

WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT
252 Chestnut Street
West Hempstead, NY 11552

BOARD OF EDUCATION AGENDA
Policy Meeting
February 7, 2012

Chestnut Street Board Room – 7:30 p.m.

A. Convene

B. Pledge of Allegiance

C. Policy Matters

- 1-82 Proposed Policy – Volunteers with Administrative Regulations**
- 1-143 Existing Policy - 5138 – Student Records – Students with Disabilities**
- 1-205 Existing Policy - 4355 – Sexual Harassment of Staff & Existing Policy
5160 – Sexual Harassment of Students**
- 1-206 Existing Policy – 4356 – Conditional Appointments – Student Safety**
- 1-207 Existing Policy – 4360 – Family and Medical Leave Act**
- 1-208 Existing Policy - 5122 – Comprehensive District Program and
Procedures for the Prevention of Alcohol & Substance Abuse**
- 1-209 Existing Policy - 5151 – Wellness**
- 1-210 Existing Policy - 5160 – Sexual Harassment of Students**
- 1-211 Existing Policy - 5161 – Dignity of Students – Student Bullying
Prevention and Intervention**
- 1-212 Existing Policy - 5170 – Internet Acceptable Use**
- 1-213 Existing Policy - 8341 – Procedure to be Followed by the Board
Secretary to Keep Track of Board Business**
- 1-214 Existing Policy - 8345 – School Board Use of Electronic Mail**
- 1-215 Existing Policy - 9347 – Special Meetings**

- 1-216 **Existing Policy - 9348** – Executive Sessions
- 1-217 **Existing Policy - 9351** – Annual Election and Budget Vote
- 1-218 **Existing Policy - 9410** – Signing of Checks
- 1-219 **Existing Policy - 9510** – School Board Election
- 1-220 **Proposed Policy** – Intangible Assets – to be added onto Policy 3445 - Capitalization
- 1-221 **Proposed Policy** – Homeless
- 1-229 **Existing Policy - 9340** – Regular Meetings

- D. **Consideration of policy items for future meetings**

- E. **Adjournment**

School Volunteers

The Board of Education recognizes that the use of volunteers strengthens school/community relations through positive participation, builds an understanding of school programs among interested citizens, and can assist District employees in providing more individualized and enriched opportunities in instruction. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the District.

Volunteers may be involved in many facets of school operations, from mentor/tutor relationships to clerical tasks. Volunteers shall not be used to provide transportation for school-sponsored activities.

No volunteer shall be permitted to have unsupervised direct contact with students.

School personnel who are responsible for tasks or projects that involve the use of volunteers shall identify appropriate tasks and time schedules for such volunteer activities, **and shall** make provisions for adequate supervision and evaluation **of such volunteers**.

Persons wishing to volunteer must contact the Superintendent or Building Principal or other individual designated by the Superintendent or Building Principal and must complete a volunteer application form. The application form shall require the volunteer applicant to disclose any criminal convictions. The application form shall also require the applicant to identify two non-family member personal references. The Superintendent, Building Principal **or their designee** shall be responsible for ensuring that both references are contacted before the volunteer begins rendering volunteer services to verify that the individual is of good moral character. **If the Superintendent, Building Principal or their designee is unable to reach both references listed by the volunteer applicant or is unable to verify that the individual is of good moral character, then such individual shall not be permitted to volunteer for the District.**

The District shall retain a complete record of all information obtained through the application process for the same period of time it retains information regarding District employees.

All volunteers are required to act in accordance with District policies, regulations and school rules. Any staff member who supervises volunteers may ask any volunteer who violates District policies, regulations or school rules to leave school grounds.

Each Building Principal shall be responsible for maintaining a current and complete list of all active volunteers and their assignments.

Adoption :

Volunteer Administrative Regulations

All volunteer positions in the West Hempstead UFSD will be posted and sent to those community organizations, which may have interested individuals.

To apply for a volunteer position with the District, prospective volunteers must meet the following requirements:

1. Volunteers must provide the District with a letter of interest and background information regarding their qualifications for the position posted;
2. Volunteers must provide at least three (3) professional and/or personal references, which will be checked by the supervising administrator;
3. As a condition of employment, volunteers must submit to fingerprinting and a criminal background check. The District will arrange such fingerprinting and background check and will incur the costs associated with such checks;
4. Volunteers will submit to an interview by the supervising administrator and any teacher, coach or moderator who may be working with the volunteer.

Volunteers will be selected at the sole discretion of the District based upon their individual qualifications.

After a volunteer has been selected for a position at the District:

1. Volunteers are required to commit to a work schedule agreed upon with their supervising administrator;
2. Volunteers shall always work under the direct supervision of an administrator, teacher, coach or moderator;
3. Volunteers serve at the sole discretion of the District and supervising administrator. Accordingly, volunteer positions may be terminated at any time at the sole discretion of the District;

The District reserves the right to amend these regulations at any time with or without notice to prospective volunteers and/or selected volunteers.

Adopted:

WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT
252 CHESTNUT STREET
WEST HEMPSTEAD, NEW YORK 11552

APPLICATION FOR DISTRICT VOLUNTEERS

Date:

NAME (PLEASE PRINT):

ADDRESS:

(Number, Street)

(City, State, Zip Code)

TELEPHONE: _____ SOCIAL SECURITY _____ - _____ - _____

I do hereby pledge and declare that I will support the Constitution of the United States and the Constitution of the State of New York and I will faithfully discharge the duties of the position of Volunteer to the best of my ability.

Signature _____

| Education | Name of School | Location | No. of Years | Course | Date of Graduation |
|--------------------|-----------------------|-----------------|---------------------|---------------|---------------------------|
| Elementary | | | | | |
| High School | | | | | |
| College | | | | | |
| Business | | | | | |
| Other | | | | | |

The West Hempstead Union Free School District does not discriminate on the basis of race, religion, national origin, sex or handicap in its educational programs or employment practices. The district administrator assigned to ensure our compliance for Title IX and Section 504 regulations is John J. Hogan. He may be contacted in writing at 252 Chestnut Street, West Hempstead, NY 11552, or by telephone at (516) 390-3107.

PREVIOUS EMPLOYMENT
(Start with present or last employment)

| Employer (Name and Address) | Position and Duties | Reason for Leaving | Dates (from- to) | Supervisors Name and Telephone Number | Salary |
|--------------------------------|------------------------|-----------------------|---------------------|--|--------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

**PERSONAL REFERENCES - Two (2) non- family member references are
 required.**

| Name | Address | Telephone No. |
|------|---------|---------------|
| | | |
| | | |

Have you ever been convicted of a crime? NO _____ YES

If so, please explain:

I have truthfully and accurately completed this application.

Signature

Date

DO NOT WRITE BELOW THIS LINE

Comments _____

—
Interviewed by

_____ Date _____

Department _____ Hours _____ Replacing _____

—
Date

Employed _____ Salary _____ Grade _____ Step _____ Building _____

Students Records – Students with Disabilities

C. A. Data Collection

1. The Board of Education shall maintain an informational list of all disabled children residing in the District. The information shall include:
 - a. Pupil's name, address and birth date
 - b. Pupil's parents' or guardians' names and addresses
 - c. Pupil's **disabling** condition
 - d. Pupil's educational placement

This record will be filed in the District's office for the Committee on Special Education.

2. At any meeting of the Board of Education, permitting public attendance, wherein discussion and/or action involves the resolution of **disabling** and/or special education recommendations, no reference shall be made that will reveal the identity of the child under consideration.
3. All records relating to a child's **disabling** condition and/or special education services, shall be maintained and stored in locked files in the District's office for the Committee on Special Education. Copies of such records may be maintained by each special education teacher assigned to provide services for a **disabled** child.
4. All pertinent information stored in **disabled** pupils' folders and all data referring to the pupils' **disabling** conditions and special education services shall be identified as "CONFIDENTIAL INFORMATION."

D. B. Access Rights

1. **Access to a student's educational records without parental or eligible student consent shall be limited to:**
 - **Those school officials and personnel with a legitimate educational interest in the records.**
 - **A contractor, consultant, volunteer or other party acting as an agent of the District or to whom the District has outsourced a service or function with a legitimate educational interest in the**

records provided the conditions listed in §99.31(a)(1)(i)(B)(1) – (a)(1)(i)(B)(2) Family Educational Rights and Privacy Act (“FERPA”) regulations are met.

- **To officials of another school in which a student seeks or intends to enroll or where the student is already enrolled provided the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of §99.34 of the FERPA regulations.**
- **To authorized representatives of the U.S. Department of Education, the Comptroller General and state and local educational authorities. Disclosures under this provision may be made, subject to the requirements of §99.35 of the FERPA regulations in connection with an audit or evaluation of federal or state-supported education programs, or the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of personally indefinable student information to outside entities designated by them as their authorized representatives to conduct any audit, evaluation or enforcement or compliance activity on their behalf. (See FERPA regulations at §§ 99.31(a)(3) and 99.35.)**
- **In connection with a student’s request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.**
- **To organizations conducting certain studies pursuant to a written agreement, for or on behalf of the District in order to: (a) develop, validate or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. The written agreement, among other things, shall specify and contain:**
 - a. **the purpose, scope and duration of the study;**
 - b. **that education records’ information may only be used for the study’s purpose;**
 - c. **the information cannot be re-disclosed in a manner, which would allow identification of the parents or students;**
 - d. **require the destruction or return of all personally identifiable information; and**
 - e. **the time period for the destruction or return of the information.**

- **To accrediting organizations to carry out their functions.**
 - **To parents of an eligible student who claim the student as a dependent for income tax purposes.**
 - **To comply with a judicial order or lawfully issued subpoena. Before compliance, the District will make a reasonable effort to notify the parent or eligible student of the order or subpoena unless it is a federal grand jury subpoena or a subpoena issued for law enforcement purposes and the court has ordered the contents not to be disclosed or it is an ex parte order obtained by the U.S. Attorney General for certain purposes.**
 - **To appropriate parties, including parents, in a health or safety emergency, subject to §99.36 of the FERPA regulations.**
 - **To a third party if the disclosure is information the Board of Education has designated as "Directory Information," except that such disclosure shall not be made in a manner to identify a student as a student with a disability.**
 - **The disclosure is to the parent of a student or to the student who has reached age 18 or is attending a post-secondary school.**
 - **The disclosure is about a student who is required to register as a sex offender in the state.**
 - **In addition, education records may be released without consent if all personally identifiable information has been removed. Information removed shall include other information that alone, or in combinations, is linked or linkable to a specific student and which would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.**
2. All other persons wishing access to a **disabled** pupil's records must submit a written request to the Chairperson, Committee on Special Education, and such requests must be accompanied by written consent from the parent of the disabled child.
 3. Requests for duplicates or copies of a **disabled** pupil's records by other than authorized school personnel, must be accompanied by a District office "Request for Copies of Pupil Records", payment of the required fee, and a written consent from the parent of the child.

4. The Chairperson of the Committee on Special Education will maintain a list of District personnel who have authorized access to records of **disabled** children and said list will be on file in the District's office for the Committee on Special Education. Copies of the list of such authorized personnel are available to parents of **disabled** children upon request.
 5. An Access Log will be maintained in the District's office for the Committee on Special Education. The names of all authorized persons reviewing a **disabled** pupil's records will be entered into the Access Log. The Access Log will require the following information:
 - a. Name of **disabled** child
 - b. Name and title of the reviewer
 - c. Date of the review
 - d. Purpose of the review
 - e. Identification of any information that was abstracted and/or copied from the records.
 6. **Parents of a disabled child are guaranteed access to their child's records, and, upon request will be granted an opportunity to review the records within a reasonable time, but in no case: (1) more than forty-five (45) calendar days from the District's receipt of a written request, (2) prior to any Committee on Special Education meetings; and/or (3) prior to any due process hearing about the student's special education needs. Copies of any information contained in the file will be provided at a reasonable cost provided that the parent shall not be denied access to records if they are unable to afford the copying fee and cannot otherwise review the records.**
 7. Parents of a **disabled** child wishing to review their child's records must do so in the presence of the chairperson, building principal, and/or the school psychologist. Such parents may question the contents of their child's folder and may request an explanation of the data and its purpose for inclusion.
 8. A **disabled** child 18 years or older is guaranteed access to his/her individual file.
- E. C. Amendment of Records**
1. Any parent of a **disabled** child who believes that the information collected in the pupil's file is inaccurate or misleading or violates the privacy or other rights of the child, may request an amendment and/or a deletion of the information.

2. If the school administration refuses the request to amend and/or to delete any records, the parent will be informed of the refusal and be advised of their right to a hearing.
- F. D. Destruction of Information**
1. Records relevant to a child's **disabling** condition and/or special education will be destroyed **six (6) years after student graduates/would normally have graduated from high school or six (6) years after student attains age 21, whichever is shorter.**
 2. **The District shall inform parents when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child. The parents may request destruction of such records at that time.**

Board policy 5158 entitled, "Confidentiality of Student Records – Access and Challenge" shall apply to the records of students with disabilities.

Sexual Harassment of Staff

The West Hempstead Board of Education is committed to safeguarding the right of all employees within the school district to a work environment that is free from all forms of sexual harassment. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.

Any employee who believes that she/he has been subjected to sexual harassment should report the alleged misconduct immediately, in accordance with regulations set forth by the Superintendent of Schools, so that appropriate corrective action may be taken at once. In the absence of a victim's complaint, the Board, on learning of, or having reason to suspect, the occurrence of any sexual harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

Adopted 11/22/94

NYSSBA Sample Policy 0110
Possible District Policy 4355 and 5160

SEXUAL HARASSMENT

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

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature (see regulation 0110-R for examples). Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes (see regulation 0110-R for examples). Sexual or gender-based harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Because sexual harassment can occur staff to student, staff to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee.

NYSSBA Sample Policy 0110

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

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state law.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.

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

This policy shall be posted in a prominent place in each district facility, on the district's website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

A committee of administrators, teachers, parents, students and the school attorney shall be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*
Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncala v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

NYSSBA Sample Policy 0110

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Office for Civil Rights Revised Sexual Harassment Guidance (January 19, 2001)
Office for Civil Rights, Dear Colleague Letter: Sexual Harassment Issues (2006)
Office for Civil Rights, Dear Colleague Letter: Bullying (October 26, 2010)

Adoption date:

SEXUAL HARASSMENT REGULATION

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment on the basis of sex, gender and/or sexual orientation in furtherance of the district's commitment to provide a healthy and productive environment for all students and employees that promotes respect, dignity and equality.

Sexual Harassment Defined

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature.

"Gender-based harassment" means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression.

Sexual or gender-based harassment occurs when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

Unacceptable Conduct

School-related conduct that the district considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;

NYSSBA Sample Regulation 0110-R

3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. any ~~other~~ unwelcome ~~gender or sexually orientated based~~ behavior based on sexual stereotypes and attitudes that is offensive, degrading, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
 - b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
 - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive. In addition, in the remainder of this regulation, the term sexual harassment will refer to both sexual and gender-based harassment.

G. Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

Reporting Complaints

Any person who believes he or she has been the target of sexual harassment by a student, district employee or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

NYSSBA Sample Regulation 0110-R

Complaints should be filed with the **Principal or the Title IX coordinator**.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the **Principal and/or the Title IX coordinator**.

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

Confidentiality

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

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

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

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the **Principal or the Title IX coordinator** should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than three working days following receipt of a complaint, the **Principal or Title IX coordinator** should begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action he/she wants taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with or retaliates against the target, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.

NYSSBA Sample Regulation 0110-R

6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
8. Parent/Student/Employee Involvement and Notification
 - a. Parents of student targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
 - c. If either the target or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
 - d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
 - e. The investigator shall report back to both the target and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
 - f. The investigator shall notify the target that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

NYSSBA Sample Regulation 0110-R

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the **Principal or the Title IX Coordinator** contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the **Principal or the Title IX coordinator** has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

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

B. District-level Procedure

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a **Principal or Title IX coordinator**, as well as those appealed to the Superintendent following an initial investigation by a **Principal or Title IX coordinator**. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a district investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

NYSSBA Sample Regulation 0110-R

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

The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

Retaliation Prohibited

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

Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

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

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

NYSSBA Sample Regulation 0110-R

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

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

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Training

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.

All new employees shall receive information about this policy and regulation at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

Adoption date:

Conditional Appointments – Student Safety

The Board shall have the authority to direct the conditional appointment or emergency conditional appointment as permitted by Section 1709 of the New York Education Law.

No District employee who holds a conditional or emergency conditional appointment shall be in contact with students other than to provide the specific instruction or other services for which the employee was hired, except as deemed appropriate by the Building Principal.

No District employee who holds a conditional or emergency conditional appointment shall teach a class or provide services to students with his/her classroom or office door closed unless accompanied by another teacher or administrator who has been unconditionally appointed, or the Building Principal has provided express prior permission to do otherwise. Such permission may be appropriate, for example, during music class, band practice or testing procedures.

The Building Principal or his/her designee shall (at least once a week) monitor the activities of such employees while on school district property during the period of their conditional or emergency conditional appointment. Monitoring may consist of unannounced visits to classrooms, walking the hallways, and/or any other activities the Principal determines to be appropriate.

In addition, the District will ensure that all conditional and emergency conditional appointed employees become aware of their responsibility for reporting any suspected child abuse or neglect in the educational setting at the commencement of their appointment.

Failure to comply with policy will result in appropriate disciplinary action, which may include termination from service.

For purposes of this policy, the terms “conditional appointment” and “emergency conditional appointment” shall refer to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Reference: Education Law §1709

Adopted 10/16/01

Family and Medical Leave Act

Consistent with the Family and Medical Leave Act of 1993, the West Hempstead Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) weeks during a twelve (12) month period. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued during the leave, shall not have any previously accrued benefits altered, and shall be returned to an equivalent position according to established Board practices, policies and **applicable** collective bargaining agreements.

To be eligible for family or medical leave, an employee must have been employed for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) months preceding a leave request. Family leave shall be provided any eligible employee, regardless of gender, when a child is born to the employee, or when one is either placed with the employee for adoption or foster care. Medical leave shall be granted to any eligible employee, regardless of gender, in order for the employee to take care of a spouse, child or parent who has a serious health condition, or when the employee has a serious health condition rendering him/her unable to perform the functions of **his/her** job. The Board designates the “twelve (12) month period” in which the twelve (12) weeks of leave entitlement occurs as a rolling period measured backward from the date an employee uses leave under this Policy.

Any eligible employee taking a family or medical leave under this Policy shall be required to use accrued paid vacation, personal, family or sick leave for purposes of either a medical or family leave. The accrual of seniority and the maintenance of any benefits shall remain in effect during the course of this medical or family leave, provided that this leave does not exceed twelve (12) weeks in a year, and provided that the employee returns from the leave, unless such failure to return is a result of the continuation, recurrence or onset of a serious health condition, or is due to circumstances beyond the control of the employee. **(No seniority will be provided for any employee who does not return from a family or medical leave. TO BE DELETED). Whether such circumstances are beyond the control of the employee shall be determined by the District in its sole discretion.** The District may seek to recoup the costs of health insurance premiums for the time of the leave from such an employee.

The employee, on a form designated by the West Hempstead Board of Education, shall notify the District for his/her request for a leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District shall require certification from a health-care provider if medical leave is requested.

When an employee returns following a medical leave, he or she, at the discretion of the Superintendent of Schools or the Superintendent's designee, shall be returned to either the same or an equivalent position. The determination of such an assignment will be made in a manner consistent with the educational needs of the District and in a manner consistent with law, the employee's certification and tenure areas, and any applicable collective bargaining agreement.

The Board of Education directs the Superintendent of Schools to develop and implement regulations governing the implementation of this Policy.

The District shall post a notice prepared or approved by the Secretary of Labor, stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Ref: Family and Medical Leave Act of 1993, Public Law 103-3

Drug-Free Workplace and Comprehensive District Program and Procedures for the Prevention of Alcohol & Substance Abuse

I Philosophy

The West Hempstead Union Free School District will not condone the illegal sale, use, or possession of an illegal substance. The use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. Further, the unlawful possession, use or distribution of illicit drugs and alcohol on school premises, or as a part of any of its activities, is prohibited.

Therefore, in accordance with the Drug Free Workplace Act of 1988 and the No Child Left Behind Act, Title IV, 2001, **the Board of Education affirms that the District shall abide by the requirements of the Drug Free Workplace Act and establish workplaces that are free of controlled substances.**

“Controlled substance” means a controlled substance in schedules I through V of Section 21 of the United States code Section 812 and as further defined in Part 1308 of title 21 of Code of Federal Regulations.

“Workplace” is defined as a school building or other school premises; any school-owned vehicle or other school-approved vehicles used to transport students to and from school or school activities; the location of 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 District.

In addition, the Board of Education recognizes its responsibility to provide age-appropriate, developmentally based drug and alcohol education and prevention programs for all students in all grade levels, as well as appropriate instruction for employees. Within the framework of existing staff, the Board of Education further recognizes its responsibility to provide assistance to pupils with substance abuse-related problems. Information about drug and alcohol counseling, rehabilitation and "re-entry programs" is and will be available to students and employees through consultation with the school medical officer, guidance counselors, social workers, nurses, health education teachers, and other district personnel.

II. Rules

No person may use, possess, sell, or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school sponsored events, except drugs prescribed by a physician. The terms "alcohol and other substances" shall be construed throughout this policy to refer to the use of all substances including, but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any of those substances commonly referred to as "designer drugs." The inappropriate use of prescription and over-the-counter drugs shall also be prohibited. See Policy 2460 regarding smoking.

Additionally, the following persons shall be prohibited from entering school grounds or school sponsored events: Any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol or other substances.

III. Prevention

The intent of primary prevention programming is to prevent or delay the onset of alcohol, tobacco, and other substance use by students. The components of this programming shall include:

1. A sequential K-12 prevention curriculum that provides for:

Accurate and age appropriate information about alcohol, tobacco, and other substances, including the physical, psychological, and social consequences of their use/abuse.

Information about the relationship of alcohol and other substance use/abuse to health-compromising issues such as AIDS, teenage pregnancy, eating disorders, child abuse, suicide, and dropping out of school.

Helping students develop appropriate life skills to resist the use of alcohol and other substances and to promote healthy life styles.

Helping students identify personal risk factors for alcohol and other substance use/abuse and the steps needed for risk reduction.

Helping students develop positive self concepts.

Helping students identify when they are under stress and how to manage or reduce stress through non-chemical means.

2. Training school staff, parents and guardians to use the information and skills necessary to reinforce the components of this policy in the home, school and community.
3. Positive alternatives to alcohol and other substance use/abuse, such peer leadership programs, service projects, and recreational and extra-curricular activities.

IV. Intervention

The intent of intervention programming is to eliminate any existing use/abuse of alcohol and other substances and to identify and provide supportive services to kindergarten through 12th grade students at high risk for such use/abuse. The components of such programming shall include:

1. Providing alcohol and other substance use/abuse assessment and counseling services for students.
2. Developing a referral process between district schools and community providers.
3. Identifying and referring students to appropriate agencies when their use/abuse of alcohol and/or other substances requires counseling and/or treatment.
4. Making available services to students in or returning from treatment to assure that the school environment supports the process of recovery initiated in the treatment program.
5. Educating parents on when and how to access the district's intervention services.
6. Confidentiality.

V. Disciplinary Measures/Sanctions

When it becomes apparent to a staff member that a student is involved with substance abuse, the staff member will inform the building principal, or in the case of district-wide staff, his/her administrative supervisor.

A student who volunteers information about himself/herself as it relates to using, selling, possessing or being under the influence of illegal substances, will be referred immediately to a building resource team member under the direction of the building principal. Such a team member will explore all resources available to assist this student. Every effort will be made to insure that confidentiality is maintained, in that such information shall not be made public and shall not become part of the student's permanent record. Parents of the student will be involved in the process of assisting him/her within 48 hours after he/she has volunteered the information about himself/herself unless otherwise directed by the Superintendent of Schools or his/her designee, but in every case, prior to the prescription of any action by any agency or agencies outside the school system.

A student who is apprehended on school district property selling, possessing or using illegal substances will be suspended in accordance with district policy and applicable laws. The principal will notify the parents/guardians, inform the Superintendent of Schools, or his/her designee, and will contact the appropriate legal agencies. A program of therapeutic action will be recommended. An employee who is apprehended on school district property selling, possessing or using illegal substance will be disciplined in accordance with applicable laws.

A school sponsored/sanctioned trip shall be considered as school property for the purpose of implementation of this policy.

VI. Staff Development

The Board recognizes that if the administrative, instructional, and non-instructional staff are to be responsible for understanding, implementing and administering this policy, they must be trained about the components of an effective alcohol and other substance prevention program. Staff training will be an on-going process including:

District provided in-service training, university course work, Superintendent's conference day instruction, special conference attendance, and other similar activities as approved by the Superintendent of Schools.

VII. Employee Assistance

Employees of the district will be made aware of community counseling and rehabilitation resources available for individuals with alcohol or illicit drug dependency problems.

VIII. Dissemination of Information

Information contained within this policy shall be made available for students, parents and district employees. These groups will be informed that compliance with the standards contained herein is mandatory.

IX. Program Review/Monitoring

Continued monitoring and total program review (each year) will be conducted by the Superintendent of Schools. Consistency in enforcement of required program sanctions will be evaluated. Where needed, program changes will be made.

Wellness

The West Hempstead School District is committed to providing a school environment that promotes and protects children's health, well-being and the ability to learn by supporting healthy eating and physical activity. Pursuant to §204 of the Child Nutrition and Women, Infants and Children Reauthorization Act of 2004, the District establishes the following Wellness Policy to enhance the learning and development of lifelong wellness practices.

Areas:

Nutrition Education

Nutrition education is defined as "any set of learning experiences designated to facilitate the voluntary adoption of eating and other nutrition related behaviors conducive to health and well being."

Physical Activity

The primary goal for the District's physical activity component is to provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity and understand the short and long-term benefits of a physically active and healthy lifestyle.

Other School Based Activities

It shall be the District's goal to create a school environment that provides consistent wellness messages and that is conducive to healthy eating and being physically active.

Nutrition Standards

Students' lifelong eating habits are greatly influenced by the types of foods and beverages available in their daily environment.

The School District will engage students, parents, teachers, food service professionals, health professionals and other members of the community in developing, implementing, monitoring and reviewing district-wide nutrition and physical activity policies annually. The Superintendent/Designee shall be charged with the responsibility of ensuring that the District meets the goals of this policy and that individuals shall report on the School District's compliance to the

Superintendent. The designee shall maintain Wellness Policy Guidelines consistent with §204 of the Child Nutrition and Women, Infants and Children Reauthorization Act of 2004. A copy of the guidelines will be available in the Office of the District Clerk.

The Superintendent or designee will develop a summary report every three years on district-wide compliance with the District's Wellness Policy.

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Nutrition Education Goals

- Students in grades K-12 shall receive nutrition education that is interactive and teaches the skills they need to adopt healthy eating behaviors and provide them with the knowledge and skills to promote and protect their health;
- Nutrition education shall be offered in the school cafeteria as well as in the classroom, with coordination between food service staff and teachers;
- Students shall receive consistent nutrition messages throughout the schools, classrooms, cafeterias, homes, community and media and school-based marketing will be consistent with nutrition education and health promotion;
- The School District shall provide information to families that encourage them to teach their children about health and nutrition and to provide nutritious meals;
- District health education curriculum standards and guidelines shall include both nutrition and physical education;
- Nutrition educational activities shall be integrated into the health education or core curricula;
- Staff who provides nutrition education shall have appropriate training and shall participate regularly in professional development activities to effectively deliver an accurate nutrition education program;
- Students shall have access to a variety of affordable, nutritious and appealing good choices that meet their health and nutrition needs and which accommodate the religious ethnic and cultural diversity of the student body;
- Students shall be encouraged to start each day with a healthy breakfast;
- Fruits, vegetables, whole grain products, low-fat dairy products, healthy food preparation methods and health enhancing nutrition practices shall be promoted;
- Caloric balance between food intake and energy expenditure (physical activity/exercise) shall be emphasized;

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- The District's guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidelines of Child Nutrition programs.

Physical Activity Goals

- Students shall be given opportunities for physical activity during the school day through physical education class, daily recess periods for elementary school students and through the integration of physical activity into the academic curriculum;
- Whenever possible, students shall be given opportunities for physical activity through a range of programs including, but not limited to, intramural, interscholastic athletics and physical clubs.
- Schools shall work with the community to create ways for students to walk or bike safely to and from school;
- Schools shall encourage parents to support their children's participation in physical activity; to be physically active role models and to include physical activity in family events;
- Schools shall provide training to enable teachers and other school staff to promote enjoyable lifelong physical activity among students;
- Teachers and other school staff may not use physical activity (e.g., running laps or pushups) or withhold opportunities for physical activity (e.g., recess, physical education) as punishment.

Other School Based Activities Goals

- There shall be a clean, safe, enjoyable meal environment for all students with adequate time to enjoy eating healthy foods with their friends;
- There shall be enough space and serving areas to ensure all students have access to school meals with minimum wait time;
- Lunch time shall be scheduled as near the middle of the school day as possible;

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- Drinking fountains shall be available in all schools so that students can get water at meals and throughout the day;
- All students are encouraged to participate in school meals programs and the identity of students who eat free and reduced meals will be protected;
- Food and beverage marketing activities shall be consistent with and reinforce the objectives of the education and nutrition environment goals of the District;
- The District shall ensure that all fundraising efforts and school events such as field trips, dances and assemblies in the schools are supportive of healthy eating, healthy food choices and physical activity;
- Efforts, where possible, will be made to keep school or district-owned physical activity facilities open for use by students outside school hours.

Establishing Nutrition Standards

- Nutrition standards shall focus on maximizing nutritional value by decreasing fat and added sugars, and moderating portion size;
- Many of the food and beverages made available (including vending machines, a la carte, fundraising, concession stands, student stores and school parties/celebrations) during the school day shall be consistent with the current USDA Dietary Guidelines for Americans;
- Food providers shall offer a variety of age appropriate healthy food and beverage selections for elementary schools, middle schools and high schools;
- All foods made available shall adhere to food safety and security guidelines;
- Nutrition information for products offered in snack bars, a la carte, vending and school stores may be available on packaging;
- Classroom snacks shall feature healthy choices and a list of such healthy choices shall be disseminated to teachers and parents;
- Unless otherwise stated in a behavior plan, staff shall not use foods or beverages as rewards for academic performance or good behavior and shall not withhold food or beverages as a punishment;

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- Students shall be discouraged from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on children's diets;
- Families, teachers, students and school officials shall be involved in selecting food selections for their schools in order to identify new, healthful and appealing food choices;
- The District shall make decisions on these guidelines based on nutrition goals, not on profit.

Adopted 6/20/06

Wellness

Given the documented connection between proper nutrition, adequate physical activity and educational success, the Board of Education adopts the following goals and authorizes the following actions to provide District students with a school environment that promotes student health and wellness and reduces childhood obesity.

1. **Foods and Beverages Available in School**

The Board recognizes that a nutritious, well-balanced, reasonably portioned diet is essential for student wellness. To help students possess the knowledge and skills necessary to make nutritious food choices for a lifetime, the District shall ensure that all foods and beverages available in school promote good nutrition, balance and reasonable portion sizes. The District shall ensure that reimbursable school meals meet or exceed the program requirements and nutrition standards found in federal regulations.

To accomplish this, the Board directs that the District serve healthy and appealing foods and beverages at District schools, following state and federal nutrition guidelines, as well as safe food preparation methods.

School Meals

1. *Promote fresh fruits, vegetables, salads, whole grains and low fat items*
2. *Encourage students to try new or unfamiliar items*
3. *Make efforts to ensure that families are aware of need-based programs for free or reduced-price meals and encourage eligible families to apply*
4. *Consider serving produce and food from local farms and suppliers*
5. **Make free drinking water available at locations where meals are served.**

Meal Scheduling

1. *Provide adequate time to eat*
2. *Schedule lunchtime between normal lunch hours (11 a.m. - 1 p.m.)*

Foods and Beverages Sold Individually (a la carte and vending)

1. *Promote items that are healthy, fresh, natural and less processed*
2. *Discourage items high in sugar, fat, and that are highly processed*
3. *Work with existing vendors or locate new vendors that will comply with the District's objectives.*

Fund Raising Activities

1. *Promote healthy food items or non-food items to sell, or activities (physical or otherwise) to do*
2. *Discourage sales of candy and other “junk food.”*

Celebrations

1. *Set guidelines for the frequency and content of classroom and school-wide celebrations where food is served*
2. *Increase healthy food items or non-food activities, and reduce “junk food” and/or less-healthy food, at celebrations*
3. *Model the healthy use of food as a natural part of celebrations.*

2.. **Physical Activity**

Physical activity is an important factor in staying healthy and being ready to learn. The Board encourages every student to develop the knowledge and skills necessary to perform a variety of physical activities, to regularly participate in physical activity and to appreciate and enjoy physical activity as an ongoing part of a healthy lifestyle. In addition, staff, families and community are encouraged to participate in and model physical activity as a valuable part of daily life. The District’s Physical Education program shall adhere to the curricular requirements of the Commissioner of Education and the New York State Learning Standards.

Physical Education

1. *Students shall engage in physical education for at least the minimum number of hours or days per week under State requirements*
2. *Physical Education classes shall incorporate the appropriate NYS Learning Standards*
3. *Promote, teach and provide opportunities to practice activities that students enjoy and can pursue throughout their lives (e.g., yoga, fitness walking, step aerobics)*
4. *The performance of physical activity shall not be used as a form of discipline or punishment.*

Recess

1. *Maintain daily allotment of recess time for elementary school*
2. *Recess shall not used for punishment or reward*
3. *Consider scheduling recess before lunch*
4. *If the District is under severe time or space constraints, consider combining recess and Physical Education, though such activity must comply with the requirements for Physical Education under Commissioner’s Regulations section 135.4.*

Physical Activity in the Classroom

1. *Promote the integration of physical activity in the classroom*
2. *If the District is under severe time or space constraints, consider meeting the state requirements for Physical Education through collaborative and integrative in-classroom activity, under the supervision of a Physical Education teacher.*

Extracurricular Opportunities for Physical Activity

1. *Promote clubs and activities that meet the various physical activity needs, interests, and abilities of all students (e.g., walking, hiking and climbing, snowshoeing).*

3. **Nutrition Promotion and Education**

The Board believes that nutrition **promotion and** education is a key component in introducing and reinforcing healthy behaviors in students. Nutrition **promotion and** education that teaches the knowledge, skills and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition **promotion and** education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Staff members who provide nutrition **promotion and** education shall be appropriately certified and trained. The District's broader Health Education program shall incorporate the appropriate New York State Learning Standards.

1. *Include nutrition education as part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences and elective subjects*
2. *Include enjoyable, developmentally appropriate, culturally relevant, participatory activities, such as contests, promotions, taste testing, farm visits and school gardens*
3. *Promote fruits, vegetables, whole grain products, low fat dairy products, safe and healthy food preparation methods, and health enhancing nutrition practices*
4. *Emphasize caloric balance between food intake and energy expenditure*
5. *Teach media literacy with an emphasis on food marketing.*

4. **Other School-Based Activities**

The District may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity. Such activities may include, but are not limited to, health forums or fairs, health newsletters, parent outreach, employee health and wellness activities, limiting the use of food as a reward, reviewing food marketing and advertising in school, hosting or promoting community-wide events, and offering wellness-related courses in the District's adult education program.

Implementation

The Board shall designate one person as [*insert applicable title, such as District Wellness Coordinator*] to be responsible for ensuring that the provisions of this policy are carried out throughout the District. The Board may also designate one person [*insert applicable title, such as School Wellness Coordinator*] in each building to ensure that the wellness activities and actions are being implemented at the building level.

Monitoring and Review

The [*insert applicable title, such as District Wellness Coordinator*] shall report [*the Board should specify the frequency, such as biennially*] to the Board **and the public** on the implementation **and effectiveness** of this policy. Every [*insert same frequency, i.e., two years*], the [*District Wellness Coordinator*], in consultation with appropriate personnel and advisory committees, shall monitor and review the District's wellness activities to determine whether this policy is having a positive effect on increasing student wellness and decreasing childhood obesity in the District. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

Parents, students, food service professionals, physical education teachers, school health professionals, school administrators and the School Board shall participate in the development, implementation and periodic review and update of this wellness policy.

The District shall provide information to the public (including parents, students and others in the community) about the content and implementation of this wellness policy.

The District shall monitor and review the implementation and effectiveness of this policy by conducting:

1. *Periodic informal surveys of Building Principals, classroom staff and school health personnel to see the progress of wellness activities and their effects*
2. *Periodic checks of the nutritional content of food offered in the cafeterias for meals and a la carte items and sales or consumption figures for such foods*
3. *Periodic checks of the nutritional content of food available in vending machines, and sales or consumption figures for such foods*
4. *Periodic checks of the amount of time students spend in Physical Education classes, and the nature of those activities*
5. *Periodic checks of extracurricular activities of a physical nature, in the number of offerings and rates of participation by students*
6. *Periodic checks of student mastery of the nutrition education curriculum*
7. *Periodic completion of relevant portions of the CDC School Health Index*
8. *Periodic review of data currently collected by the District, including:*
 - a. *attendance data, particularly absences due to illness;*
 - b. *test scores;*
 - c. *rates of suspension, discipline, and violent incidents;*
 - c. *physical education scores on flexibility, endurance, and strength (i.e., fitness test results);*

- d. student BMI (Body Mass Index) statistics, as collected in accordance with the State Department of Health efforts; and
 - e. revenues generated from vending machines and a la carte food items.
9. Periodic surveys of student/parent opinions of cafeteria offerings and wellness efforts
10. Periodic review of professional staff development offered, which focuses on student wellness.
- 11. Use NYSSBA's Student Wellness Assessment Checklist [every two years] to review the effectiveness of this policy.**

Ref: P.L. 111-296 (The Healthy, Hunger-Free Kids Act of 2010)
P.L. 108-265 (Child Nutrition and WIC Reauthorization Act of 2004)
42 USC §§1758(f)(1); 1766(a) (Richard B. Russell National School Lunch Act)
42 USC §1779 (Child Nutrition Act)
7 CFR §210.10; 210.11 (National School Lunch Program participation requirements – standards for lunches, snacks, and competitive foods)
7 CFR §220.8 (School Breakfast Program participation requirements – nutrition standards)
8 NYCRR Part 135 (Health and Physical Education curricular requirements); §114.1 (School Breakfast Program Requirements)
Appeal of Phillips, 37 EDR 204 (1997) (dec. no. 13,843)
Appeal of Williams, 32 EDR 621 (1993) (dec. no. 12,934)

Adoption date:

Harassment, Hazing & Bullying – Revised See 5161 Dignity of Students

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity, equality and safety from verbal and physical abuse. The Board recognizes that harassment, hazing and bullying are detrimental to student learning and achievement. It interferes with the mission of the District to educate its students and disrupts the operation of the schools. Such behavior affects not only the students or employees who are its targets, but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the District.

Definitions

“Harassment” means any intentional written, verbal or electronic communication or physical act, including but not limited to, one shown to be motivated by race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability or other distinguishing characteristic when the intentional conduct or communication:

- Interferes with a student's academic performance or participation in school-sponsored activities or an employee's work performance;
- Creates an intimidating, hostile or offensive educational or work environment;
- Harms a student or employee or damages the property of a student or employee;
- Places a student or employee in reasonable fear of physical harm or damage to his/her property; or
- Has the effect of substantially disrupting the orderly operation of the school.

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

“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 organization or for any other purpose. The fact that the victim may consent to the act does not excuse the behavior or lessen the offense.

If the harassment is of a sexual nature, Policy 5160 provides additional information and clarification on the District’s responsibilities in this area.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of harassment, hazing and bullying report such behavior immediately to the Building Principal or the Assistant Superintendent. The District will promptly investigate all written complaints, formal or informal, within five (5) working days. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, District policy and state law.

All complainants and those who participate in the investigation of a complaint have the right to be free from retaliation of any kind.

The Superintendent of Schools shall maintain and implement regulations for reporting, investigating and remedying allegations of harassment, hazing and bullying. These regulations are to be attached to this policy. In addition, training programs shall be made available for students and employees to raise awareness of the issues surrounding harassment and to implement preventative measures to help reduce incidents of harassment, hazing and bullying.

This policy shall be distributed to all faculty and staff in September of each school year. It shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

Cross-ref: 0110, Sexual Harassment
5300, Code of Conduct

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

ADMINISTRATIVE REGULATIONS

Harassment, Hazing & Bullying

This regulation sets forth detailed guidelines for reporting, investigating and remediating allegations of harassment, hazing and bullying.

Unacceptable Conduct

School-related conduct that the District considers unacceptable and which may constitute harassment, hazing and bullying includes, but is not limited to, the following:

1. Verbal and/or physical threats
2. Unwanted physical contact such as intentional pushing/shoving/bumping
3. Ridicule
4. Intimidation
5. Destruction of property
6. Stalking
7. Unwanted/unwarranted comments, advances and/or suggestions of a sexual nature
8. Use of District electronic technologies to harass, bully or haze

Reporting Complaints

Any victim or person with knowledge of harassment, hazing and/or bullying by a student, District employee or third party related to the school should report the complaint to the Building Principal or the Assistant Superintendent as soon as possible after the incident so that it may be effectively investigated and resolved.

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

Confidentiality

It is District policy to respect the privacy of all parties and witnesses to complaints of harassment, hazing and/or bullying. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a thorough investigation or to take necessary action to resolve the complaint, the District retains the

right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

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

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

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a written complaint of harassment, hazing and/or bullying is received it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the Building Principal or Designee should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the harassment, hazing and/or bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than five (5) working days following receipt of a written complaint, the Building Principal or Designee should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s)
- Conducting separate interviews of the victim(s), alleged perpetrator(s) and witnesses, if any, and documenting the conversations
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately and that the individual may be subject to discipline.

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

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

- Discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- Suggesting counseling and/or sensitivity training;
- Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- Mediation;
- Requesting a letter of apology to the victim;
- Writing letters of caution or reprimand; and/or
- Separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with District policy, the applicable collective bargaining agreement or state law.

The Building Principal or the Designee shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme harassment, hazing or bullying, the complaint shall be referred promptly to the Superintendent. In addition, where the Building Principal or the Designee has a reasonable suspicion that the alleged harassment, hazing or bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation by the Building Principal or the Designee may request a District-level investigation by submitting a written complaint to the Superintendent within thirty (30) days.

B. District-level Procedure

The Superintendent shall promptly investigate and resolve all harassment, hazing and bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation by a Building Principal or Designee. In the event the complaint involves the Superintendent, the complaint shall be filed with or

referred to the Board President, who shall refer the complaint to an appropriate individual for investigation.

The District level investigation should begin as soon as possible but not later than five (5) working days following receipt of the complaint by the Superintendent or Board President.

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

If a District investigation results in a determination that harassment, hazing or bullying did occur, prompt corrective action will be taken to end the misbehavior. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

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

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

Retaliation Prohibited

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

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited harassment, hazing or bullying will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand, up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

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

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

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

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

Training

All students and employees shall be informed of this policy each September and in student and employee handbooks and student registration materials.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees who have specific responsibilities for investigating and resolving complaints of harassment, hazing and bullying shall receive training on this policy, regulation and related legal developments.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of harassment, hazing and bullying on the victim and the bystander.

Adopted: 12/16/08

Dignity of Students- Student Bullying Prevention and Intervention

The Board of Education of the West Hempstead Union Free School District is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that students' ability to learn and to meet high academic standards and a school's ability to educate its students are compromised by incidents of bullying or harassment. Such behavior affects not only the individuals who are its targets, but also those who participate in or witness such acts.

Therefore, it is the policy of the District to prohibit bullying and harassment on District property, District transportation and at school-sponsored events and functions. Acts of bullying and/or harassment are prohibited, whether they are committed directly or indirectly, in person (face-to-face), or remotely by use of electronic technology, either on school property, at a school function, on a school or charter bus, or off school property where there is a sufficient nexus to the school environment.

Definitions:

Bullying" and/or "Harassment:

1. "Bullying" and/or "harassment" mean the creation of a hostile educational environment:
 - a. by written, verbal, or physical conduct, intimidation or abuse, including such behavior conducted via electronic communication;
 - b. that has the effect of substantially interfering with a student's education or reasonably causes, or would be expected to cause, a person to fear for his or her physical safety.
2. "Bullying" and/or "harassment" can take many forms including, but not limited to: slurs, rumors, jokes, innuendo, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, verbal, physical, or electronic actions.
3. The basis for such conduct may include, but is not limited to, a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status, or familial status.
4. "Bullying" and/or "harassment" do not have to include the intent to harm, be directed at a specific target, or involve repeated incidents.

Electronic communication means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communications transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, blogs or twitter.

Reporting:

In order for the Board to effectively enforce this policy and to take prompt corrective measures when the policy is violated, it is essential that all victims and persons with knowledge of bullying, harassment or similar behavior report it immediately to District administrative staff.

The District will promptly investigate all complaints, whether informal or formal, verbal or written. Complaints will be treated confidentially to the extent possible but limited disclosure may be required to complete a thorough investigation. If, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken.

Any person having reasonable cause to suspect that a student has been subjected to bullying or harassment who, acting in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities, or otherwise participates in proceedings related to such bullying or harassment, shall have immunity from any civil liability arising from making such report or participating in the related investigation.

Retaliation for reporting incidents of bullying or harassment, or for participation in a related investigation constitutes a violation of this policy. False reports or retaliation against the alleged bully or harasser also constitutes a violation of this policy. Acts of retaliation should be reported to the Administration. The District will investigate such reports and if, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken.

Policy Implementation:

The Superintendent of Schools shall implement regulations for reporting, investigating and addressing allegations of harassment and/or discrimination.

The Board recognizes that the effective implementation of this policy requires that it be part of a District-wide educational program, which shall include elements of prevention, intervention and consequences:

Prevention will include:

1. Training for administrators and staff to increase awareness of the prevalence, causes and consequences of bullying and harassment, and sharing strategies for preventing such behavior;
2. Promoting student involvement in anti-bullying and anti-harassment efforts, peer support, mutual respect and creating a culture, which encourages students to report incidents of bullying and harassment, or similar behavior to an adult;

3. Collaborating with families and the community to inform parents about the prevalence, causes and consequences of bullying and harassment;

Intervention will include:

1. Training for school staff on how to respond appropriately to students who engage in bullying or harassing behavior, are victims of such behavior and are bystanders who report such behavior;
2. Remedial measures designed to correct the bullying or harassing behavior, prevent another occurrence and protect the victim;
3. Development of nondiscriminatory instructional and counseling methods; and
4. Thorough training of at least one staff member at every school to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status or familial status. This staff member's contact information will be included in student registration materials, student, parent, and employee handbooks, and other appropriate school publications, and will be distributed to students and staff annually at the beginning of the school year.

Consequences may include:

1. Discipline, including suspensions and loss of privileges consistent with the Student Code of Conduct and all rights under law and other applicable agreements; and
2. Recognition for positive behavior exhibited by students who take an active role in addressing prohibited behaviors.

This policy shall be posted in a prominent place in each District facility, shall also be included in the Code of Conduct in plain language, student registration materials, student, parent and employee handbooks, and other appropriate school publications, and distributed to students and staff annually at the beginning of the school year.¹ A summary of this policy shall be included as a part of the District's summary of the code of conduct.

Cross Ref: 5160 – Sexual Harassment
Code of Conduct

References: Dignity for All Students Act, Education Law §§ 10-18
Americans With Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
34 CFR 100 *et seq.*
20 U.S.C 1681 *et seq.*
Section 504, Rehabilitation Act of 1973, 29 U.S.C. §794
IDEA, 20 U.S.C. §1400 *et seq.*

¹ Notice and dissemination can vary by district except with respect to the Code of Conduct and provision of a summary of this policy.

Education Law, Article 2
Executive Law §290 *et seq.*
Executive Law §§313(3), 3201, 3201-a
U.S. Department of Education, Office for Civil Rights, *Dear Colleague*
Letter, October 26, 2010.

Adopted: 12/16/08

Revised:

Internet **Safety and** Acceptable Use Policy (AUP)

It is the policy of the West Hempstead Board of Education that the Internet in any school or office is a privilege, not a right, and that access will be provided to only those sites deemed appropriate for educational use. The West Hempstead School District reserves the right to monitor and oversee any interaction involving the use of the Internet. The use of the Internet may be suspended or terminated by the administration at any time. The Superintendent will develop regulations for the purpose of implementing this policy.

Staff Use of Computerized Information Resources

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District office.

Generally, the same standards of acceptable staff conduct, which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and tele-communications are not to be utilized to share confidential information about students or other employees.

Administrative regulations will further define general guidelines of appropriate staff conduct and use, as well as proscribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Privacy Rights

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Director of Technology, as directed by the Superintendent, may access all such files and communications to insure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should NOT expect that information stored on the DCS will be private.

Implementation

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

Internet Computer Network Terms and Conditions:

1. **Disclaimer** - Use of any information obtained is at the user's risk. Any violation of federal, state or local laws shall be the sole responsibility of the user. The District shall have no responsibility for use of the system by employees, students and community members who abuse the system, violate this policy and/or the law.
2. **Commercial Services** - The user is liable for any commercial service costs that may be incurred.
3. **Security Issues** - If any user identifies a security problem on the Internet/Computer Network, they must notify the Superintendent. Attempts to log in to the Network as a system administrator will result in cancellation of privileges.
4. **Vandalism** - Vandalism will result in the cancellation of privileges. This includes, but is not limited to, the uploading or creation of computer viruses. The user will be financially responsible to reimburse the District for repair or replacement of any harmed equipment, software or data.

Internet Safety

The Board, in order to comply with federal regulations requiring Internet filtering for schools and libraries receiving E-Rate and Title III funds, adopt the following policies to address the required elements of the Internet filtering legislation.

Internet Filtering Services

The Board will employ filtering technology on all school computers with Internet access and will monitor the online activities of minors. This filtering system will enable the school to:

- 1. Operate technology protection measures that block and/or filter Internet access for minors and adults to visual depictions that are:
 - a. Obscene;**
 - b. Child Pornography;**
 - c. Harmful to Minors;**
 - d. Otherwise inappropriate for minors, as determined by the School.****
- 2. Restrict minor's access to materials harmful to minors.**

Board Policies Regarding Inappropriate, Unlawful and/or Unauthorized Use of Internet Services

- 1. Electronic mail, chat rooms and other forms of direct electronic communications (i.e. instant messaging services): To ensure the safety and security of minors during use, the school will restrict Internet use to an educational purpose that may include classroom activities, career development and research.**
- 2. Unauthorized access, hacking and other unlawful activities by minors online: The school will provide appropriate guidance to students via the professional staff regarding what is lawful and what is appropriate usage of the school's online network systems.**
- 3. Unauthorized disclosure, use and dissemination of personal identification information regarding minors: The school will maintain firewall technology to ensure that student information is not publicly accessible to unauthorized users, and the school professional staff will provide guidance, instruction and supervision that makes students aware of and assures that students understand the importance of Internet privacy and anonymity.**

4. **Disabling during certain use to enable access for bona fide research and other purpose:** The School will allow authorized professional staff to disable the school's technology protection measure to enable access for bona fide research and other purpose.
5. **Online activities of minors will be monitored to ensure compliance with the above.**

Reference: Children's Internet Protection Act (CIPA), 114 Stat. 2763A-335.

Adopted 10/20/98
Reaffirmed 10/5/99
Revised 10/21/08

The Procedure to be Followed by the Board Secretary to Keep Track of Board Business

Each piece of business that comes to the Board for deliberation and action shall be assigned a docket number by the Board Secretary, and thereafter all correspondence, reports, and other data relating to a given matter shall be captioned with the docket number appropriate to it, for convenience of identification by Board members and others.

A docket record is to be kept by the Board Secretary, which will include the date of the meeting, type of meeting, docket number, docket description, docket status (adopted, rejected, tabled) and the date the docket decision was made.

Adopted 9/20/60
Amended 2/15/94

School Board Use of Electronic Mail

Use of electronic mail (e-mail) by school Board members should conform to the same standards of judgment, propriety and ethics as other forms of school Board related communication, such that members shall not communicate with one another in violation of the Open Meeting Law, Public Officers Law Section 103. Board members shall comply with the following guidelines when using e-mail in the conduct of Board responsibilities:

1. The school Board shall not use e-mail as a substitute for deliberations at Board meetings or business properly confined to Board meetings.
2. Board members should be aware that e-mail and e-mail attachments received or prepared for use in Board business are likely to be regarded as public records, which may be inspected by any person upon request, unless otherwise made confidential by law. Accordingly, Board members shall retain all e-mails received by other Board members relating to Board business in accordance with the records retention policy, ***i.e. Records Retention and Disposition Schedule ED-1, 8 NYCRR 185.12 (Appendix I).***
3. Board members shall avoid reference to confidential information about employees, students or other matters in e-mail communications due to the lack of security, and risk of unauthorized access to such confidential information, inherent in all Internet communications. Board members shall not disclose confidential student information or privileged and confidential communications to third parties via e-mail.
4. A quorum of Board members shall not use “instant messaging” when communicating with one another, nor shall Board members communicate with one another in an Internet chat room.
5. Board members shall not vote on any issue relating to Board business, or come to a collective decision regarding Board business based upon e-mail communications.

Ref: 8 NYCRR 185.12 (Appendix I), Records Retention and Disposition, Schedule ED-1 for Use by School Districts and BOCES

Adopted: 12/18/07

Special Meetings

The President shall call a Special Meeting of the Board when requested by two members of the Board to do so. **(The President may call a Special Meeting of the Board whenever he/she or the Superintendent considers such a meeting desirable. – DELETE). ADD: Notice of a Special Meeting shall be given to the other Board members at least twenty four (24) hours in advance of any such meeting.**

Ref: **Education Law Sections 1606(3) and 1710**
***Matter of Felicio*, 19 Ed. Dep't Rep. 414, Dec. No. 10,190 (1980)**
***Application of Bean*, 42 Ed. Dep't Rep. 171, Dec. No. 14, 810 (2002)**

Adopted 6/21/60
Reaffirmed 11/21/95

Executive Sessions

Executive Sessions shall be **held pursuant to New York State Public Officers Law §105 (i.e. Open Meetings Law)**. Accordingly, Executive Sessions shall only be called for those purposes delineated in the Open Meetings Law, i.e.:

- a. **matters which will imperil the public safety if disclosed;**
- b. **any matter which may disclose the identity of a law enforcement agent or informer;**
- c. **information relating to current or future investigation or prosecution of a criminal offense, which would imperil effective law enforcement if disclosed;**
- d. **discussions regarding proposed, pending or current litigation;**
- e. **collective negotiations pursuant to article fourteen of the Civil Service Law;**
- f. **the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;**
- g. **the preparation, grading or administration of examinations; and**
- h. **the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the District, but only when publicity would substantially affect the value thereof.**

Ref: Public Officers Law §103

Adopted 6/21/60
Amended 9/4/62, 11/15/77, 12/19/95

Annual Election and Budget Vote

The date, time and place of the annual election and budget vote and public hearing shall be as required by applicable law and/or as designated by the Board of Education at a regular meeting each year.

The District Clerk shall publish a notice of the time and place of the annual election and budget vote four (4) times within the seven (7) weeks prior to the meeting. The first publication of the notice shall be at least 45 days prior to the meeting in two (2) newspapers having general circulation within the district.

The District budget newsletter shall also be used to communicate the notice of the annual election and budget vote, the qualifications of voters, and in addition detailed statements of the sums necessary for the various budgetary expenditures of the District.

A budget hearing must be held not more than thirty (30) or less than ten (10) days prior to the annual election and budget vote. The Board shall encourage attendance at the budget hearing by the use of various media sufficient to reach every resident of the District. The Board welcomes the assistance of interested individuals and groups in this endeavor.

Copies of the proposed budget must be available in each District school building and the public library for taxpayers, upon request, at least fourteen (14) days prior to the vote. Notice of the availability of copies of the budget must be included in the notice of the annual election and budget vote. The notice shall also contain a presentation and explanation of any special propositions that are being presented to the voters.

At the reorganization meeting, the Board shall have appointed a Board of Registration, registrars, and chief registrar necessary for the annual election and budget vote.

Propositions

The Education Law contains provisions relating to submission of petitions to the Board to place propositions on the ballot with the annual budget - propositions which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:

1. Petitions for the submission of a proposition must contain a minimum of twenty-five (25) signatures of qualified voters of the district, or 5% of voters who voted in previous annual elections, whichever is greater.
2. Petitions must be presented to the District Clerk at least sixty (60) days prior to the election and budget vote to facilitate the preparation and printing of the ballots; and
3. Wording of a petition must comply with legal requirements; if not it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

Propositions received in accordance with these specifications will be placed on the ballot as amendments and will be voted upon by the voters in the same manner as the proposed budget, except that the Board shall not be required to place any proposition on the ballot, which is within the exclusive province of the Board or otherwise forbidden by law.

Candidate Petitions

Petitions to become a candidate for a Board seat must contain twenty-five (25) signatures or a number equivalent to two (2%) percent of the qualified voters of the District who voted in the last election, whichever is greater.

Petitions must contain:

1. The candidate's name and residence;
2. Whether the candidate is being nominated for full or partial term;
3. The office the candidate is being nominated for; and
4. The incumbent's name.

Petitions must be presented to the District Clerk at least (30) days prior to the election and budget vote to facilitate the preparation and printing of the ballots.

No person may be nominated for more than one separate office.

Reference: Education Law 2002, 2013, 2017(5), (6), 2018(a), 2022(2), 2035(2) – DELETE – LAW HAS BEEN REPEALED

Adopted 7/5/60
Amended 11/15/77, 2/27/96

Signing of Checks

H. Authorization

Payments shall be made from funds in possession of the Treasurer/Deputy Treasurer only **pursuant to** a resolution of the Board, on voucher-order checks signed by the Treasurer/Deputy Treasurer.

Use of the Check-Signing Machine

All checks **must** be signed **either** by hand **by the Treasurer/Deputy Treasurer**, or by a machine provided by the Board of Education for **check signing**.

Rules Governing Use of Check-Signing Machine

1. The Treasurer/Deputy Treasurer shall retain a key to the machine and will not surrender or delegate **the responsibility for retention of such key** to any other individual **or entity**. The Treasurer/Deputy Treasurer shall be present and control the affixing of the signature **by the check signing machine** when checks are run **through such machine**.
2. The check signing machine shall be maintained in a protected area. This may be **achieved either** by locking the machine with the plate in it and placing **the machine** in a **locked** vault or by removing the plate **from the machine** and placing the plate in a **locked** vault.
3. A check signature register shall be maintained by the Treasurer/Deputy Treasurer which will record the first and last number of checks run, the date of the run, the sequential number of voided checks within each run and the signature of the Treasurer/Deputy Treasurer. **Such check signature register** shall be audited by an individual who is not a member of the business office staff. This audit **shall** be conducted at intervals approximating the payroll periods **so that it is possible** to verify the accuracy of the register against the machine's tally counter.
4. The signing of blank checks is expressly forbidden.
5. All void or spoiled checks shall be marked **accordingly** and retained.

6. Reconciliations **shall** be made promptly (if **practicable**, reconciliation **shall** be completed **on** the same day that cancelled checks are received from the bank).
7. Checks and the check-signing machine shall not be available to unauthorized individuals.
8. When checks are written at a **BOCES location** using data processing equipment, the unsigned checks, together with the corresponding warrant or payroll, should be returned to the school district **promptly** for reconciliation and signing.
(Under no circumstances should the signature plate and key be retained by BOCES.) COUNSEL RECOMMENDS: "Under no circumstances shall the signature plate and key be retained by BOCES longer than required for BOCES to process the checks."
9. When a new plate is required, it is the responsibility of the Superintendent of Schools or his/her designee **to** supervise **the** destruction of the discarded plate.

School Board Elections

Nominees for positions as members of the Board of Education shall be elected at the annual election of the District in the manner prescribed by the Education Law. The election of members of the Board shall take place on a date prescribed by the **Education Law Section 2022**.

The polls shall be open for those hours designated by the District. The following items shall be voted upon:

1. The annual budget
2. Any vacancies on the Board of Education, and
3. Any special propositions that have been properly presented.

Voting: Voting machines shall be used for recording the votes on all elections, budget votes and votes on special propositions. The only exception to the use of voting machines shall be an emergency situation whereby the machines are unavailable due to a mechanical failure or state or local law prohibiting their use. If this should arise, paper ballots will be used.

For the purpose of voting, the District Clerk is authorized and directed to have the necessary ballot labels printed for the voting machines as many as may be required by the Education Law and by the voting machine rules as established by the Board.

Not less than ten (10) days prior to each Special or Annual meeting or election, the Board shall appoint at least two (2) qualified voters of the District to be in attendance during all voting hours at each voting machine (or ballot box) to be used, to act as inspectors of election at such meeting or election. It shall be the duty of each clerk to keep a poll list containing the names, signatures, and legal residence of each person before such person is permitted to vote.

The District Clerk shall give written notice of appointment to the persons so appointed. If a person appointed as inspector of election or assistant clerk refuses to accept such appointment, or fails to serve, the Board or District Clerk may appoint a qualified voter of the school district to fill the vacancy. Additional inspectors of election and assistant clerks may be appointed in the same manner when, in the opinion of the District Clerk, special circumstances exist requiring the services of such additional inspectors. The inspectors of election shall, before the polls are opened, organize by naming one of their numbers as chief inspector of election. Each inspector of election shall be entitled to compensation at a rate to be fixed by the Board of Education for each day actually and necessarily spent upon the duties of his/her office.

Entering a voting machine with another person is prohibited, except upon request from a voter, in which case an election inspector shall be allowed to enter the voting machine with that voter for the sole purpose of assisting that person in the actual manipulation of the voting machine. The election inspector shall not advise or induce such voter to vote on any proposition or candidate, and the election inspector shall never reveal the vote(s) recorded by the voter to any other person at any time.

Write-in ballots are permissible when applicable by utilizing the write-in device provided with the voting machine.

Absentee Ballots: The Board approves the use of absentee ballots when necessary. In order to vote in a Board Election on an Absentee Voter's Ballot, the following procedures should be followed:

1. An application for an absentee ballot shall include the applicant's name and residence address, including the street and number, if any, or town and rural delivery route, if any; that he/she is or will be, in the day of the school district election, a qualified voter of the school district in which he/she resides in that he/she will be, on such date, over eighteen (18) years of age, a citizen of the United States and has or will have resided in the District for thirty (30) days next preceding such date; whether he/she is registered in the District, that he/she will be unable to appear to vote in person on the day of the school district election for which the absentee ballot is requested; and the reason for his/her inability to appear to vote in person.
2. A request for an absentee voter's ballot shall be made no later than seven (7) days prior to the date of election.
3. Absentee voter's ballots shall be received in sealed envelopes up to and including 5:00 p.m. on election day by the District Clerk.
4. After the election machines are tallied, the District Clerk shall open the sealed envelopes, count the votes for each candidate and add the absentee ballot totals to the machine totals.

In compliance with subdivision 2 of Section 2018-a of the Education Law, those whose registration record has been marked permanently disabled by the Board of Elections pursuant to the provisions of the Election Law shall be entitled to receive an absentee ballot without making separate application for such absentee ballot. The Board of Registration, upon being advised by the Board of Elections or with the list of registered voters that the registration record of the voter is marked "permanently disabled" shall send an absentee ballot to such voter at his/her last

known address by first-class mail with a request to the postal authorities not to forward the same but to return the same in five (5) days in the event it cannot be delivered to the addressee. The Board of Registration shall make an appropriate entry on the registration indicating the fact that an absentee ballot has been sent and the date of the mailing. Such policy shall be implemented by the District Clerk.

Eligibility to Vote: A person shall be entitled to vote in any school district election and in all matters placed upon the official ballot, if such person is:

1. A citizen of the United States;
2. Eighteen (18) years of age;
3. A resident within the district for a period of thirty (30) days next preceding the election at which such person offers to vote; and
4. Listed upon current voter registration lists maintained by the Board of Elections which, pursuant to New York Election Law, are delivered to the district by such Board of Elections. A failure to register does not mean that an individual is not a qualified voter, but rather that he/she is ineligible to vote at the particular District election.

The Board shall designate the registration place and hours for District residents. The Board shall annually designate, not later than the thirtieth (30th) day following the annual meeting or election of the District, four (4) qualified voters to constitute a Board of Registration to serve until the thirtieth (30th) day after the annual meeting or election in the District in the following year. In the event that a vacancy should occur on the Board of Registration, the Board of Education at any time may designate a qualified voter of the District as a member of the Board of Registration for the District to fill the vacancy.

Each member of the Board of Registration shall be entitled to compensation at a rate to be fixed by the Board of Education for each day actually and necessarily spent upon the duties of his/her office. The Board of Registration of the District shall meet during the election of the District at the place where such election is held for the purpose of preparing a register for meetings or elections held. Such Board of Registration shall, in addition, meet on such day or days as shall be fixed by the Board of Education, the last day of which, however, shall not be more than fourteen (14) nor less than five (5) days preceding each school meeting or election in the District at such place in the school district, and at such hours, as the Board of Education shall by resolution designate, which hours shall include at least four (4) consecutive hours between 7 a.m. and 8 p.m., for the purpose of preparing a register for such meeting or election.

The register shall, so far as is practical, be in the same form as the register of voters in an election district, for general elections in a city or village having five thousand (5,000) inhabitants or more, under the election law. The register shall be arranged by street and number or otherwise of each person named on the list shall be given, or if none, some description accurately locating such place of residence shall be given on such register. The District Clerk of such District shall attend with the Board of Registration. The Board of Registration and the District Clerk, shall, for the annual meeting or election of the school district, prepare a register of the qualified voters of such school district who shall present themselves personally for registration. Such Board of Registration shall in like manner prepare a register for each special school meeting, meeting, election, or elections in this school district shall be used by them as the basis thereof. No person shall be entitled to vote thereat, whose name does not appear upon the register of the District in which he/she claims to be entitled to vote. In all cases, the Board of Education shall cause the District Clerk to give the notice required by the subdivision four of Section 2004 of this chapter.

As provided in Section 2019 of the Education Law, each annual or special election or meeting shall have a presiding chairperson appointed by the Board. Such chairperson shall have the responsibility of properly handling any challenges to the qualification of any voter.

Nominations: A candidate for the office of the Board of Education shall be nominated by petition. Each vacancy upon the Board to be filled shall be considered a separate specific office. A separate petition shall be required to nominate a candidate to each separate office. Each petition shall be directed to the District Clerk and shall be signed by at least twenty-five (25) qualified voters of the district or two (2%) percent of the voters who voted in the previous election, whichever is greater.

In addition, the petition shall describe the specific vacancy on the Board for which the candidate is nominated. Said description shall include at least the length of the term of office and the name of the last incumbent, if any. In the event that any such nominee shall withdraw his/her candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitations applicable to other candidates is filed with the District Clerk. Each petition shall be filed in the office of the District Clerk between the hours of 8:30 a.m. and 4:00 p.m. not later than thirty (30) days preceding the school meeting or election at which the candidates nominated are to be elected. No person shall be nominated by petition for more than one (1) separate office.

If a candidate for whom a nominating petition for the office of member of the Board has been duly filed withdraws such petition, dies or becomes otherwise ineligible to hold such office at a time which is later than fifteen (15) days before the last day for the filing of nominating petitions as provided in subdivision of Section 2018, the time for filing nominating petitions for such office shall be extended to 5:00 p.m. on the fifteenth (15th) day after the day on which such candidate withdrew, died, or otherwise became ineligible to hold such office, provided that no such nominating petition may be filed after 5:00 p.m. on the seventh (7th) day preceding the date of the election.

The order of name of the candidates for each specific office shall be listed on the ballot labels in the order determined by lot. Such drawing shall be conducted by the District Clerk on the day after the last date for filing petitions. The Clerk is authorized to act as proxy for any candidate not present in person or represented by proxy for the drawing. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve.

Electioneering: In the interest of promoting orderly procedures on school district registration and election dates, the Board shall follow those procedures which are in accord with the election practices of the State of New York. Therefore, no electioneering shall be permitted within the polling place, or within one hundred (100) feet therefrom in any public street, or within such distance in any place in a public manner on those days when the polls are open for voting on school district matters, including, but not limited to, the annual school budget, candidates for the Board of Education, special propositions, etc. Similarly, no political banners, posters, placards, displays or handout items, except those provided by law, shall be allowed in or on the polling place, or within one hundred (100) feet therefrom. Furthermore, it is understood that the entrance doors to the building shall be used as the initial point from which distances shall be measured.

Entering or remaining in any designated restricted area during the entire day of any vote without permission from an election official is prohibited.

Notification of Election: The District Clerk shall forthwith notify in writing each person elected to the office of the Board of his/her election and that date thereof. Such persons shall be deemed to have accepted the office, unless within five (5) days after the service of such notice, he/she shall file a written refusal to serve with the District Clerk.

Ref: (2022a – changed to Education Law Section 2022)

Adopted 6/21/60

Amended 11/15/77, 3/19/96

Capitalization

In order to provide for the proper control and conservation of district property, the Superintendent or his/her designee shall maintain inventory records and account for capital expenditures in accordance with the following guidelines:

Inventory Records

1. All equipment items costing in excess of \$500.00 shall be inventoried.
2. All non-equipment capital assets costing in excess of \$5,000.00 shall be inventoried.

The following information must be maintained on the equipment/fixed asset inventory:

1. Name and description of the property
2. Name of titleholder
3. Serial number or other identification number
4. Cost of the asset (estimate if unknown)
5. Acquisition date
6. Purpose (note and justify any changes in use)
7. Location of use
8. Date and method of disposal and sale price
9. For items acquired with federal funds:
Funding source
Use and condition of property
Percentage of federal participation in the cost

Capitalization of Assets

1. Equipment items that cost more than \$5,000.00 will be capitalized and depreciated for GASB 34 reporting purposes.
2. Equipment items costing less than \$5,000.00 shall be expensed for GASB 34 reporting purposes.
3. All non-equipment capital assets costing in excess of \$5,000.00 shall be capitalized and depreciated for GASB 34 reporting purposes.
4. All non-equipment capital assets costing less than \$5,000.00 shall be expensed for GASB 34 reporting purposes.

For financial reporting purposes, fixed assets with a service life of more than two years following the date of acquisition will be capitalized. Useful lives will be determined in the year of purchase based on general guidelines obtained from professional organizations and the asset's present condition. The district will use the straight-line method of depreciation and depreciation expense will be calculated beginning in the year of acquisition.

Ref: GASB 34

Intangible Assets

Intangible assets as defined by GASB 51 that cost at least \$100,000 per asset are to be capitalized. Intangible asset purchases under \$100,000 are recognized as operating expenditures.

When purchasing computer software licenses or similar assets, threshold determinations must be based on the aggregate cost of the purchase. Purchased software is capitalized if the aggregate purchase exceeds \$100,000.

Intangible assets shall be depreciated using straight-line depreciation for a period of time not to exceed the period to which the service capacity of the asset is limited by any applicable contractual or legal provision.

Adopted 12/20/05
Reaffirmed 12/20/11

Education of Homeless Children and Unaccompanied Youth Policy

Identification of Homeless Children and Unaccompanied Youth

The Board of Education recognizes its responsibility to identify homeless children within the District, encourage their enrollment and eliminate existing barriers to their education, which may exist in District practices. Accordingly, the District will utilize an enrollment form that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act (42 USC §11434a[2]) ("McKinney-Vento") and the New York Education Law §3209(1)(a).²

Definition of Homeless Children and Unaccompanied Youth

A homeless child is a child who lacks a fixed, regular and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship or similar reason; lives in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital or is awaiting foster care placement; or is a migratory child who qualifies as homeless.

An unaccompanied youth is a homeless child for whom no parent or person in parental relation is available. 8 NYCRR §100.2[x][1][vi].

Enrollment of Homeless Children and Unaccompanied Youth

The Board will provide that homeless children attending the District's schools access to the same public education, including preschool education, as other children. A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), the district of current location or a district participating in a regional placement plan.

The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. **Admission:** Upon designation, the District shall immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or

² A sample enrollment form may be found at the following website:

<http://www.serve.org/nche/forum/enrollment.php>

other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.

Homeless children will have the same opportunity as other children to enroll in and succeed in the District's schools. They will not be placed in separate schools or programs based on their status as homeless.

2. **Transportation:** The District shall provide transportation for homeless students currently residing within the District as required by applicable law.
3. **School Records:** For homeless students attending school out of the District, the District shall, within five (5) days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable.
4. **Homeless Liaison:** The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law.

The liaison's responsibilities shall include, but not be limited to:

1. Informing parents of homeless children of the educational and related opportunities available to them, including transportation and referrals to health care and other appropriate services;
2. Assisting parents of homeless children in promptly resolving disputes regarding services under this policy and enrollment;
3. Coordinating the identification of homeless children, including homeless preschoolers, with school personnel, shelters and social service agencies and other appropriate entities;
4. Ensuring that homeless children are enrolled in educational programs, including Head Start and preschool services to which they are eligible.

Other District Responsibilities

In accordance with law and regulation, the District will offer a prompt dispute resolution process as set forth in administrative regulations developed by the Superintendent of Schools.

In accordance with Commissioner's regulations, the District shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Ref: 42 USC §§11431, et seq.
School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg.
10,697-10,701 (March 8, 2002)
Education Law §§207; 305; 3202; 3205; 3209

Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2; 175.6

Adopted:

Regular Meetings

General

All meetings shall be in open session, **except in Executive Session where authorized by law.**

Location of each meeting shall be decided by the Board of Education.

Meeting agendas shall be available five (5) days prior to the meeting, **to the extent practicable.**

District records available to the public pursuant to Article 6 of the New York State Public Officers Law, any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by the Board of Education during an open meeting shall be made available prior to or at the meeting during which the records will be discussed, to the extent practicable, as required by Public Officers Law §103(e). Such documents shall also be posted on the District's website prior to the meeting during which the records will be discussed as required by Public Officers Law §103(e).

Regular Business Meetings

The Board of Education shall meet in open session on the third Tuesday of every month. Items of business and matters other than policies shall be considered. However, the Board may move the formal adoption of policy that has been properly introduced and reviewed at previous policy meetings.

The public may ask questions or offer comments regarding the non-confidential agenda items discussed during the Regular Business Meeting, prior to the Board of Education vote on each agenda item with the length of discussion to be determined by the Board:

1. The privilege of addressing the Board will be extended only to those visitors who are residents of the district, residents of Island Park, or employees (professional or otherwise) of the district.
2. Board Members will always receive preference in being recognized by the chairman.

3. Visitors may not engage in debate but shall be restricted to brief and concise questions and comments directed to the Board.
4. No visitor may speak a second time before all other visitors have had an opportunity to speak.
5. The chairman may terminate public participation on any item in the interest of time or order.

If members of the public wish to address the Board on school district matters other than those discussed at the meeting, they may do so at a specified time determined by the Board. **(See also, Policy 9341, Order of Business at Regular and Adjourned Business Meetings.)**

Any member of the public addressing the Board during the appropriate times designated in Policy 9341 will be limited to three minutes on non-confidential agenda items. **This portion of the Board meeting shall be limited to a maximum of 20 minutes total.** The Board may then move for additional time if so desired by **the Board in its sole discretion.**

Policy Meetings/Work Sessions

The Board shall meet on the first Tuesday of each month designated to consider matters pertaining to its Board policies for the governing of school affairs or matters pertaining to the preparation of the budget or both. During such meetings, visitors will be permitted to address the Board concerning the specific policy or budget matters under discussion in accordance with Policy 8310, Formulation of Policies.

The Board shall publicize, by means of every convenient medium, the items of the budget to be considered at each meeting. Policy worksheets shall be publicized in accordance with Policy 8310, Formulation of Policies.

Ref: Public Officers Law §103
Public officers Law, Art. 6
Policy 8310, Formulation of Policies
Policy 9341, Order of Business at Regular and Adjourned Business Meetings

Adopted 12/15/59

Amended 7/5/60, 9/4/62, 10/1/63, 12/20/77,
3/15/83, 2/23/93, 12/20/94, 2/15/11