grading period, zeros will not be assigned to students. Teachers will mark each incomplete assignment as MISSING (M). Teachers will provide opportunities for students to complete missing work in a timely manner. Teachers will communicate with parents when assignments are missing including phone calls, emails, or initiation of a teacher / student / parent conference.
- E. MISSING (M) assessments may only be recorded as zero's (0's) after;
 - (1) teachers have provided opportunities for students to complete missing work in a timely manner and teachers have communicated with parents when assignments are missing including, but not limited to, phone calls, emails, or initiation of a teacher / student / parent conference and;
 - (2) the 10 week quarter has ended and a quarter grade must be calculated for reporting purposes.

VII. Goal 4 – Providing multiple opportunities for students to show what they know, understand, and how they can use their knowledge– All Buildings

- A. Building principals – in consultation with their instructional staff – will determine the parameters for sub-sections B-F. Once these have been determined, all members of the department and / or grade level, will adhere to these agreed upon definitions.

The instructional staff will provide such information to their students (and parents) at the beginning of each course or academic year. This information should be readily available and accessible by request at any time.

- B. Students must have multiple opportunities to complete all major assessments and performance tasks (achievement assessments).
- C. Students must be given an opportunity to demonstrate their knowledge and skills in different ways and at different speeds. When possible students should have choices to determine the method of evaluation that fits their learning style.
- D. Teachers should vary assessment opportunities including the type of assessments, the number of assessment opportunities, time available, and the assessment methods used.
- E. The practice of providing multiple opportunities does not mean second chances should be automatically given to students for every assessment or performance task.

- F. Students must provide evidence that they have completed some type of correctives (e.g. personal study or practice, peer tutoring, study guides, or review classes) before they are allowed second chance opportunities. Any re-teaching, review, or reassessment should be done at the teacher's convenience.
- G. When second chance opportunities are made available, they should be available to all students who have met the reassessment criteria. A student's score on a reassessment should **not be** averaged with the original score.

VIII. Goal 5 - Differentiation of Assessment and Grading and Students with Disabilities

- A. Students with disabilities may require an accommodation or modification of learning standards and expectations to academically succeed.
- B. An accommodation occurs when the learning standard remains the same but the method for demonstrating mastery may be adjusted. Students receiving accommodations may be graded according to the standard grading policy once accommodations are appropriately implemented.
- C. A modification occurs when the learning standard itself may be changed. Students who receive a modified curriculum are to be graded according to the modified standards.

IX. Goal 6: Review of Grading and Reporting Administrative Regulations

- A. Principals will be responsible for explaining the administrative regulations to their instructional staff and ensuring all requirements and expectations are adhered to.
- B. On an annual basis the Superintendent will review procedures and regulations and collect data from building principals regarding suggestions for improvement. Staff and the Board of Education will be apprised of any changes on an annual basis.

NOTE: An elementary grading system will be studied during the 2015-2016 school year with recommendations provided to the Superintendent for the subsequent year. The Superintendent will convene a representative group from each building and across various stakeholder groups to be part of this study. This particular item will sunset at the conclusion of the 2015-2016 school year.

Sources:

Teaching Students to Think Pages 85-87 Leading to Change / Effective Grading Practices Douglas B. Reeves February 2008 | Volume **65** | Number **5**.

Best Practices in Special Education Grading: Hanover Research | March 2013.

Fair Isn't Always Equal: Assessing & Grading in the Differentiated Classroom Rick Wormeli, Stenhouse Publishers, Jan 1, 2006 - Education.

Making high school grades meaningful. Guskey, T. R. (2006). Phi Delta Kappan, 87(9), 670–675.

Grading exceptional learners. Jung, L. A. & Guskey, T.R. (2010). Educational Leadership, 67(5), 31-35.

Grand Island Public Schools; www.gips.org/about-gips/teaching-and-learning/grading-information/

The Case Against the Zero. Douglas B. Reeves (December 2004). Phi Delta Kappan, Vol. 86, No. 4.

**CHILD ABUSE, MALTREATMENT OR NEGLECT
IN A DOMESTIC SETTING**

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal shall make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the

failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

School District Relationship with Local Social Service District

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or his or her designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5121, with the local social service district.

The school district shall maintain an ongoing training program which will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance at sessions of this training program shall be required of all school officials. Attendance records shall be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a
Family Court Act §1012
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 45 CFR §99.36
Education Law §§3209-a, 3036
Penal Law 240.50

Adoption date: 11/9/17

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CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING REGULATIONS - 5125R

New York State Law (Child Protective Service Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school officials. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

Abused Child, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
- c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

Neglected or maltreated child, according to the Family Court Act, is a child less than 18 years of age:

- a. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:
 - (1) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or

In order for a report of educational neglect to be accepted, three elements need to be established:

- a. Excessive absence from school by the child
- b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem, and;
- c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.
 - (1) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages

to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or

who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting procedures and related information:

1. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342 3720). A school official, under state law, is defined as:
 - Teacher
 - Guidance counselor
 - Psychologist
 - Nurse
 - Social Worker
 - Full or Part-time athletic coach
 - Administrator
 - Any school personnel required to hold a teaching or administrative license or certificate.

Personnel have the right to request that information which would identify the individual making the report be withheld if furnishing such data might prove detrimental to the safety or interest of that individual.

2. The school official must also report the matter to the Building Principal who will determine if any additional steps need to be taken by the school district (for instance, contacting the school physician, social worker or other support services).
3. In the event that a school employee, who is not required to report under the law (such as a bus driver, custodian, cafeteria monitor, etc.), has reasonable cause to suspect that a child is abused or neglected, he/she is encouraged to make a report to the Central Register. The employee must, by district policy, report the matter to the Building Principal.
4. If the Building Principal is informed of a case of suspected child abuse or maltreatment that has not yet been reported to the Central Register, the Building Principal is required to:
 - (a) phone the New York State Central Register for Child Abuse and Maltreatment (800-342 3720) and inform them verbally of the problem; or
 - (b) contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; and

- (c) file a written report with the local child protective services agency and the Central Register within forty-eight hours after the above report; and,
 - (d) determine if additional steps need to be taken by the school district, as outlined in step 2 above.
5. The Building Principal may take color photographs or cause photographs to be taken of the areas of visible trauma on the child, and/or, if medically indicated, cause an examination to be performed. Such actions may be performed at public expense if they will provide appropriate documentation when filing the report. Photographic equipment shall be kept at the school and be available for this purpose.
 6. The written report that must be filed shall include all information which the Commissioner of Social Services may require.
 7. If it should be necessary for Child Protective Services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of Child Protective Services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records. If sexual abuse is indicated, the presence of a same-sex staff member during the interview is appropriate.
 8. The Building Principal shall request a summary report of the investigation of a case referred to Child Protective Services so the district can take appropriate next steps.
 9. The district shall maintain an ongoing training program which will address identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all school officials.
 10. Employee handbooks shall include a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
 11. Only one report of any suspected abuse is required.
 12. School personnel who, in good faith, make a report or take photographs of injuries and bruises have immunity from any liability, civil or criminal. The good faith of any person required to report cases of child abuse or maltreatment is presumed.
 13. School personnel who have reasonable cause to suspect that a child has died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.
 14. Any person required to report suspected cases of child abuse or maltreatment and who fails to do so may be found guilty of a class A misdemeanor and may be held civilly liable for the damages caused by this failure.
 15. Any school employee who fails to comply with this policy is subject to discipline in accordance with collective bargaining agreements and/or policy.

Adoption date: 11/9/17

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**BULLYING/HARASSMENT PREVENTION AND INTERVENTION
POLICY**

The Board of Education affirms its commitment to maintaining both educational and work settings which support respect, dignity and equality. Further, the Board of Education also recognizes its responsibility to provide an environment that is free of harassment, hazing, and/or bullying. The Board of Education recognizes that these acts are counter to the mission of the district and the goals of the Board of Education. By disrupting the learning environment, these behaviors affect all concerned with the educational mission: those bullied, those doing the bullying, and bystanders.

As a result, the Board of Education forbids all forms of harassment, hazing, and bullying on any district property, school buses, or school-sponsored event – both on and off school grounds that either substantially disrupts the learning environment or negatively affects the rights of others.

Definitions

Harassment: For purposes of this policy, the term “harassment” is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (identity or expression).

Bullying: For purposes of this policy, the term "bullying" (which is subsumed under the term “harassment”) is defined, in general, as a variety of hostile activities which harms or induces fear through the threat of further aggression and/or creates terror. “Bullying” is a form of harassment that consists of inappropriate and often persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and/or badgering of others. Bullying can take at least three forms:

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

Bullying is characterized by:

- Power Imbalance – occurs when a bully uses his/her physical or social power over a target
- Intent to Harm – the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity
- Threat of Further Aggression – the bully and the target believe the bullying will continue
- Terror – when the bullying increases it becomes “systematic violence or harassment used to intimidate and maintain dominance.”

Barbara Coloroso, *The Bully, The Bullied & The Bystander*

Hazing: “Hazing” is a form of harassment which involves committing an act against a student or coercing a student into committing an act that creates a risk of emotional, physical or psychological harm to a person, in order for the student to be initiated into or affiliated with a student or other organization, or for any other purpose. The fact that a victim may consent to the act does not excuse the behavior or lessen the offense.

Cyber bullying: As with other forms of bullying, cyber bullying is an attempt to display power and control over someone perceived as weaker. Cyber bullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of electronic devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyber bullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

Cyber bullying has the effect of:

- a) Physically, emotionally or mentally harming a student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyber bullying that occurs off-campus, which endangers the health and safety of students or staff within the school or can be reasonably forecast to cause a material or substantial disruption to the educational process, is prohibited. Such conduct could also be subject to appropriate disciplinary action in accordance with the District Code of Conduct and possible referral to local law enforcement authorities.

Prevention and Intervention

The school learning environment provides an opportunity for both students and staff to gain an appreciation in a key district value: the importance of respect and working positively with others. The District recognizes that by requiring the implementation of an anti-bullying program, through both direct student instruction and professional development for staff, both students and staff will learn key elements about bullying prevention: the warning signs

of bullying and everyone's responsibility to take an active role in preventing bullying before overt acts of bullying happen. Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor.

The District recognizes the importance of eliminating unacceptable student conduct and works proactively to prevent these behaviors. School personnel who become aware of harassment shall act promptly to address the harassment, with the goal of preventing it from recurring.

Where appropriate, school personnel will address the effects on the student who was harassed. Remedial measures will generally include counseling of persons(s) who have been harmed by harassment and person(s) who have been responsible for the harassment of others and implementing monitoring programs to follow up on addressed issues of harassment.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies/participants, victims and their parents to help ensure that the bullying stops.

Although the focus of this policy is prevention, it is recognized that acts of bullying and harassment may still transpire. In such instances, disciplinary action may occur in accordance with the District's Code of Conduct. Consequences shall depend upon the specific circumstances surrounding the incident, the developmental level of the student, their disciplinary history, and must be consistent with the District's Code of Conduct.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

Training

Staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students. Training will be provided to employees in conjunction with the District's existing professional development in order to:

- raise awareness and understanding of the school district's Code of Conduct;
- raise awareness and sensitivity to potential acts of discrimination or harassment directed at students that are committed by students or school employees on school property or at school functions; including, but not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex;
- enable employees to prevent and respond to incidents of discrimination and harassment.

Dignity Act Coordinator

At least one employee in every school shall be designated as a Dignity Act Coordinator and instructed in the provisions of the proposed rule and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

The designation of each Dignity Act Coordinator shall be approved by the board of education annually.

The name(s) and contact information for the Dignity Act Coordinator(s) shall be shared with all school personnel, students, and persons in parental relation. This shall be done by:

- including in District Code of Conduct
- posting on District website
- included in at least one district or school mailing per school year
- posted in highly-visible areas of school buildings
- made available at the district and school level administrative offices

In the event a Dignity Act Coordinator vacates his or her position, another school employee shall be immediately designated for an interim appointment as Coordinator, pending approval of a successor Coordinator by the Board of Education within 30 days of the date the position was vacated. In the event a Dignity Act Coordinator is unable to perform the duties of his or her position for an extended period of time, another school employee shall be immediately designated for an interim appointment as the Dignity Act Coordinator, pending return of the previous Dignity Act Coordinator to his or her duties as Dignity Act Coordinator.

Complaint Procedures

Students, or a parent(s) or legal guardian(s) who believe his/her student has been subjected to harassment by another student, teacher, administrator or other school personnel should report the incident(s) immediately to the Dignity Act Coordinator or another school administrator, teacher or counselor. If the student, parent(s) and/or legal guardian(s) desires further assistance regarding the complaint, the Superintendent may be contacted.

Complaints can be filed by completing a “Maine-Endwell CSD Rights Bully Prevention Form”. These forms are located in the school library, the guidance office and in the building’s main office. Forms can also be accessed and completed online on the District’s homepage: www.me.stier.org. Forms can be deposited into any specified drop boxes in the building or turned into the main office. Online forms can be e-mailed directly to the appropriate building administrator. All inquiries and harassment complaints filed with the District are confidential to the extent possible as described below. Confidentiality also applies to the investigative process.

Investigation Procedures and Decision of Investigator

Upon receipt of a report or complaint alleging harassment, the appropriate building administrator shall undertake or authorize an investigation. The investigation may be conducted by school administrators or by the Dignity Act Coordinator.

The investigation will be completed as soon as practicable. The investigation will, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint.

Steps may be taken by the appropriate administrator to protect the complainant, pupils, teachers, administrators or other personnel participating in the investigation pending completion of an investigation of alleged harassment.

Retaliation

Retaliation means some type of adverse action taken against an individual or individuals as a result of filing a complaint or participating in the complaint process. Retaliation or intimidation for participating in the complaint process is prohibited. Retaliation against any student seeking assistance at their school, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation/harassment complaint and potential discipline.

Confidentiality

Maine-Endwell CSD will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform to any legal discovery or disclosure obligations.

Legal Compliance

Dignity for All Students – Education Law Article 2

Refer also to Policies:

#4610-Sexual Harassment

#4611-Non-Discrimination and Anti-Harassment In The School District

#5131-Code of Conduct

Reviewed 1/24/18

Adopted: 6/14/12

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CODE OF CONDUCT

The Board of Education has adopted the attached administrative regulation #1 in compliance with the S.A.V.E. legislation regulation for a Code of Conduct and the Dignity for All Students - Chapter 482 of the Laws of 2010.

The MAINE-ENDWELL Central School District (MECSD) is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board of Education recognizes harassment, hazing and bullying are detrimental to student learning and achievement. Such behaviors affect not only the students who are targeted, but also those individuals who participate and witness such acts. Therefore, all forms of harassment, discrimination, hazing and bullying are prohibited on school grounds, school busses and at all school-sponsored activities, programs and events including those that take place at alternate locations.

Annual Review/No Changes: 5/8/18
Revised: 12/18/14
Annual Review/ No Changes: 12/19/13
Revised: June 14, 2012
Reviewed: December 13, 2007
Adopted: May 24, 2001

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**Administrative Regulation #5131-R
Code of Conduct**

CODE OF CONDUCT

**MAINE-ENDWELL
CENTRAL SCHOOL DISTRICT
712 FARM TO MARKET ROAD
ENDWELL, NEW YORK**

Adopted: May 24, 2001

Code of Conduct

I. Introduction

The board of education ("board") is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct ("code").

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

II. Definitions

For purposes of this code, the following definitions apply:

"Student" means an actively enrolled elementary or secondary student under the age of 21

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's and/or other persons acting in a supervisory capacity, authority in the classroom or other school activity or function.

"Parent" means parent, guardian or person in parental relation to a student.

"Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §11[4] and 1125[3]).

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Education Law §11(1) and Vehicle and Traffic Law §142.

"School Bus" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (Education Law §11[1]) and Vehicle and Traffic Law §142).

"School function" means any school-sponsored extra-curricular event or activity. (Education Law §11[2])

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4]) and Executive Law §292 [21]).

"Harassment" means the creation of a hostile environment by conduct, with or by verbal threats, intimidation or abuse that 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; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; the harassing behavior may be based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (identity or expression) (Education Law §11[7]).

"Sexual Orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

"Gender" means actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).

"Hazing" is a form of harassment which involves committing an act against a student or coercing a student into committing an act that creates a risk of or causes emotional, physical, psychological harm to a person, in order for the student to be initiated or affiliated with a student or other organization, or for any other purpose. Consent or acquiescence is no defense to hazing: i.e., the implied or expressed consent of a person or persons to hazing shall not be a defense to discipline under this policy.

"Bullying" is a form of harassment that consists of inappropriate and often persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and or badgering of others.

Bullying occurs when someone purposely says or does mean or hurtful things to another person who has a hard time defending oneself or is in an otherwise vulnerable position.

"Cyber-bullying" refers to any harassment/bullying, on or off school property, which occurs via the internet, cell phones or other electronic devices.

"Sexting" refers to an act of sending sexually explicit photos, images, text messages, or e-mails by using a cell phone or other electronic device.

Training

- The district's computer network coordinator shall provide training to staff and students on the requirements of the Internet Safety Policy and regulation at the beginning of each school year.
- The training of staff and students shall highlight the various activities prohibited by the Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
- Students shall be directed to consult with their classroom teacher if they are unsure whether their contemplated activities when accessing the Internet or Worldwide Web are directly related to their course work.
- Staff and students will be advised to not disclose, use and disseminate personal information about students when accessing the Internet or engaging in authorized forms of direct electronic communications.
- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety Policy and regulation.

III. Dignity Act Coordinators

At least one employee in every school shall be designated as a Dignity Act Coordinator and instructed in the provisions of this subdivision and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

1. The designation of each Dignity Act Coordinator shall be approved by the Maine-Endwell Central School District Board of Education.
2. The name(s) and contact information for the Dignity Act Coordinator(s) shall be shared with all school personnel, students, and persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information of each Dignity Act Coordinator by:
 - a. Listing such information in the code of conduct and updates posted on the Internet web site of the Maine-Endwell Central School District.
 - b. Including such information in the plain language summary of the code of conduct provided to all persons in parental relation to students before the beginning of each school year, pursuant to 8 NYCRR 100.2(I)(2)(iii)(b)(3);
 - c. Include such information in at least one district or school mailing per school year to parents and persons of parental relation and, if such information changes, in at least one subsequent district or school mailing as soon as practicable thereafter;
 - d. Posting such information in highly-visible areas of school buildings; and
 - e. Making such information available at the district and school-level administrative offices.
3. In the event a Dignity Act Coordinator vacates his or her position, another school employee shall be immediately designated for an interim appointment as Coordinator, pending approval of a successor Coordinator by the applicable governing body as set forth in subparagraph (i) of this paragraph within 30 days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of his or her position for an extended period of time, another school employee shall be immediately designated for an interim appointment as Coordinator, pending return of the previous Coordinator to his or her duties as Coordinator.

IV. Dignity for All Training

Commencing in the 2012-13 school year and continuing in each school year thereafter, the following Dignity for All school employee training program regulations are to be implemented in effort to promote a positive school environment that is free from discrimination and harassment and to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function.

1. Training is to be conducted for all instructional and non-instructional employees of the Maine-Endwell Central School District
2. Training is to raise awareness and sensitivity to potential acts of discrimination or harassment directed at students by students or school employees on school property or at school functions; including by not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex.
3. Training is to raise awareness and sensitivity to potential acts of discrimination and harassment through cyber bullying/texting.
4. Training is to enable employees to prevent and respond to incidents of discrimination and harassment
5. Training is to include guidelines relating to the development of nondiscriminatory instructional and counseling methods.
6. Training is to be conducted as needed and may be implemented and conducted in conjunction with existing professional development.

V. Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law and to provide students with a safe school climate focused on positive behavior. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of a person's actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, gender, sex or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

3. Access school rules and, when necessary, receive an age appropriate explanation of those rules from school personnel.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress according to the Code of Conduct for school and school functions.
10. Accept responsibility for their actions.
11. Report infractions of the Code of conduct, including but not limited to instances of discrimination or harassment.
12. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

VI. Essential Partners

A. Parents

All parents are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (a person's actual or perceived sex and includes a person's gender identity or expression) or sex, which will strengthen students' confidence and promote learning.
2. Recognize that the education of their children is a joint responsibility of the parents and the school community.
3. Send their children to school ready to participate and learn.
4. Ensure their children attend school regularly and on time.
5. Ensure absences are excused.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school rules and help their children understand them.
9. Convey to their children a supportive attitude toward education and the district.
10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Report infractions of the Code of conduct, including but not limited to instances of discrimination or harassment.
13. Inform school officials of changes in the home situation that may affect student conduct or performance.
14. Provide a place for study and ensure homework assignments are completed.

B. Cafeteria Staff

All district Cafeteria Staff are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Create and maintain a kitchen/dining area that is clean and safe.
3. Provide a selection of food that will encourage the students to eat a healthy and nutritious meal.
4. Encourage students to conduct themselves in such a manner that will produce an atmosphere that is appropriate for dining.
5. Confront issues of discrimination and harassment committed against students by employees or students or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

C. Transportation/Custodial Staff

All district Transportation/Custodial Staff are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Provide a clean and healthy environment for the entire school community in all buildings, buses and on school property.
3. Maintain and promote safety in all areas of their jurisdiction.
4. Inform supervisors and/or administrators of any area of concern that might jeopardize the health and safety of any student or staff member.
5. Confront issues of discrimination and harassment committed against students by employees or students or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

D. Support Staff

All district Support Staff are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Assist in maintaining a climate that is conducive to teaching and learning.
3. Provide support and assistance to the staff that will enable them to do their job more efficiently and effectively.
4. Provide support and assistance to the students that will enable them to obtain the maximum benefits from their educational program.
5. Confront issues of discrimination and harassment committed against students by employees or students or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

E. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (a person's actual or perceived sex and includes a person's gender identity or expression) or sex, which will strengthen students' self-confidence and promote learning.
2. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report infractions of the Code of Conduct, including but not limited to instances of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.
5. Be prepared to teach.
6. Demonstrate interest in teaching and concern for student achievement.
7. Know school policies and rules, and enforce them in a fair and consistent manner.
8. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
9. Communicate regularly with students, parents and other teachers concerning growth and achievement.

F. Guidance Counselors/Social Workers/Psychologists

All district Guidance Counselors/Social Workers/Psychologists are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (a person's actual or perceived sex and includes a person's gender identity or expression) or sex, which will strengthen students' confidence and promote learning.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.

5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Confront issues of discrimination and harassment committed against students by employees or students or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report infractions of the Code of Conduct, including but not limited to instances of discrimination or harassment.

G. Building Level Administrators

All district Building Level Administrators are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (a person's actual or perceived sex and includes a person's gender identity or expression) or sex, which will strengthen students' confidence and promote learning.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Confront issues of discrimination and harassment committed against students by employees or students or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

H. District Level Administrators

All District Level Administrators are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (a person's actual or perceived sex and includes a person's gender identity or expression) or sex, which will strengthen students' confidence and promote learning.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
4. Inform the board about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Confront issues of discrimination and harassment committed against students by employees or students or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

I. Board of Education

All District Board of Education members are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (a person's actual or perceived sex and includes a person's gender identity or expression) or sex, which will strengthen students' confidence and promote learning.
2. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
3. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
4. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

J. Other Persons / Volunteers in contact with Students

All District Other Persons/Volunteers in contact with student members are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (a person's actual or perceived sex and includes a person's gender identity or expression) or sex, which will strengthen students' confidence and promote learning.

VII. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the school building except for a medical or religious purpose.
6. Not include "dog" neck and wrist collars.
7. Not include items that are vulgar, obscene, libelous or denigrate others on account of actual or perceived race, color, weight, religion, religious practice, creed, national origin, ethnic group, gender or sex (a person's actual or perceived sex and includes a person's gender identity or expression), sexual orientation or disability.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
9. Not include the wearing of long leather or trench coats of any color.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

VIII. Prohibited Student Conduct

The board of education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

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

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

Students may be subject to disciplinary action, up to and including suspension from school, when they:

A. Engage In Conduct That Is Disorderly. Examples of disorderly conduct include:

1. fighting, assaulting or behaving violently,
2. threatening another with bodily harm,
3. harassment, bullying, or intimidating students or school personnel (see also Anti-Bullying/ Harassment, Hazing and Sexual Harassment policies),
4. Running in hallways.
5. Making unreasonable noise.
6. Being untruthful with school personnel or making false reports.
7. Using language or gestures that are profane, lewd, vulgar or abusive.
8. Obstructing vehicular or pedestrian traffic.
9. Driving recklessly
10. Engaging in any willful act, which disrupts the normal operation of the school community.
11. Loitering or Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
12. Mobile learning devices, computers, or other electronic device misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

13. Students may use a mobile learning device for educational purposes as authorized by a school administrator or staff member. Inappropriate or unauthorized use of a mobile learning device will lead to disciplinary consequences.

B. Engage In Conduct That Is Insubordinate.

Examples of insubordinate conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Engages in any of the following forms of academic misconduct:
 - a) tardiness,
 - b) missing or leaving school or class without permission or excuse,
 - c) cheating, plagiarism, copyright/trademark violations or assisting another in such conduct
 - d) violation of the Board of Education Policy 6213 – Internet Protection Policy -Students
 - e) improperly altering documents or records.
3. Skipping detention.

C. Engage In Conduct That Is Disruptive.

Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

D. Engage In Conduct That Is Violent.

Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

E. Engage In Any Conduct That Endangers The Safety, Morals, Health Or Welfare Of Others.

Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of a person's actual or perceived race, color, creed, national origin, religion, gender, sexual orientation, disability, weight, ethnic group, religious practice, or sex as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar, pipe, using chewing or smokeless tobacco, or use of electronic nicotine and/or nicotine-free cigarettes (e-cigarettes).
11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic cannabinoids (marijuana) and any substances commonly referred to as "designer drugs."
12. Inappropriately using or sharing prescription and over-the-counter drugs.
13. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

F. Engage In Misconduct While On A School Bus.

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

G. Engage In Any Form Of Academic Misconduct.

Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

H. Engage In Off-Campus Misconduct.

Off-campus misconduct that endangers the health and safety of students or staff within the school or that which can be reasonably predicted to substantially disrupt the educational process is prohibited.

Examples of such misconduct include but are not limited to:

- Cyber-bullying (i.e. inflicting will and repeated harm through the use of electronic text)
- Threatening or harassing students or school personnel over the telephone, internet or electronic medium.

IX. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

All students are expected to promptly report instances of bullying (verbal, physical, cyber-bullying), harassment, discrimination or hazing on school property or at a school function immediately to proper school personnel.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

X. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

A. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning - any member of the district staff
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
4. Detention - teachers, principal, superintendent
5. Suspension from transportation - director of transportation, principal, superintendent
6. Suspension from athletic participation - coaches, principal, superintendent
7. Suspension from social or extracurricular activities - activity director, principal, superintendent
8. Suspension of other privileges - principal, superintendent
9. In-school suspension - principal, superintendent
10. Removal from classroom by teacher - teachers, principal
11. Short-term (five days or less) suspension from school - principal, superintendent, board of education
12. Long-term (more than five days) suspension from school - principal, superintendent, board of education
13. Permanent suspension from school - superintendent, board of education.

B. Disciplinary and Remedial Consequences

The district emphasizes the creation and maintenance of a positive learning environment for all students. Measured, balanced, and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education is needed to maintain the desired learning climate. Remedial responses which may be utilized include:

1. Peer support groups; corrective instruction or other relevant learning or service experience;
2. Supportive intervention;
3. Behavioral assessment or evaluation;
4. Behavioral management plans, with benchmarks that are closely monitored;
5. Student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent discrimination and harassment. Environmental remediation strategies may include:

1. Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying and harassment;
2. School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
3. Adoption of research-based, systemic harassment prevention programs;
4. Modification of schedules;
5. Adjustment in hallway traffic and other student routes of travel;
6. Targeted use of monitors;
7. Staff professional development;
8. Parent conferences;
9. Involvement of parent-teacher organizations; and
10. Peer support groups.

C. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra-curricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension."

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed.

Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours. The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher and principal.

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be

made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 days) suspension from school

When the superintendent or principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from

doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

D. Minimum Periods of Suspension

1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing a weapon to school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom.

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one year suspension for possessing a weapon.

E. Referrals

1. Counseling

The Guidance Office shall handle all referrals of students to counseling.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

- b. Engaging in an ongoing or continual course of conduct that makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
 - c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders
- The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
- a. Any student under the age of 16 who is found to have brought a weapon to school, or
 - b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

XI. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

XII. Discipline of Students with Disabilities

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply.
A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student

to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same

behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
 - 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930 (g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except... [for] a pocket knife with a blade of less than 2 1/2 inches in length."
 - 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
 - 4) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The district's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XIII. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XIV. Student Searches and Interrogations

The board of education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause - not simply reasonable cause - to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

E. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XV. Visitors to the Schools

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the Main Office/Welcome Center upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Main Office/Welcome Center before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XVI. Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of a person's actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sexual orientation, gender or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

16. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

B. Penalties

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

XVII. Dissemination and Review

A. Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

The board of education will review this code of conduct every year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

XVIII. Dignity for All Students Act Bullying Prevention Plan

A. Overview

Definition of Harassment: “Harassment” is any intentional written, verbal, or electronic communication or physical act which intimidates or threatens another on the basis of race, color, national origin, creed, religion, marital status, gender, sex, age, sexual orientation, disability, socio-economic status, class or club affiliation or other distinguishing characteristics including weight.

Definition of Bullying: Bullying occurs when someone purposely says or does mean or hurtful things to another person who has a hard time defending themselves or is in an otherwise vulnerable position.

“Bullying” is a form of harassment that consists of inappropriate and often persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and/or badgering of others.

Different forms or kinds of bullying may include:

- Verbal bullying, being socially excluded or isolated, being physically bullied, being bullied through lies or false rumors, having money or other items taken or damaged, being threatened or forced to do things, racial bullying, sexual bullying, and cyber-bullying as well as any other conduct which has the effect of hurting emotionally or physically the target of the bullying or any witnesses to the bullying.

Definition of Hazing: “Hazing” is a form of harassment which involves committing an act against a student or coercing a student into committing an act that creates a risk of emotional, physical or psychological harm to a person, in order for the student to be initiated into or affiliated with a student or other organization, or for any other purpose. The fact that a victim may consent to the act does not excuse the behavior or lessen the offense.

B. Prevention Strategies

The term harassment used throughout this policy will collectively refer to the above defined harassment, bullying and hazing. The MECSD recognizes the importance of eliminating unacceptable student conduct and works proactively to prevent these behaviors. School personnel who become aware of harassment shall act promptly to address the harassment, with the goal of preventing it from recurring. Where appropriate, school personnel will address the effects on the student who was harassed. Remedial measures will generally include counseling of persons(s) who have been harmed by harassment and person(s) who have been responsible for the harassment of others and implementing monitoring programs to follow up on addressed issues of harassment. Students should report any concerns related to harassment to the school principal, a teacher or counselor. It should also be a violation of this policy to retaliate in any manner whatsoever against individuals who report or are interviewed regarding harassment complaints.

1. COMPLAINT PROCEDURES

Who may file a complaint:

Students, or a parent(s) or legal guardian(s) who believe his/her student has been subjected to harassment by another student, teacher, administrator or other school personnel should report the incident(s) immediately to a school administrator, teacher or a counselor.

MECSD encourages students, or a parent(s) or legal guardian(s) to report incident(s) of harassment. If the student, parent(s) and/or legal guardian(s) desires further assistance regarding the complaint, the Dignity Act Coordinator or the Superintendent may be contacted.

How to file a complaint:

Complaints can be filed by completing a “MAINE-ENDWELL Bully Prevention Reporting Form”.

Students, parents and staff are to report any incidents of bullying by completing a “MAINE-ENDWELL Bully Prevention Reporting Form”. These forms are located in the school library, the guidance office and in the building’s main office. Forms can also be accessed and completed online on the MAINE-ENDWELL District’s homepage: www.me.stier.org. Forms can be deposited into any specified drop boxes in the building or turned into the main office. Online forms can be e-mailed directly to the appropriate building administrator. All inquiries and harassment complaints filed with the MECSD are confidential to the extent possible as described below. Confidentiality also applies to the investigative process.

Investigation Procedures and Decision of Investigator

- Upon receipt of a report or complaint alleging harassment, the appropriate building administrator shall undertake or authorize an investigation. The investigation may be conducted by school administrators or by a school faculty member, as determined by the Director of Leadership, Learning and Accountability.
- The investigation will, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint.
- The investigation will be completed as soon as practicable. The investigator will complete the appropriate forms and may impose consequences and/or intervention strategies upon completion of the investigation.
- Upon a finding that harassment has occurred, an appropriate response shall be fashioned by the appropriate administrator. Building principals addressing violations of this policy by students and the superintendent addressing violations of this policy by employees and/or students should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.
- Steps may be taken by the appropriate administrator to protect the complainant, pupils, teachers, administrators or other personnel pending completion of an investigation of alleged harassment.

2. **Disciplinary and Remedial Consequences**

Any individual who violates this policy by engaging in conduct defined throughout this policy that directly or indirectly causes intimidation, harassment, or physical harm to another student or employee may be subject to disciplinary action including but not limited to suspension from school.

The Board of Education expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The Board of Education believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members.

The Board of Education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume responsibility and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students’ abilities to develop self-discipline.

Since bystander support of harassment or bullying can support these behaviors, the district prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The Board of Education requires its school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying.

Factors for Determining Consequences

- Age, development, and maturity levels of the parties involved
- Degree of harm
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

Factors for Determining Remedial Measures

Personal

- Life skill competencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- Interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance

Environmental

- school culture
- school climate
- student-staff relationships and staff behavior toward student
- general staff management of classrooms or other educational environments
- staff ability to prevent and de-escalate difficult or inflammatory situations
- social-emotional and behavioral supports
- social relationships
- community activities
- neighborhood culture
- family situation

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension, in the case of a student, or suspension or termination in the case of an employee, as set forth in the board of education's approved code of student conduct or employee handbook.

Consequences for a student who commits an act of harassment or bullying shall 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 performance, and must be consistent with the board of education's approved code of conduct. Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the target (victim) of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples below:

Examples of Consequences

- Admonishment
- Temporary removal from the classroom
- Loss of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension during the school week or the weekend, for students
- Out-of-school suspension
- Legal action

Examples of Remedial Measures

Personal

- peer support groups; corrective instruction or other relevant learning or service experience
- supportive interventions
- behavioral assessment or evaluation
- behavioral management plans, with benchmarks that are closely monitored; and
- student counseling and parent conferences
- Restitution and restoration
- Transformative conferencing/restorative justice
- Supportive discipline to increase accountability for the bullying offense

Examples of Remedial Measures

Environmental

- supervisory systems which empower school staff with prevention and intervention tools to address incidents of discrimination, harassment and bullying
- school and community surveys or other strategies for determining the conditions contributing to the relevant behavior
- adoption of research-based, systemic harassment prevention programs
- modification of schedules
- adjustment in hallway traffic and other student routes of travel
- targeted use of monitors
- staff professional development
- parent conferences
- involvement of parent-teacher organizations; and
- peer support groups

The Board of Education requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In doing so, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after the report or complaint is made.

The Board of Education prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The Board of Education prohibits any person from falsely accusing another as a means of harassment or bullying. The consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment or bullying shall be disciplined in accordance with district policies, procedures, and agreements.

The Board of Education requires school officials to annually disseminate the policy to all school staff, students in plain language, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions, or on a school bus.

The school district shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.

3. Retaliation

Retaliation means some type of adversarial or punitive action taken against an individual or individuals as a result of filing a complaint or participating in the complaint process.

No person will suffer retaliation or intimidation for participating in the complaint process. Retaliation against any student seeking assistance at their school, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation/harassment complaint.

4. Confidentiality

MECSD will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform to any legal discovery or disclosure obligations.

MAINE-ENDWELL CENTRAL SCHOOL DISTRICT POLICY 5230
STUDENTS

STUDENT RECORDS: POLICIES AND PROCEDURES

Personally identifiable data, information or records pertaining to a student or preschool child shall not be disclosed to any person other than the parent of such student or preschooler, except as noted below.

For the purposes of this policy, the School District has used the following definitions of terms:

Preschool child - A child with a disabling condition who is eligible for services in accordance with Chapter 243 of the Laws of 1989.

Student - any person who attends or has attended a program of instruction sponsored by the School District.

Eligible Student - a student or former student who has reached age 18 or is attending a post-secondary school.

Parent - either natural parent of a student or preschool child unless his/her rights under the **FERPA (Family Education Rights and Privacy Act)** have been removed by a court order, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Education Records - any record (in handwriting, print, tapes, film or other medium) maintained by the School District, an employee of the District or an agent of the District that is related to the student except:

1. Any personal records kept by a school staff member that meet the following tests:
 - (a) It was made as a personal memory aid.
 - (b) It is in the personal possession of the individual who made it.
 - (c) Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute.
2. An employment record that is used only in relation to a student's employment by the School District. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course.)
3. Alumni records that relate to the student after he or she no longer attends classes provided by the School District and the records do not relate to the person as a student.

Personal Identifier - is any data or information that makes the subject of a record known. This includes the student's, preschool child's parents or other family member's name, the student's or preschool child's address, the student's or preschool child's social security number, a student number, a list of personal characteristics, or any other information which would make the student's or preschool child's identity known.

Annual Notification

Within the first three weeks of each school year, the School District will publish and send home a notice and bulletin to parents and eligible students of their rights under the FERPA and this policy. This information will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year. (For a list of annual notifications, including FERPA, check the district website.)

The notice will include the following:

1. The right of the student, preschool child's parents or eligible students to inspect and review the student's education records.
2. The intent of the School District to limit the disclosure of information contained in a student's education records except:
 - (a) by the prior written consent of the student, preschool child's parent or the eligible student,
 - (b) as directory information, or
 - (c) under certain limited circumstances, as permitted by the FERPA.
3. The right of a student, preschool child's parent or an eligible student to seek to correct parts of the student's education record which (s)he believes to be inaccurate, misleading or in violation of student or preschool child's rights. This right includes the right to a hearing to present evidence that the record should be changed if the District decides not to alter it according to the parent or eligible student's request.
4. The right of any person to file a complaint with the Department of Education if the School District violates the FERPA.
5. The procedure that a student, preschool child's parent or an eligible student should follow to obtain copies of this policy and the locations where copies can be obtained.

The District will arrange to provide translations of this notice to non-English speaking parents in their native language.

Statement of Rights

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act and this policy:

1. The right to inspect and review the student's education record.
2. The right to exercise a limited control over other people's access to the student's education record.
3. The right to seek to correct the student's education record, in a hearing if necessary.
4. The right to report violations of the FERPA to the Department of Education.
5. The right to be informed about FERPA rights.

All rights and protections given parents under the FERPA and this policy transfer to the student when (s)he reaches age 18 or enrolls in a post-secondary school. The student then becomes an "eligible student".

Location of Education Records

<u>Types</u>	<u>Requesting Location</u>	<u>Custodian</u>
Cumulative School Records	School Principal's Office Senior High Middle School Homer Brink Maine Memorial	School Principal
Cumulative School Records (Former Students)	High School	Guidance Office
Health Records	School Principal's Office	Health Office
Speech Therapy and Psychological Records	School Principal's Office	School Principal
School Transportation Records	School Bus Garage Church St., Maine, NY	Director of Auxiliary Services
Special Test Records	School Principal's Office	School Principal
Occasional Records (Student Education Records not identified above, such as those in superintendent's office, the school attorney's office, or in the personal possession of teachers)	Principal will collect and make available at student's school	School Principal
BOCES Records	BOCES CTE Office	CTE Principal

Procedure to Inspect Education Records

Parents of students or preschool children, or eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies.

Since a student's records may be maintained in several locations, the school principals will offer to collect copies of records or the records themselves from locations other than a student's school, so they may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, school principals will accommodate their wishes.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records (s)he wishes to inspect.

The principal (or other custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

The principal (or other custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

If for any valid reason such as working hours, distance between record location sites, or health, a parent or eligible student cannot personally inspect and review a student's education record, the School District will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records.

When a record contains information about students or preschool children other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of other students or preschool children.

Fees for Copies of Records

The School District will not deny parents or eligible students any rights to copies of records because of the following published fees. Where the fee represents an unusual hardship, it may be waived in part or entirely by the record custodian. However, the District reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes. The School District may deny copies of records (except for those required by the FERPA) in the following situations:

1. The student has an unpaid financial obligation to the school.
2. There is an unresolved disciplinary action against the student which warrants the denial of copies.

The FERPA requires the School District to provide copies of records:

1. When the refusal to provide copies effectively denies access to the records by a parent or eligible student.
2. At the request of the parent or eligible student when the School District has provided the records to third parties by the prior consent of the parent or eligible student.

3. At the request of the parent or eligible student when the School District has forwarded the records to another school where the student seeks or intends to enroll.

The fee for copies provided under the FERPA may not include the costs for search and retrieval. This fee will be from no cost to 25 cents per page.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience will be 25 cents per page plus postage if that is involved.

Directory Information

The School District proposes to designate the following personally identifiable information contained in a student's education record as "directory information", and it will disclose that information without prior written consent:

1. The student's name.
2. The names of the student's parents.
3. The student's address.
4. The student's date of birth.
5. The student's class designation (i.e. 1st grade, 10th grade, etc.)
6. The student's extracurricular participation.
7. The student's achievement awards or honors.
8. The student's weight and height if a member of an athletic team.
9. The student's photograph including publication of their photograph on District sponsored websites.
10. The school or school district the student attended before he or she enrolled in the School District.

Within the first three weeks of each school year, the School District will publish the above list, or a revised list of the items of directory information it proposes to designate as directory information. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.

After the parents or eligible students have been notified, they will have 30 days to advise the School District in writing (a letter to the school Superintendent's office) of any or all of the items they refuse to permit the District to designate as directory information about that student.

At the end of the 30-day period, each student's records will be appropriately marked by the records custodians to indicate the items the District will designate as directory information about that student. This designation will remain in effect until it is modified by the written direction of the student's parent or the eligible student.

Use of Student Education Records

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The School District will use the following criteria to determine who are school officials. An official is:

1. A person duly elected to the school board.
2. A person certified by the State and appointed by the school board to an administrative or supervisory position.
3. A person certified by the State and under appointment to the school board as an instructor.
4. A person employed by the school board as a temporary substitute for administrative, supervisory or instructional personnel for the period of his/her performance as a substitute.
5. A person employed by or under appointment to the school board to perform a special task such as a secretary, a clerk, the school board attorney or auditor for the period of his/her performance as an employee or contractor.

School officials who meet the criteria listed above will have access to student's records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need to know in order to:

1. Perform an administrative task required in the school employee's position description approved by the school board.
2. Perform a supervisory or instructional task directly related to the student's or preschool child's education.
3. Perform a service or benefit for the student, preschool child, or the student's or preschool child's family such as health care, counseling, student job placement or student financial aid.

The School District will only release information from or permit access to a student's education record with a parent or eligible student's prior written consent except that the school Superintendent or a person designated in writing by the Superintendent may permit disclosure:

1. When a student seeks or intends to enroll in another school district or a post-secondary school. The District will not further notify parents or eligible students prior to such a transfer of records. Parents and students have a right to obtain copies of records transferred under this provision.
2. When certain Federal and State officials need information in order to audit or enforce legal conditions related to Federally supported education programs in the District.
3. To parties who provide or may provide financial aid to a student to:
 - (a) Establish the student's or preschool child's eligibility for the aid.
 - (b) Determine the amount of financial aid.
 - (c) Establish the conditions for the receipt of the financial aid.
 - (d) Enforce the agreement between the provider and the receiver of financial aid.
4. If a State law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials.

5. When the School District has entered into a written agreement or contract for an organization to conduct studies on the School District's behalf to develop tests, administer student aid or improve instruction.
6. To accrediting organizations to carry out their accrediting functions.
7. To parents of eligible students if the parents claim the student as a dependent as defined by the Internal Revenue Code of 1954.
8. To comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision.
9. If the disclosure is an item of directory information and the student's parent or the eligible student has not refused to allow the District to designate that item as directory information for that student.

The School District will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

1. (S)he deems it is warranted by the seriousness of the threat to the health or safety of the student, the preschool child, or other persons.
2. The information is necessary and needed to meet the emergency.
3. The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.
4. Time is an important and limiting factor in dealing with the emergency.

School District officials may release information from a student's education record if the student's or preschool child's parents or the eligible student gives his prior written consent for the disclosure. The written consent must include at least:

1. A specification of the records to be released.
2. The reasons for the disclosure.
3. The person or the organization or the class of persons or organizations to whom the disclosure is to be made.
4. The parent or eligible student's signature.
5. The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student, preschool child's parents or the eligible student may obtain a copy of any records disclosed under this provision.

The School District will not release information contained in a student's education records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be re-disclosed without the parent or eligible student's prior written consent.

Records of Request for Access and Disclosures made from Education Records

The School District will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records and of information it discloses and access it permits with some exceptions listed below. This record will be kept with, but will not be a part of, each student's Cumulative School Records. It will be available only to the record

custodian, the eligible student, the parents of the student or preschool child, or to Federal, State or local officials for the purpose of auditing or enforcing Federally supported educational programs.

The record will include at least:

1. The name of the person or agency that made the request.
2. The interest the person or agency had in the information.
3. The date the person or agency made the request.
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District will maintain this record as long as it maintains the student's education record.

The record will not include requests for access or access granted to parents of the student or preschool child, or to an eligible student; requests for access or access granted to officials of the School District who have a legitimate educational interest in the student; requests for or disclosures of, information contained in the student's education record if the request is accompanied by the prior written consent of a parent of the student or preschool child or the eligible student; or for requests for, or disclosures of, directory information designated for that student.

Procedures to Seek to Correct Education Records

Parents of students and preschool children, and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading or in violation of student rights. (Note: Under the FERPA, the District may decline to consider a request to change the grade a teacher assigns for a course.)

For the purpose of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is inaccurate, misleading or in violation of the student's or preschool child's rights. The term "correct" will be used to describe a record that is accurate, not misleading and not in violation of student's or preschool child's rights. Also, in this section, the term "requester" will be used to describe the parent of a student or preschool child or the eligible student who is asking the School District to correct a record.

To establish an orderly process to review and correct an education record for a requester, the District may make a decision to comply with the request for change at several levels in the procedure.

First Level Decision - When a parent of a student or an eligible student finds an item in the student's education record which (s)he believes is inaccurate, misleading or in violation of student's or preschool child's rights, (s)he should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, (s)he will:

1. Provide the requester a copy of the questioned record at no cost.
2. Ask the requester to initiate a written request for the change, and
3. Follow the procedure for a second level decision.

Second Level Decision - The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the District to make. It should at least identify the item the requester believes is incorrect and state whether (s)he believes the item:

1. is inaccurate and why,
2. is misleading and why, or
3. violates student rights and why.

The request will be dated and signed by the requester.

Within two weeks after the record custodian receives a written request, (s)he will: study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about the District's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, (s)he will effect the change and notify the requester in writing that (s)he has made the change. Each such notice will include an invitation for the requester to inspect and review the student's education record to make certain the record is in order and the correction is satisfactory.

If the custodian decides the record is correct, (s)he will make a written summary of any discussions with other officials and of his/her findings in the matter. (S)He will transmit this summary and a copy of the written request to the school Superintendent.

Third Level Decision - The school Superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the school board (in executive session). He will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the Superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the Superintendent decides the record is incorrect and should be changed, (s)he will advise the record custodian to make the changes. The record custodian will advise the requester of the change as (s)he would if the change had been made at the second level.

If the Superintendent decides the record is correct, (s)he will prepare a letter to the requester that will include:

1. The School District's decision that the record is correct and the basis for the decision.
2. A notice to the requester that (s)he has a right to ask for a hearing to present evidence that the record is incorrect and that the District will grant such a hearing.
3. Instructions for the requester to contact the Superintendent or an official (s)he designates, to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The District will not be bound by the requester's positions on these items but will, so far as possible, arrange the hearing as the requester wishes.)
4. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth Level Decision - After the requester has submitted (orally or in writing) his/her wishes concerning the hearing officer and the time and place for the hearing, the Superintendent will, within a week, notify the requester when and where the District will hold the hearing and who it has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect as shown in the requester's written request for a change in the record (second level).

Within one week after the close of the hearing, the hearing officer will submit to the school Superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his/her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The school Superintendent will prepare the District's decision within two weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the District's decision will be based solely on the evidence presented at the hearing. Therefore, the Superintendent may overrule the hearing officer if (s)he believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the District's decision, the Superintendent will take one of the following actions:

1. If the decision is that the District will change the record, the Superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
2. If the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester that will include:

- (a) The School District's decision that the record is correct and will not be changed.
- (b) A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the District's decision.
- (c) Advise the requestor that (s)he may place in the student's education record an explanatory statement which states the reasons (s)he disagrees with the School District's decision or the reasons (s)he believes the record is incorrect.

Final Administration Step In The Procedure - When the School District receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and, whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

Reviewed: 1/24/18
Revised: 5/10/12
Revised: 8/18/05
Revised: 4/23/01

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PROHIBITION OF CORPORAL PUNISHMENT

Corporal punishment is hereby prohibited in the school district.

If a pupil is subjected to corporal punishment, then the person who imposed the corporal punishment must, within two school days, report in writing to that person's administrator the event. This report shall set forth the name of the student, the date of the event, and the facts surrounding the event. A copy of the report shall be forwarded to the parents or guardian of the pupil within two school days after the receipt by the administrator. An investigation shall be conducted by the administrator and a written report submitted to the Superintendent and the Clerk of the Board of Education within seven school days of the receipt of the report.

Any complaint about the use of corporal punishment by personnel of the school District shall be investigated by the Superintendent or the Superintendent's designee. When a complaint is received, it shall be placed in writing, stating among other things, the name of the complainant, the student involved, the date of the event, the name of the particular school employee involved in the event, and a description of the circumstances of the event as well as any witnesses to the event. Within seven school days of the receipt of the written complaint, the Superintendent shall forward to the Clerk of the Board of Education a report of the event, indicating as to whether the bylaw of the Board of Education has been violated and any recommended action.

The Superintendent shall file a written semiannual report to the Commissioner of Education by January 15th and July 15th of each year, commencing July 1, 1985 setting forth the substance of each complaint about the use of corporal punishment received by the school District during the reporting period, the results of the investigation, and any action, if any, taken by the school District in each case. The Superintendent shall advise the Board of Education at the next meeting following each January 15th and July 15th whether such a report was or was not filed and, if such a report was filed, the substance of the report.

Definition

The phrase "corporal punishment" as used in this bylaw is defined as follows:

Corporal punishment, as used in this bylaw, shall mean any act of physical force upon a pupil for the purpose of punishing that pupil. Such term as used in this bylaw, shall not mean the use of reasonable physical force for any of the following purposes:

1. To protect oneself from physical injury.
2. To protect another pupil or teacher or any other person from physical injury.
3. To protect the property of the school or of others.
4. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposed set forth in paragraphs (1) through (4) above.

MAINE-ENDWELL CENTRAL SCHOOL DISTRICT POLICY 7210
PROPERTY

GIFTS, GRANTS, DONATIONS, & BEQUESTS

All gifts made by patrons, pupils or organizations to a school or classroom may be accepted by the respective building principal with the Superintendent's approval. Such gifts become District property.

The Board of Education authorizes the Superintendent to accept all gifts made to the District valued at \$500 or less and without conditions, which in the Superintendent's discretion, will be of benefit to the District. Such gifts become District property.

The Board of Education within its discretion may accept bequests or grants from business or industry, and donations from individuals with conditions or contingencies attached. Such recognitions, however, may in no case be considered as a testimonial or endorsement by the school system of a product or business enterprise.

Appropriate acknowledgement upon receipt of such gifts will be expressed on behalf of the School District by the Superintendent of Schools or his/her designee.

Reviewed: 1/24/18
Reviewed: 5/26/11
Revised: 5/23/02

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DISPOSAL OF PROPERTY

It is the policy of the Board of Education to review periodically all fixed assets of the District and to authorize the sale of any such property no longer required for school purposes. The School Business Manager shall be authorized to dispose of obsolete or surplus equipment and supplies in the following manner:

1. reassign the items, as needed, to other locations within the school district;
2. centralize the storage of items of potential usefulness; and/or
3. discard or sell as surplus those items determined to be of no further use or worthless.

The Assistant Superintendent is authorized to sell any such property by competitive quotation whenever possible, so that it will realize the greatest financial return for the District. Any sale of value, whether competitive quotation or not, must be to a disinterested party, with the approval of the Board of Education, pursuant to Education and General Municipal Law.

Prior to reassigning, storing, discarding or selling any equipment or supplies (including computer hardware and software), the district shall ensure that all district-related data and information is permanently and completely removed. The district shall work with a certified data destruction provider to ensure that district data and information is able to be permanently and completely removed from the equipment.

Amended: 6/28/18

Revised: 10/8/15

Reviewed: 5/26/11

Revised: 5/23/02

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SAFETY AND WELFARE

The Board of Education recognizes that the safety, health and physical well being of the pupils and employees of this District depend on compliance of standards and procedures set forth in state and federal laws.

Hygienic Management

The Board of Education directs that the Superintendent will develop a program of hygienic management instituted in the schools to be explained to all staff members.

Toxic Substances

The Board of Education believes that any toxic substance (as defined in New York State Labor Law) that is required for District use be handled in strict compliance with the precautions specified in the latest federal laws. In this regard and in accordance with all, employees of this District shall be informed of the hazards related to the handling of toxic substances and trained to work with such substances.

The Superintendent may delegate authority for the maintenance of toxic substances safety and training standards in the facilities of the District to the Safety Officer. Said employee shall conduct periodic audits of chemical substances in use in this District and ascertain which such substances are defined as toxic in accordance with the standards adopted by the state. All buildings will keep an up to date Materials Safety Data Sheet on all toxic substances being used in the District. The Superintendent shall take such action as may be possible to minimize the use of toxic substances.

Safety Standards

In accordance with the New York State Public Employee Safety and Health Act, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees.

The Superintendent may delegate authority for the maintenance of standards in the facilities of the District to a Safety Officer whose objective it shall be to prevent accidents and to minimize their consequences. Said employee shall conduct periodic audits of health and safety conditions within the facilities of the District in accordance with the federal OSHA standards adopted by New York State and report any violations thereof to the Superintendent. The Safety Officer shall also have the authority to organize and direct the activities of a District safety committee.

The Superintendent will inform the Board of the results of any inspections that are made by any State agency relative to the health and safety of the District.

Reviewed: 1/24/18

Reviewed: 5/26/11

Revised: May 23, 2002

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DAMAGE AND VANDALISM

The Board of Education believes that pupils should respect property and take pride in the schools of this District. Whenever a pupil has been found to have done willful and malicious damage to property of the Board, the principal of the school shall notify the Superintendent. The Board will hold the pupil or his/her parents liable for the damage caused. The Board may offer a reward leading to the identification of persons vandalizing school property.

Should the police authorities report the names of any person or persons found responsible for damage to any property of the Board during the hours school is not in session, the building administrator shall file, on behalf of the Board, a formal complaint against such person or persons unless such complaint shall have already been filed by the police authorities. The Board, where evidence indicates, will prosecute to the full extent of the law in seeking restitution in payment of services for such damages.

The Superintendent shall promulgate rules to carry out this policy and to protect textbooks, school supplies and school facilities from undue wear, damage, or loss.

Reviewed: 1/24/18

Reviewed: 5/26/11

Revised: 5/23/02

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MAINE-ENDWELL CENTRAL SCHOOL DISTRICT POLICY 7710
PROPERTY

USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT

The Board of Education recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment. After having carefully considered and balanced the rights of privacy with the District's duty to promote discipline, health, welfare and safety of staff and students, as well as that of the general public who has occasion to use school facilities, the Board supports the use of surveillance cameras when necessary in its schools, its buses and/or on school grounds. District surveillance cameras will only be utilized in public areas where there is no "reasonable expectation of privacy."

To further the Board's objective, the School District's District-wide Safety Team shall meet as appropriate and/or deemed necessary to develop, implement and review District and building level safety practices. The Team shall also make recommendations to the Superintendent regarding the implementation and use of surveillance cameras as authorized by the Board of Education. The Superintendent shall retain final decision-making authority regarding the recommendations of the Safety Team; and he/she shall notify the Board as to the procedures to be implemented with regard to the use of surveillance cameras by the School District.

In determining the most appropriate use and implementation of surveillance cameras in the schools, school buses and/or on school grounds, the District-wide Safety Team's recommendation will be guided by, at a minimum, the following considerations:

- a) Demonstrated need for the device at designated locations;
- b) Appropriateness and effectiveness of proposed protocol;
- c) The use of additional, less intrusive, means to further address the issue of school safety (e.g., restricted access to buildings, use of pass cards or identification badges, increased lighting, alarms);
- d) Right to privacy and other legal considerations (which should be referred to the School Attorney for review and compliance with applicable laws and regulations); and
- e) Expense involved to install and maintain the use of surveillance cameras at designated locations, including school buses and/or on school grounds.

Any camera recording used for surveillance purposes in school buildings, school buses and/or on school property, shall be the sole property of the District; and the Superintendent or his/her designee will be the custodian of such recordings. All camera surveillance recordings will be stored in their original form and secured to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations.

Requests for viewing a camera surveillance recording must be made in writing to the Superintendent or his/her designee and, if the request is granted, such viewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's camera surveillance recording be duplicated and/or removed from District premises unless in accordance with a court order and/or subpoena.

Signage/Notification Regarding Use of Surveillance Cameras in School Buildings, School Buses and/or on School Grounds

Appropriate signage will be posted at entrances to the school campus and/or at major entrances into school buildings notifying students, staff and the general public of the District's use of surveillance cameras.

Students and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras in the schools, school buses and/or on school grounds. Such notification may include, but is not limited to, publication in the District calendar, employee handbook, and student handbook. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

Reviewed: 1/24/18

Adopted: 3/10/11

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