

# Brunswick Central School District



## 2023-2024 Employee Handbook

3992 NY2  
Troy, NY 12180

Table of Contents  
Introduction

Introduction.....	2
Employment-At-Will .....	2
About Brunswick Central School District .....	3
Vision Statement.....	3
Parental Involvement in the School District .....	4
Board of Education and Administration .....	5
Organizational Chart.....	7
Administration Directory .....	8

## **Introduction**

As part of our school team, all District employees take on the important role of serving our students and other members of the school community. This handbook is designed to provide an overview of many of the policies, procedures and other information relevant to employment with the Brunswick Central School District. The contents of this handbook and the policies and procedures described in it are presented for information and general guidance only. It is your responsibility to review this handbook carefully and become familiar with its contents. If you have specific questions about employment matters, please direct them to your immediate supervisor.

This handbook does not create a contract between the Brunswick Central School District and any of its employees. No policies in the handbook or any oral interpretation of the policies and procedures create an express or implied contract of employment between the school district and employees regarding length of service, wages, hours, procedures, policies, benefits or any terms or conditions of employment. Employees subject to a collective bargaining agreement should refer to their union contract with regard to specific terms and condition of employment as outlined in Section I of this handbook as such collective bargaining agreements control any terms and conditions of employment expressly set forth in them. Each employee who is in a position covered by a collective bargaining agreement is referred to the contents of that agreement for any particular terms and conditions of employment applicable to them.

This handbook does not alter the at-will relationship between the school district and its employees whose employment is not subject to a collective bargaining agreement or otherwise protected by law.

The school district reserves the right to interpret, modify, add or eliminate provisions of the handbook in order to comply with state, federal or local laws, rules or regulations or district policies, procedures and practices, with or without prior notice to employees.

The ultimate goal of this handbook is to better communicate the District's compliance policies, enhance service delivery to our school community and foster positive employee relations. Additionally, it is our hope that you will find your employment with the Brunswick Central School District to be both a challenging and rewarding experience.

## **Employment-At-Will**

Employees not subject to a collective bargaining agreement or otherwise protected by applicable law are employed on an "at will" basis. This means employees have the right to terminate their employment at any time, for any reason, and the school district can also terminate employment at any time with or without cause. This handbook does not constitute a contract between the school district and the employee. All policy statements, procedures, manuals or documents as well as statements by any employee or representative shall not in any way modify this at will status provide any protections beyond those in applicable law.

## About Brunswick Central School District

The Brunswick Central School District – which is also known as Brittonkill Central or Tamarac – is located approximately seven miles east of Troy in Rensselaer County. We serve the town of Brunswick, Pittstown, Grafton, Poestenkill, and Schaghticoke, including a number of small villages and hamlets.

The area may be best described as a picturesque, rural/suburban area to which a person can move and feel they are at home. It is essentially a farming region, which in recent years has grown to become a suburban, bedroom community for the capital district area cities of Albany, Troy, Cohoes, and Schenectady.

The capital district area of New York State provides a full range of cultural, educational, and health facilities. We are fortunate to have numerous institutions of higher education in our immediate area. They include Rensselaer Polytechnic Institute (RPI), Russell Sage College, Siena College, SUNY Albany, Union College, St. Rose College, Hudson Valley Community College, Skidmore and the Junior College of Albany, to name a few!

Recreational facilities and activities abound in upstate New York – including the capital district area. Major ski areas are located nearby. In the spring and summer months, the cultural and sporting activities of Saratoga and the Saratoga Performing Arts Center are a major attraction. It is a short drive from the area to the Berkshire Lyric Theater, the Williamstown Theater and Tanglewood in Massachusetts, and the Times Union Center in Albany.

Additionally, the splendor of the Adirondacks, the Helderbergs, and Green Mountains surround us.

Additional information about the Brunswick Central School District may be obtained from each of our school buildings as well as from the following sources:

New York State Education Department Website: <http://www.nysed.gov>

Brunswick Central School District Website: [www.brunswickcsd.org](http://www.brunswickcsd.org)

School District Newsletter

## Vision Statement

It is the goal of the Brunswick School District to foster and encourage a desire for lifelong learning and an understanding of the rights and responsibilities of individuals in a free society. The Brunswick School District will endeavor to work with parents, the school community and government and community based organizations to promote the social and intellectual growth and development of its students as individuals and as members of society.

The Board of Education aspires that Brunswick Central Schools shall be a school district in which:

- All students are valued for their individuality and are challenged to develop their unique abilities to the fullest.
- The District's schools provide a work environment in which mutual respect and cooperation are cultivated.
- The instructional environment of the District is creative, engaging, and effective.
- Our community is an active partner in the district's pursuit of excellence.

### **Parental Involvement in the School District**

Excellence in education requires the active involvement of students' parents or guardians. To that end, the Brunswick Central School District's Board of Education has established that the District shall attempt to foster positive relationships with parents and guardians that encourage the home and school to work together toward recognizing and achieving common educational goals for students.

The District shall therefore:

1. Consult with and encourage parents and guardians to share in-school planning, in setting District objectives, and provide feedback concerning District programs.
2. Help parents and guardians understand the educational process and their role in supporting and promoting it.
3. Provide information that will enable parents and guardians to understand the school district and school-based operations.
4. Provide opportunities for parents and guardians to be informed of their child's development and the criteria for its measurement.
5. Offer parents and guardians opportunities to work with their children at home in ways that will promote student achievement.
6. Provide opportunities for parents and guardians to improve their parenting skills.
7. Encourage opportunities for parents to be involved in classrooms.
8. Encourage and support the activities of parent-Teacher Student Association.

The District shall encourage parents and guardians as follows:

1. To emphasize and reinforce for their children the importance of education.
2. To assume responsibility for preparing their children to respect school rules of conduct and behavior.
3. To recognize their partnership in the educational process by participating in parent-teacher conferences and similar activities.
4. To provide support and convey expectations for their children to complete their school and homework assignments satisfactorily, and to work with their children's teachers in promoting the highest possible academic achievement.
5. To assume an active role in promoting community support for the schools.

In addition to the above, the District shall comply with all parental involvement requirements established by federal statute or regulation, and which are a condition for the District's receiving federal funding which the District has applied for under a specific program which imposes said requirements.

## **Board of Education and Administration**

The Board of Education affirms that it is dedicated to providing excellent educational opportunities to its students. This includes working in cooperation and partnership with parents, staff, and the community to provide students with assistance and guidance in the development of personal and civic values. Further, the Board affirms that:

1. Education is primarily a state function.
2. Operational control rests at the local level, subject to State and Federal requirements.
3. The Board of Education is a legislative body responsible for the governance of the District in a manner consistent with the laws, rules and regulations of the State of New York and the United States of America.
4. The Board of Education, as a body, is the unit of authority for the School District. Board members exercise their authority and responsibility collective, as part of that body and have no individual authority. Individual board members may not commit the District to any policy, act, or expenditure. Board members are elected to be representative of the entire community, not a faction of the community.
5. The District is comprised of students with diverse backgrounds and experience. In the exercise of authority to prescribe and evaluate a program of instruction for its students, the Board of Education is committed to providing a comprehensive education program that will respond to the many and varied interests and needs of the students of the District.
6. The Board recognizes the need to maintain public confidence in the quality of education and in its management of taxpayer resources in a manner that is consistent with the resources available to the community.
7. The Board recognizes the need to maintain close ties to and positive relations with the communities it serves as essential to the best operation of the school district.
8. The Board recognizes the need to select and maintain appropriately trained and experienced administrators who are dedicated to achieving excellence in the implementation of the policies of the District.
9. The Board recognizes the Superintendent of Schools as the chief executive officer of the school district. The Board will rely upon the superintendent for recommendations and suggestions concerning the administration and management of the school district.
10. The Board recognizes the need to employ instructional and special services staff who maintain the highest standards of professionalism and who possess the talent and skills to offer students educational opportunities aligned with the educational goals established for the District and commensurate with their needs, interests and abilities.
11. The Board recognizes the need to employ such other qualified personnel as may be needed to carry out the programs of the District.
12. The Board recognizes the value of and encourages participation of the school district community and the school staff in policy development and decision-making concerning school affairs. The school staff and community is encouraged to provide constructive input in the decision making process.

13. The Board is committed to the development and maintenance of a community relations program designed to provide information about the educational programs of the District and to foster a public understanding of the problems and issues facing the District.
14. The Board recognizes that it is in the best interests of the students for a close and cooperative working relationship to exist between the school district administration and staff and the families of the students in the District. This will include provision of regular reports to parents or guardians concerning student academic progress.
15. The Board recognizes the right of employee groups to organize and bargain collectively for salaries and other terms and conditions of employment as provided for by law and pledges good faith in this endeavor.

The Brunswick Central School District is governed by a nine-member board of education. School board members are elected by our voting public and serve a three-year term of office. Regular and special meetings are open to the public except for executive sessions at which time the public shall be excused, except for any persons authorized by the Board of Education. No formal action may be taken in executive session except in cases permitted or required by law.

### **Board of Education Members**

Jack Roddy (President)  
Leah Wertz (Vice President)  
Tammie Fanfa (Member)  
Ryan Goodenough (Member)  
Jenna Horton (Member)  
Valerie Lee (Member)  
Danielle Roadcap (Member)  
Kevin Shufon (Member)  
Dina Trahan (Member)

### **District Clerk for Board of Education**

Maureen Jensen

### **Secretary to the Superintendent and Board of Education**

Maureen Jensen

### **Administration and Supervision**

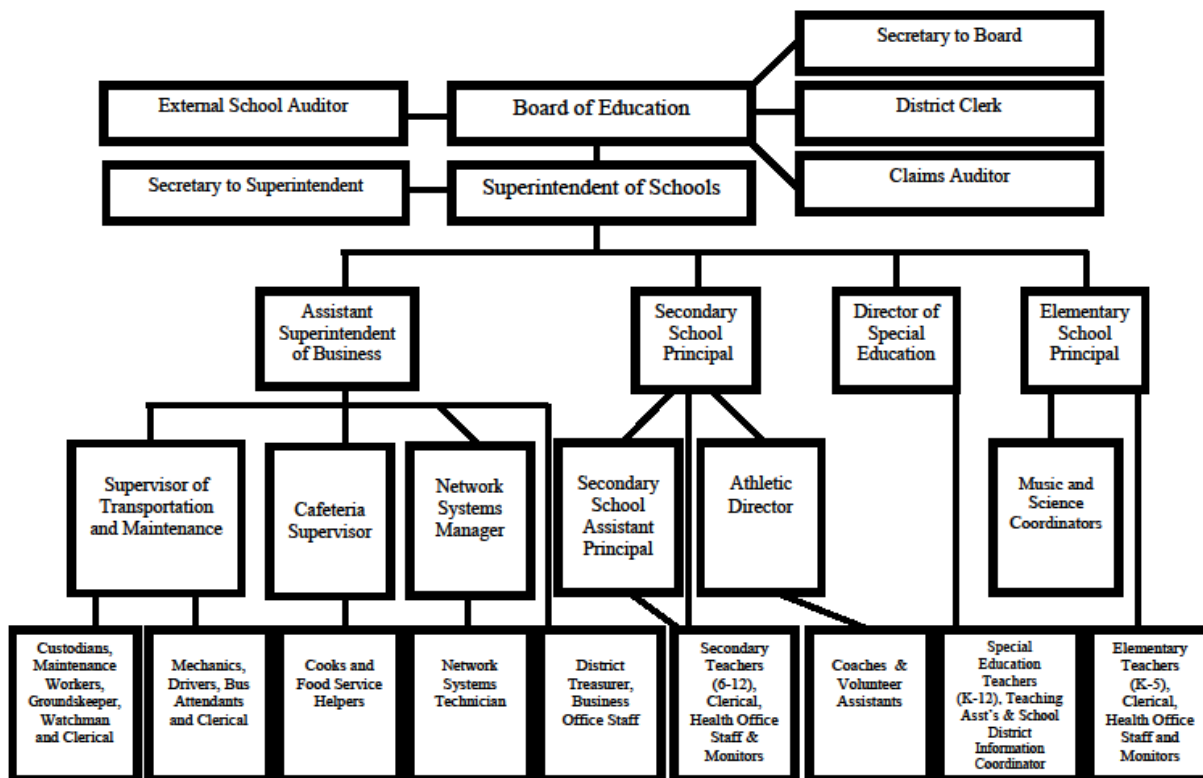
Angelina Maloney	Superintendent of Schools
Stephanie Fanning	Assistant Superintendent of Business
Kenneth Rizzo	Principal, Secondary School
Brianna Rolston	Assistant Principal, Secondary School
Kelly Onorato	Principal, Elementary School
Jodi Hogsberg	Director of Special Ed/CSE Chairperson
Donna VanZandt	Interim Athletic Director
Kevin McCormick	Director of Facilities
Todd Wojtal	Supervisor of Transportation
Joy Wright	Cafeteria Supervisor
Eric Wetmore	Network System Administrator

# Organizational Chart

BRUNSWICK C.S.D. POLICY

ORGANIZATIONAL CHART

3.230-E



Revised: August 14, 2014



## Administration Directory

Superintendent	Angelina Maloney	ext. 2601
Assistant Superintendent of Business	Stephanie Fanning	ext. 2603
Elementary Principal	Kelly Onorato	ext. 2001
Secondary School Principal	Ken Rizzo	ext. 2401
Assistant Principal, Secondary School	Brianna Rolston	ext. 2201
Director of Special Education	Jodi Hogsberg	ext. 2701
Director of Facilities	Kevin McCormick	ext. 2801
Supervisor of Transportation	Todd Wojtal	ext. 2821
Food Service Manager	Joy Wright	ext. 2208
Network Systems Administrator	Eric Wetmore	ext. 2615

Table of Contents  
Section II – Employment and Benefits

Americans with Disabilities .....	3
Attendance Policy .....	3
Book Disposal .....	4
Civil Service.....	5
Veteran’s Credits .....	7
COBRA.....	7
Code of Ethics .....	9
Collective Bargaining Units.....	10
Compensation and Wage Schedules .....	10
Complaints About School Personnel .....	11
Computer Network Policy .....	11
Copyright Law .....	12
Direct Deposit .....	13
Drug Free Workplace.....	13
Emergency Closings .....	13
Emergency Conditional Appointments.....	14
Equal Employment Opportunity .....	14
Expense Reimbursement.....	15
Family and Medical Leave Act (FMLA) .....	15
Family Educational Rights and Privacy Act.....	15
Field Trips .....	16
Fingerprinting Policy .....	17
Freedom of Information Law .....	17
Green Schools Initiative.....	17
Green Schools Proclamation.....	17
Health and Dental Insurance .....	18
Health Insurance Portability and Accountability Act (HIPAA) .....	19
Holidays .....	19
Internet Safety Policy.....	19
Meals and Refreshments .....	22
Military Leave and Military Leave of Absence .....	22
MSDS (Material Safety Data Sheets) .....	23
News Media Relations/Publications .....	23
Notification of Released Sex Offenders .....	23
Pay Dates .....	24
Performance Reviews .....	24
Personnel Files .....	24
Petty Cash .....	25
Physical Examinations .....	25
Probationary Period .....	25
Purchasing.....	26
Racial and Other Unlawful Harassment Policy .....	27
Release for Volunteer Emergency Personnel .....	27

Retirement.....	27
School Ceremonies and Observances .....	28
Section 125 Cafeteria Plan.....	29
Section 504 Policy Regarding Students with Disabilities.....	29
Sexual Harassment Policy.....	29
Smoking and other Tobacco Use .....	30
Staff Participation in Political Activities .....	30
Teaching about Controversial Issues .....	30
Time Records .....	31
Transfers and Reassignments.....	32
Transporting Students .....	32
Uniforms .....	32
Use of School-Owned Materials and Equipment.....	33
Voluntary Separation from Employment.....	33
Volunteers .....	33
Work Day – Work Week .....	34

## **Americans with Disabilities**

The District is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the policy of the District not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of that individual's disability or perceived disability so long as the individual can perform the essential functions of the position. Consistent with this policy of nondiscrimination, the District will provide reasonable accommodations to a qualified individual with a disability as defined by the ADA, who has made the District aware of his or her disability, provided that the accommodation does not constitute an undue hardship on the District.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their position should contact the Assistant Superintendent for Business.

## **Attendance Policy**

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding attendance and absence from work:

1. An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event that an employee is unable to report to work at the scheduled time, the employee must notify their supervisor before the scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the supervisor.
2. All school personnel absent due to illness are to notify the main office of their respective building, with the following exceptions:
  - a. Food service personnel are to notify the Food Service Manager who will obtain a substitute and notify the respective building of the absence.
  - b. Custodial and maintenance personnel are to notify the Superintendent of Buildings and Grounds' office, which will obtain a substitute and notify the respective building of the absence.
  - c. Transportation personnel are to notify the Transportation Supervisor.

All absences must be listed on any respective time record.

3. Notification of absence to the supervisor does not automatically mean the absence is authorized. Any time off from work that is without approval from the supervisor is considered an unexcused absence which will be without pay and may result in disciplinary action, up to and including termination in accordance with the conditions laid out in any collective bargaining agreement.

4. When an individual requests personal/vacation leave, the appropriate form must be obtained from the main office of his/her building and given to the appropriate principal or supervisor for approval. Forms for custodial and maintenance staff will be forwarded to the office of the Superintendent of Buildings and Grounds for approval.
5. Requests to leave school during the scheduled day, whether the employee expects to return or not, should be for emergency or unavoidable situations that cannot be scheduled outside the normal workday, and will be approved only if acceptable coverage of staff responsibilities can be arranged.

### **Book Disposal**

The District has a Book and Equipment Policy for the disposal of old or obsolete books or equipment. Please do not place such items in the trash or in boxes labeled for disposal by the custodians without proper authorization. The following is the proper procedure for disposing of books or equipment:

1. Check with your department to see if someone may need or want them.
2. If no one deems them usable, send a memo to your Supervisor or Building Principal asking for their disposal.
3. Your Supervisor or Building Principal will send a memo to the Superintendent asking the same, and if the Superintendent concurs, the request will then be forwarded to the Board of Education.
4. If the Board of Education agrees to their disposal, place the obsolete books in a box and label the box indicating book titles and the number of each title. The Operation and Maintenance Department will then complete the disposal process.

### **Building Use Request Forms and Building Use Calendars**

**Purpose** of Building Use Request Form:

- Ensure the building use requester has an understanding of insurance requirements and other school policies
- Ensure proper approvals and authorizations
- Timely submission will ensure room availability
- Helps the Operations and Maintenance Department better serve the activity with proper set ups, heat, lights, security, etc.
- Security staff confirms the Building Use calendar matches the building occupants and their activities

**Path** of the Building Use Request Form to final approval

- All requests are entered into our online program, <https://edu.quecentre.com/brunswickcsd/Login.aspx>

- All requests are then routed, electronically, to the building principal and then to the superintendent for their approvals
- After all approvals are given, the request is activated and then becomes part of the Facility Use calendar
- The requestor receives an email from [noreplies@neric.org](mailto:noreplies@neric.org) telling them that their request has been approved and activated.

**Who should use the Building Use Request Form**

- Anyone wishing to use the school facilities after normal school hours (outside groups such as cub scouts, basketball clubs or exercise groups, etc.)
- School staff, especially if activities are not routine and go beyond 3:30 p.m. (concerts, club meetings, training sessions, meetings, etc.)
- Anyone using the Auditorium at any time during the day or evening.

**Who should not submit a Building Use Request Form**

- Any staff member using the facility during normal school hours on a previously approved routine and authorized schedule (except for the Auditorium)
- Athletic department staff and coaches should schedule all practices and game activities with the Athletic Director and these events will be placed on the Building Use Calendar without the need for a Building Use Request Form.

**Purpose of Building Use Calendars**

- Shows authorized building use activities, including Athletic events
- Security Staff uses the calendars to verify authorized activities

When in doubt call the Secretary for Buildings and Grounds Office, 279-4600 ext. 2802 for further information.

<b>Civil Service</b>
----------------------

The following is intended as a guide. The Civil Service Law and the *Rules for the Classified Civil Service of Rensselaer County* shall govern regarding the jurisdictional classification of positions and the appointment and promotion of personnel regardless of what follows.

The Unclassified and Classified Services:

**Unclassified Service** – in accordance with Civil Service Law and the purposes of this Employee Handbook, the term “Unclassified Service” will include all individuals who are Elected Officials and/or members of boards or commissions.

**Classified Service** – in accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Classified Service” as defined by the Civil Service Law and the *Rules for the Classified Civil Service of Rensselaer County* will include all District employees who are

subject to the *Rules for the Classified Civil Service of Rensselaer County*. The Classified Service is divided into four jurisdictional classes:

1. **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41).
2. **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination.
3. **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience.
4. **Labor** – unskilled labor positions, except those positions that can be examined for competitively.

### **Civil Service Appointments**

**Competitive Class** – in accordance with Civil Service Law, the following types of appointments may be made to positions in the Competitive Class:

- **Permanent.** An appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term.
- **Provisional.** An appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination.
- **Temporary.** An appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the promotion of another employee until the employee who has been promoted receives permanent status.

### **Examinations and Appointments**

**Examinations** – in accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class that the District intends to maintain, the District will fill the vacancy by selection from the eligible list certified by the Rensselaer County Civil Service Commission of persons who have taken the appropriate Civil Service examination. The Rensselaer County Civil Service Commission will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the District will select one of the top three available candidates on the list to fill the position.

**Promotions** – the District will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above “one of three” will apply. An employee

who wants to be promoted should become knowledgeable about the employee's present position and be aware of higher-level positions for which the employee may be qualified.

### **Veteran's Credits**

An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veteran's credits on a Civil Service examination. An employee who is a veteran should contact the Rensselaer County Civil Service Commission for details concerning these credits.

<b>COBRA</b>
--------------

Federal law requires that most employers sponsoring group health plans offer employees and their families the opportunity for temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end.

An employee must notify the District within sixty calendar days of a legal separation or divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The District will not be responsible for any loss of coverage resulting from failure by the employee to give notification of such an event.

The Business Office will provide the employee with the enrollment forms and assist with the administrative and operational aspects of COBRA. Enrollment is not automatic. The employee must complete the necessary enrollment forms and return all COBRA forms within the time indicated. If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

The notice that follows is intended to inform you, in a summary fashion, of your rights and obligations under the benefit continuation law.

### **Who is Eligible for Continued Coverage**

If you are an employee covered by the District's group health plan, you have a right to choose continuation coverage if you lose your group health coverage because of a reduction in work hours or termination of your employment for reasons other than gross misconduct on your part.

In the case of a spouse of an employee covered by the group health plan they have the right to choose continuation coverage for themselves if they lose group health coverage under the District's plan for any of the following reasons:

1. The death of their spouse (the employee).
2. A reduction in their spouse's (the employee's) work hours or termination of his or her employment for reasons other than gross misconduct.
3. Divorce or legal separation from their spouse (the employee).
4. Their spouse (the employee) becomes covered under Medicare.



In the case of a dependent child of an employee covered by the District's group health plan; he or she has the right to continuation coverage if coverage is lost for any of the following reasons:

1. The death of the parent-employee.
2. A reduction in the parent-employee's work hours or termination of his or her employment with the District for reasons other than gross misconduct.
3. The divorce or legal separation of the parents.
4. A parent-employee becomes covered under Medicare.
5. The dependent ceases to be a dependent child under the provisions of the group health plan.

### **District Responsibilities**

By law the District has the responsibility to notify the continuation of benefits administrator of an enrolled employee's death, termination of coverage or Medicare entitlement. The administrator will send out more detailed information to the employee and his or her family describing their continuation rights and options.

### **Employee and Family Member Responsibilities**

Employees or their family members wishing continued coverage have the responsibility to notify the continuation of benefits administrator in the event of a divorce or legal separation, a child losing dependent status, or of a Social Security determination that a qualified beneficiary was disabled at the time of the employee's termination or reduction in hours. Notification forms are available from the District Office/Business Office. **To preserve continuation rights, forms must be submitted within 60 days of the event or loss of coverage, whichever is later.**

### **Types of Coverage**

If you do choose continuation coverage, the District is required to allow you to maintain coverage that is identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that you be afforded the opportunity to maintain continuation coverage for three years unless you have lost group health coverage because of a reduction in hours or termination of employment. In that case, the required continuation coverage period is 18 months or 29 months if Social Security determines you were disabled at the time your employment terminated or suffered a reduction in hours worked. However, your continuation coverage may be cut short for any of the following reasons:

1. The District no longer provides group health benefits.
2. You do not pay the premium for your continuation coverage.
3. You become covered under another group health plan, unless such plan contains a pre-existing conditions clause that applies to you or a covered dependent.
4. You become covered under Medicare.
5. You extend coverage for up to 29 months due to your disability and there has been a final determination that you are no longer disabled.

### **Conclusion**

You do not have to show you are insurable to choose continuation coverage. However, under the law, you may be required to pay the entire premium for continuation coverage plus an administrative charge. You will have a grace period of at least 30 days to pay the premium. At

the end of the continuation coverage period, you must also be allowed to enroll in an individual conversion health plan if such a conversion is included in the plan.

If you do not choose continuation coverage, your group health insurance will end.

If you have any questions about the federal continuation of coverage law, please contact the Business Office.

## **Code of Ethics**

The Board of Education recognizes that there are rules of ethical conduct for public officers and employees that must be observed if a high degree of moral conduct is to be obtained, and if public confidence is to be maintained in our school District.

Every officer or employee of the District (paid or unpaid, including members of the Board of Education, and professional and non-professional staff and appointees) shall be subject to, and abide by, the following standards of conduct:

- **Conflicts of Interest.** Officers and employees shall have no conflict of interest, as defined and prohibited by Article 18 of the General Municipal Law.
- **Gifts.** An officer or employee shall not directly or indirectly solicit any gift, or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing, or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him/her in the performance of his or her official duties, or was intended as a reward for any official action on his or her part.
- **Confidential Information.** An officer or employee shall not disclose confidential information that he or she acquires in the course of his or her official duties or use such information to further his or her personal interest either directly or indirectly.
- **Representation Before the District.** An officer or employee shall not receive compensation, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any District agency of which he or she is an officer, member, or employee, or before any District agency over which he or she has jurisdiction, or to which she or she has the power to appoint any member, officer or employee.
- **Disclosure of Interest in Matters Before the Board.** To the extent that he or she knows, any officer or employee of the District who participates in the discussion or gives official opinion to the District on any resolution or other official act before the Board of Education, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such resolution or official act.

- Investments Which Conflict With Official Duty. An officer or employee shall not invest or hold any investment directly in any financial, business, commercial, or other private transaction that creates a conflict with his or her official duties.
- Private Employment. No officer or employee shall accept or promise to accept private employment or private compensation, when such employment or service creates a conflict with the proper discharge of his or her official duties.
- Future Employment. No officer or employee shall, after termination of service or employment with the District, appear for compensation, provided by another public or private person or entity, before the Board of Education in relation to any matter in which he or she personally participated during the period of his service or employment or which was under his or her active consideration.

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

## **Collective Bargaining Units**

The District recognizes the following unions:

The Brittonkill Teachers Association for which the bargaining unit shall be comprised of all professionally certified personnel, excluding the Superintendent of Schools, Principals, Business Administrator and substitute or temporary employees who work forty or less scheduled school days in a year.

The Brittonkill School District Unit, of the Rensselaer County Educational Local 871, Civil Service Employees Association, Inc., Local 1000, American Federation of State County and Municipal Employees, AFL-CIO for which the bargaining unit shall be comprised of all support staff of the District excluding the Supervisor of Transportation, Director of Facilities, Food Service Manager, Secretary to the Superintendent, Treasurer, Payroll Clerk, Accounts Payable Clerk, District Clerk, Secretary to the Assistant Superintendent for Business, Network Systems Manager, Network Systems Technician, employees working less than four hours per day and temporary employees.

Brunswick Central School Principals' Association for which the bargaining unit shall be comprised of all Principals, Assistant Principals and the Director of Special Education.

## **Compensation and Wage Schedules**

Employees should refer to the applicable collective bargaining agreement with regard to wage rates for the District and any particular terms and conditions of employment.

## Complaints About School Personnel

The District shall respond to all complaints about school personnel in a manner that balances the interest of the public with the individual rights of employees, and which is consistent with the collective bargaining agreements of the District and any applicable law. Any complaint shall be referred to the Superintendent of Schools for investigation and review.

## Computer Network Policy

The Brunswick Central School District is committed to optimize student learning and teaching. The District believes that computer networks can be an effective and valuable tool in pursuing this objective.

The use of computers and computer-related technology in Brunswick classrooms whenever such use is appropriate is encouraged and supported. Computer network use is an integral part of the District's overall curriculum. The network, through software applications, online databases, bulletin boards, electronic mail, and emerging features and uses of an electronic network, will enhance student learning, as well as provide local, statewide, national, and global communications opportunities for staff and students.

The following individuals may be designated as members with access to the computer network system, provided that such access is consistent with District needs and resources are available:

1. Elementary, middle and high school students.
2. District employees
3. Community members, as determined by the Superintendent of Schools or his/her designee.

The use of the District's computer network must be in support of the educational objectives of the District. Personal use during regular work hours or anytime for personal benefit is prohibited. All use of computers as well as email shall be monitored. Use shall be consistent with the District's computer use policy.

The person in whose name an account is issued, whether that person is a staff member, a student or some other person, shall be responsible at all times for the proper use of that account. Each network user shall be issued a user name and password.

The following is a list of prohibited activities when using the District's computer network. Violation of any of the prohibitions may result in discipline, or another appropriate penalty, including suspension or revocation of the user's access to the network.

**Password/Logon Sharing.** Sharing of passwords and user names/logins is prohibited. No user shall attempt to log on to the District's system in the name of another individual.

**Interference with E-Mail.** It is a violation of this policy to read, delete, modify, or copy the electronic mail of another system user, or to attempt to do any of these things. Such activities shall be deemed deliberate interference with the ability of another system user to send or receive electronic mail. In addition, forgery or attempted forgery of electronic mail messages is prohibited.

**Use of Personal Software.** Personal software or disks may not be uploaded into the District's computers or network without the prior permission of the Superintendent or his/her designee.

**Promotion of Illicit Activities or Use for Other Improper Purposes.** System users shall not use the system to promote or encourage the use of tobacco, alcohol, or any illegal or controlled substance; to transmit or receive pornographic or indecent materials; for spamming or sending anonymous messages or files; to receive, transmit or make available to others messages that are racist, sexist, abusive, obscene or harassing to others; to promote any other activity prohibited by District policy, or by state or federal law. It is prohibited to transmit materials, information or software in violation of any District policy, or any state or federal law.

**Access to Secure Areas of the System.** Use of computers to access unauthorized areas is prohibited.

**Administrative Controls.** System users shall not evade, change, or exceed resource quotas as set by the administration. Upon the user's request, such quotas may be exceeded only with prior approval of the Superintendent or his/her designee. Such requests shall state the reason for the need to increase the storage quota.

**Vandalism.** Vandalism is prohibited, and shall result in cancellation of the user's system use privileges. "Vandalism" means a malicious attempt to harm or destroy District equipment, materials, or data in the District's system or any of the agencies or other networks connected to the Internet. Vandalism shall include, but is not limited to, the uploading or creating of computer viruses.

**Copyrighted Materials.** Copyrighted materials may not be placed on any computer connected to the District's network without appropriate legal authorization to do so. Only staff that is specifically authorized by the Superintendent or his/her designee may upload copyrighted materials to the network.

**Software Downloads.** Programs may only be downloaded with permission from the Network Systems Manager.

Any network user whom the District identifies as a security risk, or who is discovered to have violated the District's computer use rules and guidelines, may be denied access to the District's network. Such violation may also result in disciplinary up to and including termination and may also subject them to prosecution by local, state and federal authorities.

<b>Copyright Law</b>
----------------------

Infringement of copyright, whether the material is prose or poetry, and whether it be graphic images, music, video, or computer program or code, is a serious offense against the laws of the United States, as well as being contrary to the ethical standards required of staff and students alike.

Reproduction of copyrighted material by or under the auspices of the District shall be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as “fair use” under federal law, permission must be obtained from the copyright owner prior to reproducing material in any form in any prohibited manner.

For specific information on permitted practices with regard to the use and reproduction of copyrighted materials, please see Board Policy #8650-R.

### **Direct Deposit**

Direct deposit for wages is required for all employees. Employees may use one or more banks and/or credit unions for direct deposit. Direct deposit elections may be changed at any time during the school year. Please contact the Business Office for the appropriate paperwork.

### **Drug Free Workplace**

At all sites, facilities, and properties owned by or under the control of the Brunswick Central School District, and at all activities and programs operated or sponsored by the District, it shall be strictly prohibited to use, manufacture, possess, possess with the intent to sell, dispense, sell, or distribute alcohol and other substances, and to use or possess drug paraphernalia. The possession and appropriate exclusive personal use of drugs that have been prescribed by, and that are being used under the supervision of a physician, are exempted from this prohibition.

Any employee of the District who is convicted for violating a criminal drug statute shall notify the Superintendent no later than five (5) days after such conviction.

### **Emergency Closings**

Unless otherwise required by collective bargaining agreement or your supervisor, employees are not required to work when school is closed due to inclement weather or other extraordinary conditions. These days will be considered paid days off. If the decision to close school is made after an employee has reported to work, the employee shall be paid for the entire normal daily scheduled work shift, although the employee shall be excused from work one hour after the closing of the school building.

If school is closed or a two-hour delay is called after an employee’s start time, there is no additional compensation.

Certain employees may be required to work on days when school is delayed or closed.

### **Emergency Conditional Appointments**

The school District will, when possible and practicable, appoint prospective school employees only after the New York State Education Department has granted clearance for employment following fingerprinting and the Department's review of the prospective employee's criminal history record.

In certain circumstances, the Board of Education may appoint an individual on a conditional or emergency conditional basis without the prior clearance for employment granted by the State Education Department.

Employees subject to a conditional appointment may commence work only after receipt by the District, of a conditional clearance for employment from the State Education Department. The conditional nature of the employment shall end immediately upon notification by the State Education Department of clearance of the criminal background check.

Employees who have been appointed on a conditional or emergency conditional basis who are denied clearance for employment by the State Education Department shall have their employment immediately terminated upon such notification to the District.

### **Equal Employment Opportunity**

The Brunswick Central School District Board of Education, its officers, and its employees, shall not discriminate against any employee or applicant for employment by the District on the basis of race, color, national origin, creed or religion, marital status, sex, age or disability.

We believe that it is in the best interest of both the students and the public for the District to employ a staff that is highly qualified and effective in performing the duties and delivering the services assigned to them, and comprises a broad diversity of personal backgrounds and experiences.

Candidates for vacant positions with the District, as well as for promotion and transfer, shall be evaluated on the basis of education, experience, and ability in order to determine their fitness to perform the duties of the position.

Any person who notes or suspects a violation of this policy is strongly encouraged to bring the matter directly to the attention of the Superintendent of Schools.

## **Expense Reimbursement**

District personnel who incur expenses in carrying out their authorized duties shall be reimbursed by the District upon the submittal of a properly completed and approved voucher, with supporting receipts.

When official travel by personally owned vehicle has been authorized, mileage payments shall be made at the rate currently approved by the Board of Education. For more detail please refer to Board Policy #6830-R.

## **Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for:
  - The birth of a child and to care for the newborn child within one year of birth;
  - The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - To care for the employee's spouse, child, or parent who has a serious health condition;
  - A serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty";

**OR**

- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent or next of kin (military caregiver leave).

In order to qualify for this leave, the employee must have: (1) worked for the District for at least 12 months; and (2) worked at least 1,250 hours during the 12 month period immediately prior to the date the leave would begin.

For more information, please contact the Assistant Superintendent for Business.

## **Family Educational Rights and Privacy Act**

Under the Family Educational Rights and Privacy Act (FERPA), parents or eligible students have the right to:



1. Inspect and review the student's educational records.
2. Expect the District to limit the disclosure of personally identifiable information contained in a student's education record except by prior written consent of the student's parent(s) or guardian(s), or the eligible student, or when being used as directory information, or under certain limited circumstances permitted by FERPA.
3. Request that records be amended to ensure they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.

The District will publish notice of these rights annually.

## **Field Trips**

The District encourages student participation in field trips when they have a clear relationship to curriculum content and contribute to the academic and educational enrichment of students. However, budget constraints may limit field trips to only those that are financed through donations. The criteria for consideration of requests for authorization for a field trip shall include: attention to safety precautions, educational value and appropriateness including its relationship to curriculum, selection and appropriateness of sites, consent forms for parents, transportation limitations and restrictions, disruption of the instructional schedule, financial statement and adequacy of adult supervision of students during trips.

Requests for the approval of all field trips must be submitted in writing by the sponsoring faculty member to the building principal on the form provided by the District.

Building principals shall have the responsibility to recommend approval, disapproval or modification of such trips to the Superintendent of Schools and shall perform such responsibility in a timely manner. The Superintendent shall have the authority to dispose of such recommendations as he or she deems appropriate and as provided herein. Requests for authorization for overnight trips or trips outside of the United States shall be submitted to the Board of Education, together with the written recommendations of the building principal and Superintendent of Schools for disposition.

All field trips must be chaperoned by adults, including both male and female teachers. Exact numbers of chaperones required shall be determined by the building principal and class advisor. No less than one adult per every ten students must be available to chaperone a field trip. A minimum of one member of the District faculty or administrative staff must accompany each field trip. On overseas trips, chaperones shall be responsible for maintaining a copy of the passport of each student participating in the trip.

Written parental permission for each participating student must be obtained for all field trips.

Students participating in field trips shall observe the school's code of conduct at all times. Students must never travel alone and must always be accompanied by at least one other student.

For complete information regarding field trips, please see Board Policy #4531.

## **Fingerprinting Policy**

The District has an obligation to secure fingerprints of all prospective employees who have not been fingerprinted already by the State Education Department or under Vehicle and Traffic Law. Fingerprints are obtained for each employee using an electronic scanning system.

No employee may be hired or employed without submitting to a criminal history background check and fingerprinting. This policy applies to all prospective employees who will receive compensation directly from the District, or who receive compensation from a contract service provider, and includes part-time employees and substitutes, workers placed under a public assistance employment program, and volunteers who work directly with children.

The individual being fingerprinted must pay for any fees as imposed by the Department of Criminal Justice Services and the FBI unless the District agrees to assume the cost.

## **Freedom of Information Law**

It is the policy of the Brunswick Central School District to inform members of the public about the administration and operation of the District's schools and programs in accordance with the Freedom of Information Law (FOIL) of the State of New York.

If you require further information on the rules and regulations of the District relating to the inspection and copying of school District records, please see Board Policy #1120.

## **Green Schools Initiative**

In September 2013 the Board of Education adopted the Green Schools Initiative. We have made a commitment to reducing our carbon footprint. That includes the installation of solar panels on all roofs and reducing trash. To that end, all paper should go in the white boxes with the recycling symbol on it. We are now collecting compost and other recycling at stations in each school cafeteria. Other recyclables such as clean glass & cans should go in the blue comingled recycling containers. Please join us in helping to spread the word to all users of our buildings.

## **Green Schools Proclamation**

**WHEREAS**, the Brunswick Central School District Board of Education desires to grow the twenty-first century economy by establishing community-advancing policies that unleash the potential of our buildings and our children to usher in a healthier, safer, more efficient, resilient and prosperous future; and

**WHEREAS**, deteriorating school infrastructure and poor indoor environmental quality threaten the health, well being and achievement of staff and students; and

**WHEREAS**, healthy, high-performance schools, or "green schools," create a healthy environment that is conducive to learning while saving energy, resources and money; and

**WHEREAS**, children in green schools are healthier and more productive because green schools emphasize excellence in areas such as natural day lighting, thermal comfort, and classroom design – all of which have been shown to improve children's well-being and ability to learn; and

**WHEREAS**, the benefits of superior indoor air quality – a key emphasis of green schools – have been linked to lower asthma rates, fewer allergies, reduced absenteeism, and increased teacher retention rates; and

**WHEREAS**, green schools use an average of 30 – 50% less energy compared to conventional schools; and

**WHEREAS**, instruments like the LEED (Leadership in Energy and Environmental Design) green building rating system can optimize building performance, resolve operational inefficiencies, and dramatically reduce utility costs in new school construction and in existing school renovation; and

**WHEREAS**, green schools provide an educational experience that transcends the classroom by creating a host of opportunities for curriculum innovation and hands-on, project based learning in which the building itself becomes an interactive teaching tool; and

**WHEREAS**, greening existing schools can happen through low or no-cost operations and maintenance improvements, such as implementing water efficiency measures, green cleaning programs, smarter purchasing practices, recycling and waste reduction initiatives, and energy management plans that can save a school district millions of dollars a year in direct operating expenses;

**WHEREAS**, the above-listed benefits of green schools – including fiscal responsibility, human and environmental health, and an educational connection to the 21st century economy – transcend political boundaries;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Brunswick Central School District Board of Education agrees to work together toward common sense solutions and to pass policies that effectively promote the benefits of green schools to our communities and advance the vision that every child will attend a green school within this generation.

**Adopted by Brunswick Central School District Board of Education September 19, 2013**

<b>Health and Dental Insurance</b>
------------------------------------

The District offers health and dental insurance to eligible employees. Employees should refer to the appropriate collective bargaining agreement or contact the Business office for more information regarding eligibility, contributions, plans, and deductions.

## **Health Insurance Portability and Accountability Act (HIPAA)**

The Brunswick Central School District, as a sponsor of one or more self-insured group health plans, is required under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to implement policies and procedures relating to the privacy of individually identifiable health information of Plan enrollees. Under this policy, District workers who have access to Protected Health Information in the course of their duties must safeguard the confidentiality of Protected Health Information and the District must implement appropriate administrative, technical and physical safeguards to protect the privacy of Protected Health Information. If you have any questions, the District's Privacy Official may be contacted for more information.

## **Holidays**

In general, the following holidays will be observed by the District:

Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day  
Friday after Thanksgiving

Christmas Day  
Day after Christmas  
New Year's Day  
Martin Luther King Jr.'s Birthday  
Washington or Lincoln's Birthday  
Memorial Day

Employees should refer to the applicable collective bargaining agreement for any special provisions relating to holiday observance and pay.

## **Internet Safety Policy**

The District is committed to undertaking efforts that serve to make it safe for children to use District computers for access to the Internet and World Wide Web. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board has directed the Superintendent of Schools to purchase and implement the use of technology protection measures that block or filter Internet access by:

- Adults to visual depictions that are obscene or child pornography, and
- Minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children's Internet Protection Act.

Subject to staff supervision, however, any such measures may be disabled or relaxed for adults conducting bona fide research or other lawful purposes, in accordance with criteria established by the Superintendent or his or her designee.

The Superintendent or his or her designee also shall develop and implement procedures that provide for the safety and security of students using electronic mail, chat rooms, and other forms of direct electronic communications; monitoring the online activities of students using District computers; and restricting student access to materials that are harmful to minors.

In addition, the District prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the Internet and World Wide Web. The Superintendent or his/her designee shall establish and implement procedures that enforce these restrictions.

The Superintendent or his or her designee under the District's Computer Network or Acceptable Use Policy shall monitor and examine all District computer network activities to ensure compliance with this policy and accompanying regulation. He or she also shall be responsible for ensuring that staff and students receive training on these requirements.

All users of the District's computer network, including access to the Internet and World Wide Web, must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the District's Acceptable Use Policy. Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

The following rules and regulations implement the Internet Safety Policy that has been adopted by the Board of Education to make it safe for children to use the District computers for access to the Internet and World Wide Web.

### ***Definitions***

In accordance with the Children's Internet Protection Act,

- *Child pornography* refers to any visual depiction, including any photograph, film, video, picture or computer or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct. It also includes any such visual depiction that (a) is, or appears to be, of a minor engaging in sexually explicit conduct; or (b) has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (c) is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.
- *Harmful to minors* means any picture, image, graphic image file, or other visual depiction that (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

### ***Blocking and Filtering Measures***

- The Superintendent or his or her designee shall secure information about, and ensure the purchase or provision of, a technology protection measure that blocks access from all District computers to visual depictions on the Internet and World Wide Web that are obscene, child pornography or harmful to minors.
- The Superintendent or his or her designee shall be responsible for ensuring the installation and proper use of any Internet blocking and filtering technology protection measure obtained by the District.
- The Superintendent or his or her designee may disable or relax the District's Internet blocking and filtering technology procedure only for educational and/or professional related responsibilities.

### ***Monitoring of Online Activities***

- The Superintendent or his or her designee shall be responsible for monitoring to ensure that the online activities of staff and students are consistent with the District's Internet Safety Policy and this regulation. He/she may inspect, copy, review, and store at any time, and without prior notice, any and all usage of the District's computer network for accessing the Internet and World Wide Web and direct electronic communications, as well as any and all information transmitted or received during such use. All users of the District's computer network shall have no expectation of privacy regarding any such materials.
- Except as otherwise authorized under the District's Computer Network or Acceptable Use Policy, students may use the District's computer network to access the Internet and World Wide Web only during supervised class time, study periods or at the school library, and exclusively for research related to their course work.
- Staff supervising students using District computers shall help to monitor student online activities to ensure students access the Internet and World Wide Web, and/or participate in authorized forms of direct electronic communications in accordance with the District's Internet Safety Policy and this regulation.
- The Superintendent or his or her designee shall monitor student online activities to ensure students are not engaging in hacking (gaining or attempting to gain unauthorized access to other computers or computer systems), and other unlawful activities.

### ***Training***

- The Superintendent or his or her designee shall provide training to staff and students on the requirements of the Internet Safety Policy and this regulation.
- The training of staff and students shall highlight the various activities prohibited by the Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- Students shall be directed to consult with their classroom teacher if they are unsure whether their contemplated activities when accessing the Internet or Worldwide Web are directly related to their course work.

- Staff and students will be advised to not disclose, use and disseminate personal information about students when accessing the Internet or engaging in authorized forms of direct electronic communications.
- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety Policy and this regulation.

### ***Reporting of Violations***

- Violations of the Internet Safety Policy and this regulation by students and staff shall be reported to the Building Principal.
- The Principal shall take appropriate corrective action in accordance with authorized disciplinary procedures.
- Penalties may include, but are not limited to, the revocation of computer access privileges, as well as school suspension in the case of students and disciplinary charges in the case of faculty and staff.

## **Meals and Refreshments**

From time to time, meals and/or refreshments may be deemed appropriate for a particular meeting, event or situation.

Whenever meals and/or refreshments are ordered, the person making the request shall indicate the date, purpose of the meeting, and identify the group in attendance. Any expenditure made on such meals and/or refreshments should be appropriately documented with a receipt, itemized and submitted to the Business Office for the purposes of audit and possible reimbursement. In the event of a lost receipt, a signed statement may be submitted as a substitute document at the discretion of the Assistant Superintendent for Business.

Examples of authorized categories include, but are not limited to, refreshments for staff on teacher orientation day at the beginning of each school year, staff recognition day, refreshments for Superintendent's Conference Day, community/District meetings, assessment day grading of tests, receptions for volunteers, and other meetings at which District business is conducted.

## **Military Leave and Military Leave of Absence**

### **Military Leave (New York State Law)**

This section refers only to a paid leave for military service under New York State Law and does not affect an employee's entitlement to leave needed for military service under federal statute. The District recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The District will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year whichever is greater. Such military leave beyond the 22 workdays or 30 calendar days in a calendar year will be unpaid, however, accumulated vacation

leave may, at the employee's option, be used at any time during the leave. In accordance with applicable New York State Law, the employee may keep all pay received for military service.

#### **Military Leave of Absence (Federal Law)**

An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee's accumulated vacation leave may, at the employee's option, be used at any time during such leave of absence.

### **MSDS (Material Safety Data Sheets)**

MSDS (Material Safety Data Sheets) must accompany or be verified to be on file in the District Office, all **Purchase Order Authorization for Payment forms**. This process is required by law and also insures all substances within the walls of Brunswick CSD are inventoried and approved to be here. If a product is harmful to our Waste Water Treatment Plant we must be aware of its necessary use and storage location.

### **News Media Relations/Publications**

It is the general practice in the District that information for the news media will be provided by the President of the Board of Education or the Superintendent of Schools.

The principal of each school is authorized to grant permission for media activities to take place in his/her school, provided that the presence of the media personnel will not unduly disrupt the education of students.

The District reserves the right to publish any photograph or likeness; original work; and school related data of students, faculty, staff and all visitors to school property unless otherwise previously notified in writing that such publication is not desired.

### **Notification of Released Sex Offenders**

The New York State Sex Offender Registration Act, commonly known as "Megan's Law," authorizes law enforcement agencies to notify a school District when certain persons with a history of sex offenses against children are living in the community.

In the event that the administration received a notification regarding the release of a convicted sex offender, the superintendent shall relay the information to building principals, staff who regularly greet members of the public, bus drivers via the supervisor of transportation, the supervisor of buildings and grounds who shall provide the information to the custodians on duty at any time when children are in the building, direct security personnel, athletic director and coaches and any other building shared decision-making teams. Those staff members to whom



identifying information is disseminated shall be instructed not to further disclose such information except with the permission of the Superintendent.

All staff in the District are directed to notify their supervisor immediately if they observe any suspicious person in an area where children congregate or otherwise may be found.

### **Pay Dates**

A schedule of paydays is published in June of each year and a copy distributed to each building and department for posting in a conspicuous place.

### **Performance Reviews**

The performances of administrative and support staff employed by the District shall be formally reviewed annually. This does not apply to evening schoolteachers of nonacademic, vocational subjects, but does apply to all other members of the District's administrative and instructional staff.

The performance evaluation is a collaborative process that contributes to an individual's growth, and encourages the development of a collective, professional community.

Except as otherwise provided for by a collective bargaining agreement, the following shall be the procedure for performing employee performance evaluations.

- The administration shall undertake a continuous program of supervision and evaluation of all personnel in the District in order to promote improved performance and to make decisions about the occupancy of positions. The primary purposes of this evaluation are:
  1. To encourage and promote self-evaluation by personnel: and
  2. To provide a basis for evaluative judgments by school administrators.
- After an evaluation, the evaluator will meet with the employee to review the employee's performance evaluation report.
- An employee's written reply, if any, will be attached to the performance evaluation report.

### **Personnel Files**

It is the policy of the District to balance the need to obtain, use and retain employment information with a concern for each employee's privacy. To this end, the District will endeavor

to maintain only that personal information necessary for the conduct of the District's business or as required by federal, state or local law. Personnel records will be maintained for current and past employees in order to document employment related decisions and comply with government record keeping and reporting requirements.

The personnel records maintained by the District include, but are not limited to, forms, retirement enrollment/waiver forms, health insurance enrollment/waiver forms, disciplinary and grievance or dispute notices, letter of acclamation, and probationary reports.

An employee must immediately notify the Business Office of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

All steps have been taken to protect the privacy of the employees. Policies for third party access and release of information have been developed as part of District policies.

### **Petty Cash**

No District money except petty cash funds shall be kept in any school building or facility overnight. The District shall hold each employee personally responsible for any and all funds she/he collects in the course of that employee's assigned duties.

Petty cash is available to pay for materials, supplies, or services requiring immediate payment. Sales tax on purchases will not be paid by the school district from petty cash funds.

Any payments from petty cash must be supported by receipted bills or other permanent evidence documenting the expenditure.

### **Physical Examinations**

Employees who are subject to a physical examination requirement as a term and condition of employment will not be held liable for any cost or expenses incurred as a result of this job-related requirement. Physical examinations shall be administered in accordance with appropriate legislation and laws.

### **Probationary Period**

The probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides the supervisor with an opportunity to evaluate the employee's job performance and potential for development in the position.

**Length of Probationary Period (Competitive Class)** – except as otherwise provided in the *Rules and Regulations for the Classified Civil Service of Rensselaer County*, an employee appointed from an open-competitive list must serve a probationary period of not less than eight weeks or more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules and Regulations for the Classified Civil Service of Rensselaer County*.

**Length of Probationary Period (Other Classes)** – except as otherwise provided in the *Rules and Regulations for the Classified Civil Service of Rensselaer County*, an employee's original appointment to a position in the exempt, non-competitive, or labor class shall be for a probationary period of not less than eight nor more than twenty-six weeks. The length of the probationary period may be extended in accordance with the *Rules and Regulations for the Classified Civil Service of Rensselaer County*.

An employee's appointment will become permanent upon the retention of the probationer after his/her completion of the maximum period of service or upon earlier written notice following completion of the minimum period of service that his/her probationary term is successfully completed. **Except as otherwise provided by law or a collective bargaining agreement, completion of the probationary period does not necessarily confer rights or privileges in the position.**

If the conduct of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of service, and on or before completion of the maximum period of service in the manner as prescribed in these rules.

## Purchasing

The District authorizes certain individuals to make purchases on behalf of the District. No employee shall make purchases for the school or use the District's name to make purchases unless authorized to do so by the Board of Education. Please contact the Assistant Superintendent for Business if you have any questions regarding this policy and/or authorization.

All staff initiating purchase orders must responsibly follow through with the ordering, receiving, inspecting and authorizing for payment procedures.

When the items are received, they must be checked for proper quantity, specifications, MSDS, waste water treatment plant compatibility, flammability, toxicity, proper storage, proper use instructions etc.

When signing the Authorization for Payment form all MSDS forms must be verified on file, all quantities and other specifications must match the original order and consideration must be given to proper substances within the walls of Brunswick CSD. Our Waste Water Treatment Facility is sensitive to waste poured down the drain. Flammables must be stored in Flammable Cabinets. Dangerous or Toxic substances should not be ordered unless first cleared with our Health and Safety Personnel. Science and Art and Technology Shop substances can be particularly toxic and should be carefully considered regarding storage and student contact.

When you sign the Authorization for Payment Document, which is part of the Purchase Order you must consider your responsibility to help maintain a Safe and Healthy Environment for our Students and Staff.

Contact the Operations and Maintenance Department with any questions or guidance in this important matter. 279-4600 ext 2802 for Sherri Kellar-Willis or 2801 for Whitney Colvin.

## **Racial and Other Unlawful Harassment Policy**

The District recognizes that racial, sexual, and other unlawful harassment of students and staff is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation, and intolerance. The District further recognizes that preventing and eliminating racial and other unlawful harassment in schools is essential to ensure a healthy, non-discriminatory environment in which students can learn and employees can work productively.

The District is committed to providing an educational and working environment that promotes respect, dignity, and equality and that is free from all forms of racial, sexual, and other unlawful harassment and unlawful discrimination. To this end, the District condemns and strictly prohibits all forms of racial and other unlawful 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.

Unlawful harassment includes harassment on the basis of race or color, national origin, gender, sexual orientation, religion, or disability. Unlawful harassment occurs when the work or education environment becomes intimidating, hostile or offensive as a result of conduct or communications which have 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.

It is essential that all victims of unlawful harassment and persons with knowledge of such harassment report the harassment immediately. The District will promptly investigate all complaints. To the extent possible, all complaints will be treated in a confidential manner.

## **Release for Volunteer Emergency Personnel**

With the approval of the immediate supervisor or other administrator, an employee with specialized training may be granted leave to assist with an emergency in the community. The supervisor will take in account the nature of the emergency and the coverage of the employee's responsibilities when considering such requests for leave.

## **Retirement**

The District will make available the New York State and Local Retirement System (NYSLRS) or the New York State Teachers' Retirement System (NYSTRS) to each eligible employee. For more information regarding retirement benefits, please contact the Business Office.

## **School Ceremonies and Observances**

The Brunswick Central School District recognizes the value of certain ceremonies and observances in promoting community values and good citizenship among the students. The District therefore encourages activities that commemorate national holidays.

The District seeks neither to advance nor to inhibit religion. Students, faculty, and administration must be always mindful of the diversity of religious beliefs to be found in this community and in this nation, and must therefore, in order to ensure civility among those who hold different views and beliefs, be conscious of and respect the sensitivities of others.

Activities related to the celebration of religious holidays and culture may present an excellent opportunity to teach about religion and to foster respect and understanding of diversity among students. In addition, educational goals that are motivated by secular purposes cannot always eliminate religious aspects, and may sometimes require the presentation of material with religious themes.

Activities related to the observance of religious holidays will be permitted only to the extent that appropriate educational goals are fostered. Such activities shall be conducted in a manner that is unbiased and objective, focusing on the historical origins of the holiday, its history, and the generally agreed upon meaning of the holiday observance.

In planning activities related to a religious holiday or theme, special effort shall be made by instructional and administrative staff to ensure that the activity is in no way devotional, and also ensure those students of all faiths or no faith can join without feeling that they are betraying their own beliefs. Therefore:

1. School and class plays shall not be religious;
2. Religious music shall not predominate in the music that is performed or presented; and
3. Program notes, illustrations, and decorations shall not be religious or sectarian.

The display of religious objects or symbols is prohibited except to the extent that such display is used as a teaching aid or resource and to provide examples of cultural or religious heritage within the context of a short-term study in the curriculum, such as world religions, art, or history. Symbols that are secular and seasonal in nature, such as Santa Claus or Easter Bunnies, can be displayed in a seasonal context without reference to religion.

Upon request of a person in parental relation, a student may be excused from taking part in those programs or parts of programs or the curriculum involving a religious theme that conflicts with the student's own religious beliefs.

Prayers of benediction may not be included as part of school District ceremonies, including graduations, even if attendance at such functions is not mandatory.

### **Section 125 Cafeteria Plan**

The Section 125 cafeteria plan is a plan that enables employees to make pre-tax payments into an account that may then be used for dependent care and medical expenses. Employee health insurance contributions are claimed automatically via payroll, and do not need to have a claim for submitted for the contributions, but the medical expenses account may be used to claim insurance deductibles, co-payments and other non-reimbursed medical expenses.

For more information on the Section 125 plan and enrollment, please contact the Business Office.

### **Section 504 Policy Regarding Students with Disabilities**

Section 504 is a Federal civil rights statute that prohibits discrimination against persons with disabilities in programs receiving federal financial assistance. The Act protects individuals with a disability who:

1. Have a physical or mental impairment that substantially limits one or more major life activity (major life activities include activities such as care for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working).
2. Have a record of such impairment; or
3. Are regarded as having such an impairment.

The District does not discriminate against persons with disabilities and provides access for qualified disabled individuals to all of its activities and programs. It is the policy of the District to provide a free and appropriate public education to each handicapped student within its jurisdiction, regardless of the nature or severity of the handicap.

It is the intent of the District to ensure that students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be handicapped under this policy even though they do not require services pursuant to the Individual with Disabilities Education Act (IDEA).

### **Sexual Harassment Policy**

The Board of Education is strongly committed to safeguarding the right of each employee of the District to work in an environment that is free from all forms of sexual harassment. Conduct is

deemed to be sexual harassment when the recipient of the attention finds the behavior to be unwelcome. It is irrelevant whether or not the harasser intended to sexually harass the person.

Sexual harassment can be committed by a person of either sex against a person of either the opposite sex or the same sex, and by peers as well as supervisors.

It is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. An employee who feels they have been subject to harassment should first report their concern to either their immediate supervisor or a member of the Harassment Committee. The District will promptly investigate all complaints of sexual harassment. To the extent possible, all complaints will be treated in a confidential manner.

Please see the Sexual Harassment Policy and Complaint forms at the end of this section.

### **Smoking and other Tobacco Use**

Consistent with state and federal law, the District prohibits the use of cigarettes or any other tobacco products by students, staff, parents, visitors and vendors in school buildings, in administrative offices, in bus garages, in school buses and other district vehicles, on school grounds or at any school sponsored event wherever it may occur.

### **Staff Participation in Political Activities**

The District recognizes that employees have the constitutional right not to be subject to adverse actions by their employer on account of their political party affiliation or political activities in their personal lives and on their personal time. School employees may not use their positions of authority, school facilities, or the immediate environs of those facilities to engage in political activities or otherwise advance their own personal political beliefs.

It is particularly important that students not be the targets of, or subjected to, such political activities by any member of staff of the District.

### **Teaching about Controversial Issues**

The District recognizes that students must be prepared to give intelligent consideration to matters of public controversy if they are to become responsible adults participating fully in society. Matters of controversy should therefore be allowed to arise for consideration in students' formal education, and to be dealt with as part of their Brunswick Central Schools learning experience.

Some matters are controversial because there are opposing and often deeply held views on certain topics, public discussion of which consequently generates emotion and creates conflict. This policy is not intended to apply to issues such as evolutionary theory, which are not

controversial in the context of their disciplines, and which are a part of the curriculum established by the NYS Education Department. The District deems it essential that classroom teachers have clear guidelines for preparing and conducting lessons on controversial topics that will help to make their classroom presentations and discussions as objective and scholarly as possible. As a consequence, the District states the following conditions and expectations, which should be understood by both students and staff.

1. Matters of a controversial nature shall be handled in the classroom as they arise in the normal course of instruction; they shall not be introduced for their own sake. Treatment of such issues shall neither be sought nor avoided.
2. When presenting the various positions on a controversial issue, the teacher shall take care to balance major views, and to assure that as many sides of the issue as practicable are presented fairly, with the teacher espousing no position as the only one that is acceptable. Teachers should take the opportunity, when appropriate, to inform students about law related to the controversial issue.
3. When materials dealing with controversial issues are to be used, assigned, or recommended, such materials must:
  - a. Balance major views and provide as many sides of the issue as possible in a fair manner, with no position presented as the only one that is acceptable;
  - b. Be appropriate to the maturity level of the students; and
  - c. Neither adversely affects attainment of the District's instructional goals nor substantially disrupts the classroom's normal operation.

Prior to presenting materials on a controversial issue to students, the classroom teacher shall present the materials to the Principal for prior approval. The Principal shall review the materials for their suitability according to the guidelines stated above.

4. No guest speaker may address students on controversial issues unless the Principal grants prior approval for the address.

## **Time Records**

An employee who is required to complete a time record must complete the time record according to the schedule established by the Payroll Office and the employee's supervisor. Failure to submit time records in a timely manner may result in a delay of payment. Employees must comply with the following procedures for completion and submission of time records:

- Time records must be completed by the close of each workday.
- All time worked must be recorded.



- All paid and unpaid leaves of absence must be recorded.
- Employees must complete their own time record.
- The time record must be submitted to the supervisor at the time specified.
- The time record must be verified and signed by the supervisor.

An employee, who, after investigation is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating circumstances where an employee is not able to complete the employee's own time record, the supervisor may complete the time record on behalf of the employee.

## **Transfers and Reassignments**

The Superintendent of Schools has responsibility for the transfer and assignment of all professional and other staff employed by the District. The Superintendent may delegate this responsibility as necessary.

All transfers and reassignments shall be made after taking into account the best interests of the District, its students and its programs.

## **Transporting Students**

There are only a limited number of special circumstances in which employees of the District may need to use their private vehicle for school purposes including transportation of a student to hospital or other medical facility in the event of a medical emergency; or when regular District transportation is unavailable and the student(s) require transportation to a District-sponsored event.

In all circumstances, the Superintendent, principal or principal's designee will consider all factors before allowing such transportation to be undertaken. Transportation of students in a private vehicle requires the prior permission of the Superintendent or another administrator. Transportation of students in private vehicles is prohibited in all other circumstances.

## **Uniforms**

Uniforms, if required, will be provided as indicated in the appropriate collective bargaining agreement. In the absence of a requirement to wear a uniform, all employees will be expected to dress neatly, cleanly and appropriately. In the case of a difference of opinion about appropriate attire, the supervisor and the Superintendent of Schools shall have the authority to determine the appropriateness of clothing and the decision of the supervisor and Superintendent shall control.

## **Use of School-Owned Materials and Equipment**

The District permits the use of District-owned materials and equipment (e.g. laptop computers, cell phones, audio-visual equipment, etc.) by Board members, officers and employees of the District.

Individuals borrowing District-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return.

Equipment shall be loaned for school/work related purposes only.

## **Voluntary Separation from Employment**

The District depends on its staff to meet their obligations and provide services and program to students throughout the academic year. The District expects each member of the certified staff to honor his/her appointment for the entire school year, unless there are exceptional circumstances.

Any teacher or administrator who wishes to voluntarily sever his/her employment relationship with the District is asked to provide written notice at least thirty (30) days prior to the effective date of separation.

## **Volunteers**

The appropriate use of volunteers in the schools is encouraged by the District to strengthen the relationship between the school and the community it serves. Volunteers provide an invaluable service to those carrying out the District's educational mission. The Board, Superintendent of Schools, building principals, administrators and other designated individuals may accept the services of volunteers on behalf of the District.

Volunteers in the District's schools, offices, and programs may come from all backgrounds and age groups, and may include anyone willing to donate his/her time for the purpose of helping or supporting the education of children through planned auxiliary services. District personnel who are responsible for tasks or projects that will seek the services of volunteers shall identify appropriate tasks and schedules for such activities. District personnel must make provision for supervision of volunteer activities, necessary training programs and the evaluation of volunteer assistance.

In the event the District does not provide transportation to a school-sponsored program, activity or event, it shall be the responsibility of the person in parental relation to the student to provide transportation of the student to such program, activity, or event. At no time shall volunteers be

used by the District or District personnel to provide transportation to students for school-sponsored activities or events.

The service of volunteers may not be used without their first submitting to a criminal history background check.

<b>Work Day – Work Week</b>
-----------------------------

**Twelve Month Employees**

The work year for all twelve-month employees is from July 1 to June 30 and the work hours are based on a forty-hour work week. This includes an 8-hour day, excluding mealtimes, 5 days per week.

**Ten Month Employees**

The work year for ten-month employees is either 180 or 184 days, from September to June, dependent upon start date. 180 of those days are when school is in session, and the work hours vary between employees and departments.

**Teachers**

The work year for teachers and members of the Brittonkill Teachers Association bargaining unit will be 185 days. The first day will be the day before the first day for students and the year will end with the ending day for students. The 185 days include one orientation day and 4 conference, housekeeping and emergency days. Unused conference, housekeeping and emergency days, up to a limit of 2 days, which are not utilized during the school year will be used at the end of the school year for general and routine housekeeping duties without students present.

The teacher workday will be a continuous six hours and fifty-five minutes inclusive of 10 minutes of professional time at the end of the student day.

In the event of an emergency, teachers shall be expected to assume a professional obligation to assist the administration in any necessary supervision of children.

For further information regarding teaching hours and load, please refer to the appropriate collective bargaining agreement.

# **BOARD POLICIES**

# Policy 0105 EQUITY, INCLUSIVITY, AND DIVERSITY IN EDUCATION

( ) Required

**(X) Local**

( ) Notice

The Board of Education is committed to creating and maintaining a positive and inclusive learning environment where all students, especially those currently and historically marginalized, feel safe, included, welcomed, and accepted, and experience a sense of belonging and academic success.

## Generally Accepted Beliefs and Agreements

All children deserve to have equal access to opportunity regardless of the color of their skin, their gender, their sexual orientation, the language they speak or their background. This freedom is fundamental to our K-12 education program and is extended to everyone without exception. However, the district also recognizes that students have been historically marginalized due to inequities associated with aspects of their identities and their contexts, including, but not limited to, race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression). Racism, discrimination, and marginalization of any people or groups of people, whether intentional or not, have no place in our schools, our district or our community. Such actions damage not only those individuals and groups at which they are directed, but also our community as a whole. We are committed to addressing these inequities and helping each and every student to equitably access learning opportunities in school to enable them all to thrive and to build a better society.

## Goals

The goal of the school district is to provide equitable, inclusive and diverse opportunities for all students to reach their highest potential. To achieve educational equity and inclusive education, the district will acknowledge the presence of culturally diverse students and the need for students to find relevant connections among themselves and the subject matter and the tasks teachers ask them to perform. The district will develop the individual and organizational knowledge, attitudes, skills, and practices to create culturally responsive learning and working environments that expect and support high academic achievement for students and employees from all racial groups. Differences will not just be seen as strengths, but they will be nourished, celebrated, and welcomed because they are what make students and families unique.

In order to truly realize this goal, it is imperative that the Board, its officers, and employees, be fully conversant in the historical injustices and inequalities that have shaped our society and to recognize and eliminate the institutional barriers, including racism and biases that

contribute to the pervasive, disparate educational outcomes within our schools. Equity and inclusive education aims to understand, identify, address, and eliminate the biases, barriers, and disparities that limit a student's chance to graduate high school prepared for college, for a career, and for life.

The Superintendent or designee(s) will ensure that curriculum and instructional materials reflect the Board's commitment to educational equity. Curriculum and instructional materials for all grades shall reflect diversity and include a range of perspectives and experiences, particularly those of historically underrepresented groups. All curriculum materials shall be examined for bias. Class instructional activities and extracurricular programs shall be designed to provide opportunities for cross-cultural and cross-racial interactions that foster respect for diversity.

Equity and inclusive education is an ongoing process that requires shared commitment and leadership if a district is to meet the ever-evolving society, unique learning needs of all students, and diverse backgrounds of our communities and schools. The Board understands that equity and inclusive education is achieved when each adult collaborates and affirms each student by creating a respectful learning environment inclusive of actual or perceived personal characteristics.

Educational equity is based on the principles of fairness and ensuring that every student has access to the resources and educational rigor they need at the right moment in their education, despite any individual's actual or perceived personal characteristics, not to be used interchangeably with principles of equality, treating all students the same.

Inclusive education is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings and the broader environment, in which diversity is honored and all individuals are respected.

Diversity in education means students, staff, families and community are our greatest strength and diversity is viewed as an asset. Diversity means the condition of being different or having differences, including, but not limited to, sex, race, ethnicity, sexual orientation, gender, age, socioeconomic class, religion, and ability, and other human differences. Embracing these diversities and moving beyond tolerance and celebration to inclusivity and respect will help the district reach our goal of creating a community that ensures that each and every voice is heard and valued.

#### Accountability, Transparency and Review

The Board, its officers and employees, accepts responsibility and will hold themselves and each other accountable for every student having full access to quality education, qualified teachers, challenging curriculum, full opportunity to learn, and sufficient, individually-tailored support for learning so they can achieve at excellent levels in academic and other student outcomes. The district also accepts its responsibility for moving forward on this journey and to committing time, energy and resources to develop a more equitable, inclusive, and

diverse welcoming environment for all students, parents and staff. To this end, the Superintendent will establish a district-wide Task Force on Equity and Inclusion as well as Equity and Inclusion Coordinating Committees in each school. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including the adoption and revision of policies and implementation of practices designed to promote diversity, prevent discrimination, assure equitable access to high quality educational staff, facilities and materials, and to maximize student achievement for all students. The accompanying exhibit provides more detail on the specific programs and strategies implemented by the district.

The Superintendent of Schools, or designee, will adopt goals and corresponding metrics related to this policy. The district will identify the multiple indicators necessary to monitor student outcomes, engagement, and school climate, and specific data that will be used to ensure accountability for student, school, and district-wide performance; to reduce variability in outcomes; and to ensure that academic outcomes will not be predictable by actual or perceived personal characteristics and can be assessed and reported transparently to the public. Reporting may include, but is not limited to, standardized test scores; referrals, suspension and expulsion reports; the percentage of students placed in Bilingual or English as a New Language (ENL), Advanced Placement and remedial classes; as well as employee, parent and student perceptions about school.

With committee input, the Superintendent of Schools is directed to develop and implement a plan for ensuring that equitable educational opportunities are being provided to all students. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding cultural responsiveness, equity and inclusion and to implement preventative measures to help counteract biases and practices that perpetuate achievement disparities and lead to disproportionate levels of student success. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can learn from a diverse range of experiences and points of view. Curricular materials and staffing decisions will support these efforts.

The Board of Education and the Superintendent district will monitor and review the district's metrics and equity activities to determine the extent to which district schools are complying with this policy, the progress made toward attaining the goals of this policy, whether this policy is having a positive effect on improving academic opportunities for all students and increasing family engagement and reducing achievement gaps. The Superintendent will regularly report progress on the equity, inclusivity, and diversity plan and outcomes. Based on those results, this policy, and the specific objectives set to meet its goals, may be revised as needed.

Equity Policy Communication

To be successful in this endeavor, it is imperative that all members of the school community are aware of this policy, its purpose, procedures and the district's commitment to equity and inclusion by fostering a positive learning environment that embraces all diverse, unique and individual differences.

The Superintendent, or designee(s), is directed to ensure that this policy is communicated to students, staff, and the community. This policy will be posted on the district's website, and will also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

### Policy Enforcement

The Board directs the Superintendent or designee(s) to enforce this policy and create regulations and practices to implement this policy. The Board will annually review the district's implementation of this policy and take appropriate action to ensure compliance with and enforcement of this policy.

Cross-ref:

[4000](#), Goals for Instructional Programs

[4511](#), Textbook Selection and Adoption

[5153](#), Student Assignment to Schools and Classes

[9240](#), Recruiting and Hiring

[9700](#), Professional Development

Adoption date: November 19, 2020

Brunswick/Brittonkill Central School District



# **Regulation 0105-R EQUITY, INCLUSIVITY, AND DIVERSITY IN EDUCATION REGULATION**

The following outlines the process for achieving educational equity and the elimination of barriers and bias, particularly institutionalized racism and cultural biases, and disparities that limit a student's chance to graduate high school prepared for college, for a career, and for life.

Educational equity means differentiating resource allocation, within budgetary limitations, to meet the needs of students who need more supports and opportunities to succeed academically. Resource allocation will support the definition of educational equity adopted in this regulation and board policy while complying with state and federal funding requirements.

Educational equity ensures that all students have equal access to courses, teachers, school environments, regardless of students' race or ethnicity, socio-economic status, or language.

## **A. Eliminate and Disrupt Systemic Inequities**

The Board of Education believes that all students can learn and that every student has a right to an equitable educational experience and a sense of belonging at school. Therefore, the Board and district officers will intentionally act to reduce achievement gaps and to establish a climate of high expectations for all learners, regardless of the color of their skin, their gender, their sexual orientation, the language they speak, or their background. To achieve high levels of achievement and eliminate and disrupt systemic inequities, the Board and its leaders will:

1. lead and inspire by example by examining personal biases and the way we may be privileged or unaware, building empathy and respect for others, becoming comfortable with vulnerability, and creating a culture of deliberate inclusion and diversity;
2. acknowledge historical institutions, such as racism, sexism, classism, ableism, heterosexism and other forms of oppression or "isms," that has systematically limited the educational and societal advancement of marginalized groups.
3. promote and publicly announce actions that address systemic inequities at both the building and district levels;
4. develop and support effective equity and inclusive leadership at the school and district levels;
5. develop a shared district and community understanding and definition of equity (or at least a working definition), inclusion and, diversity;
6. invite and include people from diverse backgrounds to examine issues and develop solutions that address root causes and systems rather than one-time fixes;

7. address opportunity and achievement gaps at every level of our district through review of policies, procedures, and practices necessary to ensure success for every student;
8. eliminate practices, including policies and procedures, that result in predictably lower academic achievement for any student group, especially those historically marginalized groups, compared to other students or groups.
9. model racial and ethnic equity, inclusion, and diversity in business and operational practices;
10. develop reporting, investigation, communication, and accountability processes related to actions of racism and occurrences
11. provide professional development to address the role and presence of bias, prejudice, and racism, the district will:
  - address the impact on historically marginalized learners;
  - address the causes of distrust/mistrust in marginalized communities; and
  - dismantle narratives and structures that promote discrimination and problematize students, especially students of color.

## B. Ensure Systemic Equity

To ensure educational equity for all, the district will develop the individual and organizational knowledge, attitudes, skills, and practices to create culturally responsive learning and working environments that expect and support high academic achievement for students and employees from all student subgroups. Differences will not just be seen as strengths, but they will be nourished, celebrated, and welcomed because they are what make students and families unique. The district will:

1. intentionally seek and include voices (e.g., student government) and experiences of students who have historically been excluded from leadership roles are actively engaged in the development and implementation of culturally responsive teaching and learning practices and curriculum;
2. engage family and community members in the development and implementation of culturally appropriate and effective partnerships between home and school;
3. invite and include community members to bring multiple perspectives to examining and solving issues that arise; and,
4. ensure each school building is welcoming and inclusive to all who enter.
5. establish, support, and sustain building-level and district-wide equity and inclusion committees consisting of varied community leaders, including students, parents, staff, and administrators to strengthen community dialogue regarding equity, inclusion and, diversity initiatives.
6. review existing policies, programs, professional development, and procedures to ensure the promotion of equity, and all applicable new policies, programs, and procedures will be developed using an equity lens.

7. remedy the practices, including assessment, that may lead to the over-representation of student groups in areas such as special education and discipline, and the under-representation of groups in programs such as talented and gifted and Advanced Placement;
8. provide every student, regardless of the color of their skin, their gender, their sexual orientation, the language they speak or their background, with equitable access to high quality and relevant instruction, curriculum, support, facilities, and other educational resources, even when this means differentiating resources to accomplish this goal.
9. be intentional about attracting, retaining, and supporting a workforce that reflects the diversity of our student body;
10. ensure a positive, supportive, and academically rigorous school environment that engages all students and includes multiple pathways for success;
11. create and implement culturally responsive instructional practices, curriculum and assessments;
12. recruit, employ, support, and retain racially and linguistically diverse and culturally competent administrative, instructional, and support personnel;
13. create multiple pathways to success in order to meet the needs of students, and will actively encourage, support, and expect high academic achievement for students from all student groups. The district will not let preconceived ideas prevent every student from graduating ready to succeed in a diverse society.
14. provide materials and assessments that reflect the diversity of students and staff, and which are geared towards the understanding and appreciation of culture, class, language, ethnicity, and other differences that contribute to the uniqueness of each student and staff member.

### C. Use Data and Metrics

The district will ensure that information related to students is used as a data set in school improvement efforts, including but not limited to, the following:

1. access to educational opportunities;
  2. student achievement data at each school, disaggregated by race, ethnicity, socio-economic status, English Language Learners, special education, and identified gifted;
  3. student enrollment at each school, disaggregated by race, ethnicity, socio-economic status, English Language Learners, special education, and identified gifted;
  4. student suspension/discipline data for each school and student average daily attendance data for each school;
  5. the amount of federal funding allocated to each school;
  6. the annual funding allocated to each school outside of federal funding;
- the number of highly qualified teachers at each school as defined by the New York State Department of Education (NYSED) and the number of

- highly effective teachers;
  - the experience level of teachers at each school; and
  - the teacher retention rate at each school.
7. the allocation of funding for resources (personnel and non-personnel) will be provided based upon student enrollment (baseline data);
  8. a differentiated funding formula for schools with significant percentages of students in subgroups such as race/ethnicity, socioeconomic status (SES), English language learners (ELL), students with disabilities (SWD), and identified gifted will be developed and implemented;
  9. the facilities condition index;
  10. the placement of mobile units;
  11. the allocation of experienced teachers;
  12. the annual funding allocation to each school; and
  13. the extent of family and community engagement and involvement.

#### D. Implement an Equity Lens

The purpose of an equity lens is to be intentionally inclusive as the district makes decisions. It poses questions that help the decision-makers focus on equity in both the process and outcomes. These questions are designed to create a more inclusive perspective, drawing attention to how the decision holds the potential to affect marginalized groups. By applying an equity lens, the district intends to:

1. identify clear goals, objectives, and measurable outcomes;
2. provide a common vocabulary and protocol for evaluating policies programs, practices, and decisions for racial equity; and
3. produce policies, programs, practices, and decisions which result in more equitable outcomes.

The district will apply an equity lens when making any decisions that will have an impact on students by answering the following questions:

1. What is the action or policy in question?
2. What does the data show about the impact of the action on student achievement, opportunity, and climate?
3. If there are disparity gaps between groups, why do they exist?
4. Which individuals are missing in the discussion to address disparities?
5. How will the district mitigate the disparities?

#### E. Monitoring and review

The Superintendent of Schools or their designee, in consultation with the Board, will monitor our effectiveness, and report, at least once annually, on the progress of the district's equity goals outlined in this plan, as well as policy [0105](#), and on the district's overall progress in removing barriers and effectively serving all students.

Adoption date: November 19, 2020

Brunswick/Brittonkill Central School District

# Exhibit 0105-E EQUITY, INCLUSIVITY, AND DIVERSITY IN EDUCATION EXHIBIT

## *Key Equity Definitions and Resources*

The following definitions have been taken from several sources, listed below. These definitions are offered to foster a deeper understanding of equity, inclusivity and diversity.

### **DEFINITIONS**

- **Achievement gap** refers to the unequal or inequitable distribution of educational results and benefits – the outputs. Compare to Opportunity gap and Learning gap.<sup>1</sup>
- **Culture** is defined as the multiple components of one's identity, including but not limited to: race, economic background, gender, language, sexual orientation, nationality, religion, and ability. Therefore, it far transcends practices such as cuisines, art, music, and celebrations to also include ways of thinking, values, and forms of expression.<sup>2</sup>
- **Cultural competence** refers to an ability to interact effectively with people of different cultures and is comprised of four components:
  1. Awareness of your own cultural worldview;
  2. Attitude towards cultural differences;
  3. Knowledge of different cultural practices and worldviews; and
  4. Cross-cultural skills.<sup>6</sup>
- **Cultural responsiveness** acknowledges the presence of culturally diverse students and the need for students to find relevant connections among themselves and the subject matter and the tasks teachers ask them to perform.<sup>4</sup>
- **Disaggregated data** means the numerical or non-numerical information that has been (1) collected from multiple sources and/or on multiple measures, variables, or individuals; (2) compiled into aggregate data—i.e., summaries of data—typically for the purposes of public reporting or statistical analysis; and then (3) broken down in component parts or smaller units of data. For example, information about whether individual students graduated from high school can be compiled and summarized into a single graduation rate for a school or a graduating class, and annual graduation rates for individual schools can then be aggregated into graduation rates for districts, states, and countries. Graduation rates can then be disaggregated to show, for example, the percentage of male and female students, or white and non-white students, who graduated. Generally speaking, data is disaggregated for the purpose of revealing underlying trends, patterns, or insights that would not be observable in aggregated data sets, such as disparities in standardized-test scores or enrollment patterns across different categories of students.<sup>1</sup>
- **Disparities** mean the unequal outcomes of one subgroup (e.g., racial or ethnic groups) as compared to outcomes for another subgroup.<sup>3</sup>
- **Disproportionality** is the underrepresentation or overrepresentation of a subgroup (e.g., racial or ethnic groups) compared to its percentage in the total population.<sup>3</sup>

- **Diversity** is a reality created by individuals and groups from a broad spectrum of demographic and philosophical differences. These differences can exist along dimensions of race, ethnicity, gender, language heritage, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies. It is the exploration of these differences in a safe, positive, and nurturing environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of difference contained within everyone. Finally, we acknowledge that categories of difference are not always fixed but can be fluid, and we respect individual rights to self-identification, as no one culture is intrinsically superior to another.<sup>5</sup>
- **Educational equity** means raising the achievement of all students while all students while (1) narrowing the gaps between the lowest and highest performing students, and (2) eliminating the racial or cultural predictability and disproportionality of which student groups occupy the highest and lowest achievement categories including rates of graduation. The principle of educational equity goes beyond formal equality where students are treated the same. Instead, educational equity fosters a barrier-free environment in which all students have the opportunity to benefit equally.<sup>4</sup>
- **Equity lens** means an intentional focus on analyzing or diagnosing the impact of the design and implementation of policies on under-served and marginalized individuals and groups, and to identify and potentially eliminate barriers.<sup>5</sup>
- **Historically marginalized** refers to individuals who have not been able, due to societal constraints, to compete fairly in society (definition created by NYSSBA).
- **Inclusive education** is education that is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honored and all individuals are respected. An inclusive school system ensures that each student can participate in the classroom and in the community in positive and contributing ways.<sup>1</sup>
- **Implicit bias** is defined as a belief or attitude that affects our understanding, decision, and actions, and that exists without our conscious awareness.<sup>1</sup>
- **Institutional racism** is racial inequity baked into our institutions, connoting a system of power that produces racial disparities in domains such as law, health, employment, education, and so on. It can take the form of unfair policies and practices, discriminatory treatment and inequitable opportunities and outcomes. A school system that concentrates people of color in the most overcrowded and under-resourced schools with the least qualified teachers, compared to the educational opportunities of more advantaged students, is an example of institutional racism.<sup>1</sup>
- **Internalized racism** is the private racial beliefs held by and within individuals. The way we absorb social messages about race and adopt them as personal beliefs, biases, and prejudices are all within the realm of internalized racism. For people of color, internalized oppression can involve believing in negative messages about oneself or one's racial group. For Whites, internalized privilege can involve feeling a sense of superiority and entitlement or holding negative beliefs about people of color.<sup>2</sup>
- **Learning gap** refers to relative performance of individual students—i.e., the disparity between what students have actually learned and what they were expected to learn at a

- particular age or grade level, as compared to “achievement gap” and “opportunity gap”.<sup>1</sup>
- **Microaggressions** are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership. In many cases, these hidden messages may invalidate the group identity or experiential reality of targeted persons, demean them on a personal or group level, communicate the perception that they are lesser human beings, suggest they do not belong with the majority group, threaten and intimidate, or relegate them to inferior status and treatment.<sup>2</sup>
  - **Opportunity gap** is the ways in which race, ethnicity, socioeconomic status, English proficiency, community wealth, familial situations, or other factors contribute to or perpetuate lower educational aspirations, achievement, and attainment for certain groups of students.<sup>1</sup>
  - **Rigor** is defined as instruction, schoolwork, learning experiences, and educational expectations that are academically, intellectually, and personally challenging. Rigorous learning experiences, for example, help students understand knowledge and concepts that are complex, ambiguous, or contentious, and they help students acquire skills that can be applied in a variety of educational, career, and civic contexts throughout their lives.<sup>1</sup>
  - **Socioeconomic status** is the social standing or class of an individual or group. It is often measured as a combination of education, income, and occupation. Examinations of socioeconomic status often reveal inequities in access to resources, as well as issues related to privilege, power, and control.<sup>2</sup>
  - **Sociocultural responsiveness** involves the active sensitivity to what all students need to be successful academically, psychologically, emotionally, and socially. Such responsiveness recognizes that all students are different and must be uniquely responded to, challenged and stimulated, and strategies must be adapted to meet the needs of individual and groups of students.<sup>2</sup>
  - **Student engagement** is the degree of attention, curiosity, interest, optimism, and passion that students show when they are learning or being taught, which extends to the level of motivation they have to learn and progress in their education. Generally speaking, the concept of “student engagement” is predicated on the belief that learning improves when students are inquisitive, interested, or inspired, and that learning tends to suffer when students are bored, dispassionate, disaffected, or otherwise “disengaged”.<sup>1</sup>

## **SOURCES**

1. The Glossary of Education Reform. (2014). An online resource produced by the Education Writers Association and the Nellie Mae Education Foundation. Available at <https://www.edglossary.org> Accessed 4/15/2020
2. Culturally Responsive-Sustaining Education (CR-S), New York State Education Department. (2018) Available at <http://www.nysed.gov/bilingual-ed/culturally-responsive-sustaining-education-framework> Accessed 2/25/2020
3. Key Equity Terms and Concepts: A Glossary for Shared Understanding. (2019). Center for the Study of Social Policy. Available at <https://cssp.org/our-work/project/equity->



[justice#glossary-of-terms](#) Accessed 6/25/2020

4. New York State's Final Every Student Succeeds Act (ESSA) Plan Summary. (2018). New York State Education Department. Available at [www.nysed.gov/common/nysed/files/programs/essa/nys-essa-plan-summary.pdf](http://www.nysed.gov/common/nysed/files/programs/essa/nys-essa-plan-summary.pdf) Accessed 7/25/2020
5. Equity Lens. (2018). University of Minnesota. Available at <https://policy.umn.edu/equity-lens> Accessed 8/18/2020
6. Equity Toolkit for Administrators. (2010). Colorado Department of Education and the Office of Language, Culture and Equity. Available at [https://www.cde.state.co.us/sites/default/files/documents/cde\\_english/download/resources-links/equity%20toolkit%20final\\_2010.pdf](https://www.cde.state.co.us/sites/default/files/documents/cde_english/download/resources-links/equity%20toolkit%20final_2010.pdf) Accessed 8/10/2020

## **RESOURCES**

### Equity in Education

Equity in Education: What it is and why it Matters

<https://www.thinkingmaps.com/equity-education-matters/>

RIDES Improvement Cycle for Equity– Overview and Usage Guide

<https://rides.gse.harvard.edu/equity-improvement-cycle>

Advancing and Advocating for Social Justice & Equity

[https://www.nameorg.org/learn/what\\_is\\_equity.php](https://www.nameorg.org/learn/what_is_equity.php)

NSBA Center for Public Education

[Educational Equity: What does it mean? How do we know when we reach it?](#)

Equity Literacy Institute

[www.equityliteracy.org](http://www.equityliteracy.org)

### Race and Diversity

Responding to Hate and Bias at School

[www.tolerance.org/magazine/publications/responding-to-hate-and-bias-at-school](http://www.tolerance.org/magazine/publications/responding-to-hate-and-bias-at-school)

How school and district leaders can address systemic racism with their communities. EAB: Education Technology, Services, and Research.

<https://eab.com/insights/blogs/district-leadership/address-systemic-racism-school-district-leaders/>

### Equity Lens

Maryland Association of Boards of Education Equity Lens Poster

[MABE Equity Lens 2018](#)

Northeast Regional Education Service District (NWRES D)

[NWRES D Equity Lens](#)

National Equity Project Lens of Systemic Oppression  
<https://nationalequityproject.org/resources/featured-resources/lens-of-systemic-oppression>

Equity Lens, University Policy Program, University of Minnesota  
<https://policy.umn.edu/equity-lens>

### Glossary of Terms

The Glossary of Education Reform  
[www.edglossary.org](http://www.edglossary.org)

Racial Equity Tools  
<https://www.racialequitytools.org/glossary>

### School Boards

Ten Ways School Boards Can Champion Racial Equity  
<https://www.iasb.com/about-us/publications/journal/2018/march-april/ten-ways-school-boards-can-champion-racial-equity/>

### LGBT

American School Counselor Association Webinar (1/24/17)  
[Creating an LGBT- inclusive School Climate](#)

### Students with disabilities

Inclusion Works!  
[http://www.mcie.org/site/usermedia/application/11/inclusion-works-\(2010\).pdf](http://www.mcie.org/site/usermedia/application/11/inclusion-works-(2010).pdf)

### Rural Schools

American Association of School Administrators, “Leveling the Playing Field for Rural Students” Nov. 2017  
[Leveling The Playing Field For Rural Students - AASA](#)

Education Writers Association, “Why it’s Time to Focus on Equity in Rural Schools”  
<https://www.ewa.org/blog-educated-reporter/why-its-time-focus-equity-rural-schools>

### Immigrant students

Mid-Atlantic Equity Consortium (MAEC)  
[Exploring Equity Issues: Promoting a Safe and Welcoming Environment for Immigrant Students](#)

Edutopia and Lucas Education Research “Equity for English-Language Learners”  
<https://www.edutopia.org/blog/equity-for-english-language-learners-rusul-alrubail>

## Best Practices for Serving ELL Students and Families

[www.tolerance.org/magazine/publications/serving-ell-students-and-families](http://www.tolerance.org/magazine/publications/serving-ell-students-and-families)

### Climate/Culture

NYSED, Culturally Responsive-Sustaining Education Framework

<http://www.nysed.gov/bilingual-ed/culturally-responsive-sustaining-education-framework>

Equity Assistance Center, “Culturally Responsive Teaching: A Guide to Evidence-Based Practices for Teaching All Students Equitably” (2016)

<https://educationnorthwest.org/resources/culturally-responsive-teaching-guide-evidence-based-practices-teaching-all-students>

National School Climate Center

[www.schoolclimate.org](http://www.schoolclimate.org)

### Social Emotional Learning

National Equity Project

<https://nationalequityproject.org/about/social-emotional-learning-equity>

### Recruiting and hiring

Learning Policy Institute, “Diversifying the Teaching Profession: How to Recruit and Retain Teachers of Color” (2018)

<https://learningpolicyinstitute.org/product/diversifying-teaching-profession-report>

Adoption date: November 19, 2020

Brunswick/Brittonkill Central School District

# Policy 0110 SEXUAL HARASSMENT

( ) Required

**(X) Local**

( ) Notice

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

Cross-ref:

[0110.1](#), Sexual Harassment of Students

[0110.2](#), Sexual Harassment of Employees

Ref:

Education Amendments of 1972, Title IX, [20 U.S.C. §1681](#) *et seq.*; [34 CFR 106](#) *et seq.*

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

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

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

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

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

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

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

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

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

[\*Burlington Industries v. Ellerth\*](#), 524 U.S. 742 (1998)

[\*Oncale v. Sundowner Offshore Services, Inc.\*](#), 523 U.S. 75 (1998)

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

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

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

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

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

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

Adoption date: May 7, 2020

Brunswick/Brittonkill Central School District

# **Regulation 0110-R 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, employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and "non-employees" (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality.

## **Sexual Harassment Defined**

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

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

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or "non-employees" 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 the basis for decisions affecting an employee's or "non-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 even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.

## **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 advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory 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 or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, 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 derogatory 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 derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and

13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, 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 or "non-employee" did not encourage or actively participate in such behavior and regarded the conduct as undesirable or offensive

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights, including when employees or "non-employees" travel on district business, or when the harassment is done by electronic means (including on social media).

### **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, severity, 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 “non-employee” or third party related to the school is encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student, employee, or “non-employee” is also encouraged to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

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. School employees receiving complaints of sexual harassment from employees and “non-employees” shall either direct the complainant to the Building Principal, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff, and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

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. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

Immediately, but no later than two working days following receipt of a complaint, the Principal or Title IX coordinator shall begin an investigation of the complaint according to the following steps, as appropriate:

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, ask the target to do so, providing alternative formats for individuals with disabilities and young children,

who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit [0110-E](#)) based on the verbal report.

3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. 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.
5. 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.
6. 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. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. 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.
9. Parent/Student/Employee/"Non-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. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or separating the parties.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
- a. A list of all documentation and other evidence reviewed, along with a detailed summary;
  - b. A list of names of those interviewed along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior relevant incidents, reported or unreported; and
  - e. The final resolution of the complaint, together with any corrective action(s).

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.

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.

## **External Remedies**

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, [info@eeoc.gov](mailto:info@eeoc.gov), or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. The DHR can be contacted at (888) 392-3644, [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint), or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No district contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to a court.

## **Non-disclosure Agreements**

The district may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

## **Retaliation Prohibited**

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, 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, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. 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, or retaliation, 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.

**“Non-employees”** (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): 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**

Knowingly 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. The district shall provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and shall provide the same to new employees before the employee starts his/her job.

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 training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training 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 training on this policy, regulation and related legal developments.

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

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.

First reading: February 25, 2009

Adoption: March 25, 2009

Revised: March 22, 2012

Revised: April 5, 2012

Revised: April 25, 2017

Revised: June 13, 2019

Brunswick/Brittonkill Central School District



## **Exhibit 0110-E.1 EXHIBIT - COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for targets to report alleged incidents of sexual harassment. This form is intended to be used by both students and employees.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to *[insert title, person or office designated; contact information for designee or office; how the form can be submitted]*. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the district should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. For additional resources, visit: <https://www.ny.gov/programs/combating-sexual-harassment-workplace>

### **YOUR INFORMATION** (for all persons making a complaint)

Name:

Name of student (for parents/guardians):

Home Address:

Home or Cell Phone:

Email:

School (for students):

Grade/Class (for students):

Work Address (for employees):

Work Phone (for parents/guardians/employees):

Job Title (for employees):

Preferred Communication Method (please select one): phone, email, mail, in person

### **SUPERVISOR INFORMATION** (for employees)

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

### **COMPLAINT INFORMATION** (for all persons making a complaint)

1. Your complaint of Sexual Harassment is made against:

Name:

Job Title (if an employee):

Grade/Class (if a student):

School Address/Work Location (if known):

Phone (if known):

Relationship to you (please circle one below):

(for employees)

Supervisor / Subordinate / Co-Worker / Student / Other:

(for students)

Teacher / Other staff member / Other Student / Other:

*(Please use additional sheets of paper if the complaint is against multiple people.)*

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

---

---

---

---

3. Date(s) and location(s) sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing? \_\_\_\_\_ Yes \_\_\_\_\_ No

4. Please list the name and contact information (if known) of any witnesses or individuals who may have information related to your complaint:

*The following question is optional, but may help the district's investigation.*

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the district? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, when and to whom did you complain or provide information?

---

---

---

---

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

---

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

Signature: \_\_\_\_\_

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

### **Instructions for the District**

If you receive a complaint about alleged sexual harassment, you must follow the district's sexual harassment prevention policy by investigating the allegations through actions including:

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

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

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the complainant (if the complainant is a student, also notify the parent/guardian) and the individual(s) against whom the complaint was made. This may be done via email.

First reading: May 9, 2019

Adoption date: June 13, 2019

Brunswick/Brittonkill Central School District

**SEXUAL HARASSMENT EXHIBIT**

Name and Position of Complainant: \_\_\_\_\_

\_\_\_\_\_

Date of Original Complaint: \_\_\_\_\_

Have you ever appealed this complaint before? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes", When? \_\_\_\_\_

To Whom? \_\_\_\_\_

What was the decision that you are appealing here? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Why is that decision being appealed? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

Adoption date: March 25, 2009

## 0110.1 SEXUAL HARASSMENT OF STUDENTS

### (X) Required

( ) Local

(X) Notice

The Board of Education recognizes that harassment of students on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression 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.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual 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.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, sexual orientation, and/or gender identity and expression, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of a student's education;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting a student's education; or
- c. the conduct has the purpose or effect of unreasonably interfering with a student's school performance or creating an intimidating, hostile or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment;

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110.1-R).

The Board is committed to providing an educational 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, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when harassment is done by electronic means (including on social media). Sanctions will be enforced against all those who engage in sexual harassment or retaliation, and against district personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

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 person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and state law.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

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, the Board directs that training

programs be established for students, and annually for 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, or a simplified version, will be posted in a prominent place in each district facility, on the district's website, and will 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 will be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.

Cross-ref:

0115, Student Harassment and Bullying Prevention and Intervention

Ref:

Education Amendments of 1972, Title IX, [20 U.S.C. §1681](#) *et seq.*; [34 CFR 106](#) *et seq.*

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

[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)

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

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

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

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

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

Adoption date: May 7, 2020

**Brunswick/Brittonkill Central School District**

---

## 0110.1-R SEXUAL HARASSMENT OF STUDENTS REGULATION

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

### Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression.

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

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of 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 the basis for decisions affecting a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

### 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 advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc., or when accompanied by implied or overt threats concerning the target's school evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory 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 or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, 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" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "pantsing" or "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 derogatory 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 derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's school area or equipment; sabotaging that person's school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability

- to participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, 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 (for example, during class projects, physical education classes or field trips) because of the individual's actual or perceived sex, sexual orientation, and/or gender identity or expression;
    - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

For purposes of this regulation, action or conduct will be considered "unwelcome" if the student did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when the harassment is done by electronic means (including on social media).

### **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 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 their education or altered the conditions of the student's learning 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 a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the target 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**

Students who believe they been the target of sexual harassment related to the school setting are encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student is also encouraged to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator; however, students may go to any district employee with sexual harassment complaints.

Any school employee who receives a complaint of sexual harassment from a student must inform the student of the employee's obligation to report the complaint to the school administration, and must then 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, 0110.1-R



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

1. the request may limit the district's ability to respond to their 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 others.

## **Investigation and Resolution Procedure**

### **A. Initial (Building-level) Procedure**

The Principal or the Title IX coordinator will 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. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

Immediately, but no later than two working days following receipt of a complaint, the Principal or Title IX coordinator shall 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 they want 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, ask the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0115-E, Student Bullying and Harassment Complaint Form) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. 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.
5. 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 they make such contact with or retaliate against the target, they will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. 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 them 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.

9. Involvement and Notification:

- a. Parents/guardians of student targets and accused students will be notified within one school day of allegations that are serious or involve repeated conduct.
- b. The parents/guardians 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 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 will be followed.
- d. The Principal or Title IX Coordinator (i.e., the investigator) will submit a copy of all investigation and interview documentation to the Superintendent.
- e. The investigator will 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 will instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
- f. The investigator will notify the target that if they desire further investigation and action, they may request a district level investigation by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the New York State Division of Human Rights, the U.S. Department of Education's Office for Civil Rights, and/or a private attorney.

10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:

- a. A list of all documentation and other evidence reviewed, along with a detailed summary;
- b. A list of names of those interviewed along with a detailed summary of their statements;
- c. A timeline of events;
- d. A summary of prior relevant incidents, reported or unreported; and
- e. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who will 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 reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint will 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, they must immediately notify the Superintendent, who will then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee will 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 will promptly investigate and resolve all sexual harassment complaints that are referred 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 will be filed with or referred to the Board President, who will 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.

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.

### **External Remedies**

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The DHR can be contacted at (888) 392-3644, [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint), or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

### **Retaliation Prohibited**

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, 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, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

### **Discipline/Penalties and Consequences**

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary and/or remedial action. 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.

**"Non-employees"** (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): 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 will be informed of this policy and regulation in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy will also be posted in a prominent location at each school. All secondary school student body officers will 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, and on appropriate and inappropriate behavior.

Building Principals are 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: May 7, 2020



## 0110.2 SEXUAL HARASSMENT OF EMPLOYEES

### (X) Required

( ) Local

(X) Notice

The Board of Education recognizes that harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, sexual orientation, and/or gender identity and expression 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 the workplace is essential to ensure a healthy, nondiscriminatory environment in which employees and “non-employees” can work productively.

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

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, sexual orientation, gender identity and expression, and transgender status, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- c. the conduct has the purpose or effect of unreasonably interfering with an employee's or “non-employee's” work or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110.2-R).

The Board is committed to providing a 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, or outside the work setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees and “non-employees” travel on district business, or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment or retaliation, and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students, employees and “non-employees” have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, and village) may apply to the district. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

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 work 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 person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job-related, or occur in the workplace, to constitute unlawful retaliation.

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, the Board directs that training programs be established for students, and annually for 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, or a simplified version, will be posted in a prominent place in each district facility, on the district's website, and shall also be published in employee handbooks, and other appropriate school publications.

A committee of administrators, teachers, parents, students and the school attorney will 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.*; [34 CFR 106](#) *et seq.*

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

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

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

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

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

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

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

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

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

Adoption date: May 7, 2020

---

**Brunswick/Brittonkill Central School District**

## 0110.2-E COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT

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

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to *[insert title, person or office designated; contact information for designee or office; how the form can be submitted]*. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the district should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. For additional resources, visit: <http://www.ny.gov/programs/combating-sexual-harassment-workplace>

### YOUR INFORMATION (for all persons making a complaint)

Your Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home or Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Work Address: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_

Preferred Communication Method (please select one): phone, email, mail, in person

### SUPERVISOR INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

### COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against (please include as much information as possible, if known):

Name:

Job Title (if an employee):

Grade/Class (if a student):

School/Work Location:

Phone:

Relationship to you (please circle one below):

Supervisor / Subordinate / Co-Worker / Student / Other: \_\_\_\_\_

*(Please use additional sheets of paper if the complaint is against multiple people.)*

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

---

---

---

---

3. Date(s) and location(s) sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing? \_\_\_\_ Yes \_\_\_\_ No

4. Please list the name and contact information (if known) of any witnesses or individuals who may have information related to your complaint:

---

---

---

*The following question is optional, but may help the district's investigation.*

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the district? \_\_\_\_ Yes \_\_\_\_ No

If yes, when and to whom did you complain or provide information?

---

---

---

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

---

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

Signature: \_\_\_\_\_

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

### **Instructions for the District**

If you receive a complaint about alleged sexual harassment, you must follow the district's sexual harassment prevention policy by investigating the allegations through actions including:

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

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

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the complainant and the individual(s) against whom the complaint was made (if the alleged harasser is a student, also notify the parent/guardian). This may be done via email.

Adoption date: May 7, 2020

**Brunswick/Brittonkill Central School District**

---



## 0110.2-R SEXUAL HARASSMENT OF EMPLOYEES REGULATION

This regulation is intended to create and preserve a working environment free from unlawful sexual harassment on the basis of perceived or self-identified sex, sexual orientation, and/or gender identity and expression, in furtherance of the district's commitment to provide a healthy and productive environment for all employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and "non-employees" (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality.

### Sexual Harassment Defined

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

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's perceived or self-identified sex, sexual orientation, gender identity or expression, and transgender status, when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or "non-employee's" employment; or
2. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting an employee's or "non-employee's" employment; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's or "non-employee's" work performance, or creating an intimidating, hostile or offensive working environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

### Unacceptable Conduct

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 advances or invitations or requests for sexual activity, including but not limited to those in exchange for promotions, preferences, favors, selection for job assignments, etc., or when accompanied by implied or overt threats concerning the target's work evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory 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 or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, 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" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "panting" or "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 derogatory 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 derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's perceived or self-identified sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work area or equipment; sabotaging that person's work activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, 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 (including, but not limited to, projects or trips) because of the individual's perceived or self-identified sex, sexual orientation, gender identity or expression or transgender status;
  - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex, sexual orientation or gender.

For purposes of this regulation, action or conduct will be considered "unwelcome" if the employee or "non-employee" did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the work setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees or "non-employees" travel on district business, or when the harassment is done by electronic means (including on social media).

### **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 or based on sex may constitute sexual harassment. Such conduct must rise above what a reasonable victim of discrimination with the same protected characteristics would consider petty slights or trivial inconveniences 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 altered the conditions of the employee's or "non-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 a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the target 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**

Employees and "non-employees" who believe they have been the target of sexual harassment in the workplace is encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of an employee or "non-employee" is also encouraged to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator; however, employees and "non-employees" can report complaints to any supervisor or manager.

School employees receiving complaints of sexual harassment from employees and "non-employees" must either direct the complainant to the Building Principal or Title IX coordinator, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by employees and "non-employees" to the Principal or Title IX coordinator, and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly

allowing sexual harassment to continue, or engaging in any retaliation.

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

1. the request may limit the district's ability to respond to their 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 others.

### **Investigation and Resolution Procedure**

#### **Initial (Building-level) Procedure**

The Principal or the Title IX coordinator will 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. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

Immediately, but no later than two working days following receipt of a complaint, the Principal or Title IX coordinator shall 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 they want 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, ask the target to do so, providing alternative formats for individuals with disabilities who may need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0110.2-E) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. 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.
5. 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 they make such contact with or retaliate against the target, they will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. 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 them 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.

9. Involvement and Notification

- a. If the alleged harasser is a student, their parents/guardians will be notified within one school day of allegations that are serious or involve repeated conduct.
- b. If the alleged harasser is a 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 caused the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.
- c. The Principal or Title IX Coordinator (i.e., the investigator) will submit a copy of all investigation and interview documentation to the Superintendent.
- d. The investigator will 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 will instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
- e. The investigator will notify the target that if they desire further investigation and action, they may request a district level investigation by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the U.S. Department of Education's Office for Civil Rights, the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, and/or a private attorney.

10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:

- a. A list of all documentation and other evidence reviewed, along with a detailed summary;
- b. A list of names of those interviewed along with a detailed summary of their statements;
- c. A timeline of events;
- d. A summary of prior relevant incidents, reported or unreported; and
- e. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who will 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 employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint will 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, they must immediately notify the Superintendent, who will then contact appropriate law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee will 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 will promptly investigate and resolve all sexual harassment complaints that are referred 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 will be filed with or referred to the Board President, who will 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.

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.

## **External Remedies**

Employee targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR), the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, [info@eeoc.gov](mailto:info@eeoc.gov), or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. The DHR can be contacted at (888) 392-3644, [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint), or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

## **Nondisclosure agreements**

The district may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement will be provided in writing to all parties in plain English and, if applicable, in the primary language of the complainant. Complainants have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and have seven days to revoke the agreement after signing. Nondisclosure agreements only become effective after this seven-day period has passed.

## **Retaliation Prohibited**

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, 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, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. 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 and/or remedial action. 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.

**"Non-employees"** (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): 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 employees will be informed of this policy and regulation in employee handbooks, on the district website and other appropriate materials. A poster summarizing the policy will also be posted in a prominent location at each school. The district will provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All students will be informed of the basic provisions of this policy and regulation (e.g., that sexual harassment of employees and "non-employees" is prohibited, as well as what is appropriate and inappropriate behavior) in student handbooks, on the district website and student registration materials. 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 on appropriate and inappropriate behavior.

All new employees will receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees will be provided training at least once a year regarding this policy and the district's commitment to a harassment-free working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment will receive yearly training on this policy, regulation and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

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

Principals in each school and program directors are 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: May 7, 2020

**Brunswick/Brittonkill Central School District**

---

# **Policy 0115 STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

( ) Required

**(X) Local**

( ) Notice

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

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

## **Definitions**

### **1. Bullying**

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

### **2. Cyber bullying**

Cyber bullying is defined as harassment (see below) through any form of electronic communication.

### **3. Discrimination**

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).

## 4. Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

## 5. Harassment

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

- Race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as, but not limited to, braids, locks and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

For the purpose of this definition the term "threats, intimidation or abuse" will include verbal and non-verbal actions.

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



district policy regarding civil rights protections.

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

## **Prevention**

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

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

In order to implement this program the Board will designate at its annual organizational meeting a Dignity Act Coordinator (DAC) for each school in the district. The role of the DAC is to coordinate and enforce this policy.

In addition, the Superintendent will appoint a shared decision making team that will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

## **Intervention**

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

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

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to

intervene in accordance with this policy and regulation.

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

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

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

### **Incident Reporting and Investigation**

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

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, [#0100](#), Equal Opportunity and Nondiscrimination, or [#0110](#), Sexual Harassment and the district's Code of Conduct. The Dignity Act Coordinator will prepare a quarterly report for the Superintendent based on complaints filed.

There will be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe to their building principal or other administrator who supervises their employment. In addition, there will be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware by students to their building principals or other administrator who

supervises their employment. Supervisors will refer the information to appropriate district staff for investigation as designated in regulation. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

An equitable and thorough investigation will be carried out by the Dignity Act Coordinator in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

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

### **Disciplinary Consequences/Remediation**

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

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

### **Non-Retaliation**

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

### **Training**

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the district wide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited

to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DAC will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

### **Dissemination, Monitoring, Review, and Reporting**

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

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

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

#### **Cross-ref:**

[0100](#), Equal Opportunity and Nondiscrimination

[0110](#), Sexual Harassment

[4321](#), Programs for Students with Disabilities

[5300](#), Code of Conduct

[5710](#), Violent and Disruptive Incident Reporting

[9700](#), Staff Development

#### **Ref:**

Dignity for All Students Act, [Education Law, §10 – 18](#)

Americans with Disabilities Act, [42 U.S.C. §12101](#) *et seq.*

Title VI, Civil Rights Act of 1964, [42 U.S.C. §2000d](#) *et seq.*

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

Title IX, Education Amendments of 1972, [20 U.S.C. §1681](#) *et seq.*

§504, Rehabilitation Act of 1973, [29 U.S.C. §794](#)

Individuals with Disabilities Education Law, [20 U.S.C §§1400](#) et seq.

[Executive Law §290](#) et seq. (New York State Human Rights Law)

[Education Law §§313](#)(3), [3201](#), [3201-a](#)

[8 NYCRR 100.2](#)(c), (1), (jj), (kk); [119.6](#)

[Tinker v. Des Moines Independent Community School Dist.](#), 393 US 503, (1969)

*Doninger v. Niehoff*, 527 F.3d 41 (2d. Cir. 2008)

*Pollnow v. Glennon*, 594 F.Sup. 220, 224 aff'd 757 F.2d. 496

*Zeno v. Pine Plains* 702 F3rd 655 (2<sup>nd</sup> Cir. 2012)

*Cuff v. Valley Central School District* F3rd 109 (2<sup>nd</sup> Cir 2012)

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

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

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

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

[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)

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

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

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

First reading: February 25, 2009

Adoption: March 25, 2009

Revised: March 22, 2012

Revised: September 19, 2013

Revised: June 10, 2021



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

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyber bullying, which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

## **Definitions**

### **1. Bullying**

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

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

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

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

- Verbal bullying (which can be delivered orally, electronically or in writing) includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.

- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

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

[http://www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.html](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html)

## 2. Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

## 3. Harassment

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

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



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

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

## **Hazing**

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

## **Prevention**

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

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

- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

### **Role of the Dignity Act Coordinator (DAC)**

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

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

### **Incident(s) Reporting**

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

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it to the Dignity Act Coordinator within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

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

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates,

times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the process described below.

## **Confidentiality**

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

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

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

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

## **Investigation and Resolution Procedure**

### **A. Initial (Building-level) Procedure**

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Dignity Act Coordinator will make all reasonable efforts to resolve complaints informally at the school level.

The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three working days following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
  - A "permanent" hall pass that allows the student to visit a designated adult at any time;
  - Access to private bathroom facilities;
  - An escort during passing periods;
  - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
  - An opportunity for independent study at home with district-provided tutor until the case is resolved;

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

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

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

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;

- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

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

The investigator will report back to both the target and the accused, within 5 (five) working days notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target will be asked to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them.

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

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

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

## B. District-level Procedure

The Superintendent or designee will promptly investigate and equitably resolve all bullying complaints that are referred to them, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible 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 endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

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

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

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

#### C. Board-level Procedure

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

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

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

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

#### **Retaliation Prohibited**

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

## Remediation/Discipline/Penalties

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

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

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

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

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

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

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

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

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

## **Policy Dissemination**

All students and employees will be informed of this policy in student and employee handbooks and on the district website.

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

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

## **Training**

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

First reading: February 25, 2009

Adoption: March 25, 2009

Revised: March 22, 2012

Revised: September 19, 2013

Revised: October 29, 2020

Revised: June 10, 2021

Brunswick/Brittonkill Central School District



## Exhibit 0115-E HARASSMENT AND/OR BULLYING COMPLAINT FORM

The purpose of this form is to inform the district of an incident or series of incidents of bullying and/or harassment so we can investigate and take appropriate steps. **If you feel unsafe, or if your child feels that way, fill out this form, but we urge you to speak directly with Bullying Prevention Coordinator by either visiting the Assistant Principal in the Secondary School or the Social Worker in the Elementary School or calling 518-279-4600, extension 2403 (Secondary School) or extension 2004 (Elementary School) as soon as possible so we can address your concerns.**

Student Name: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

Describe the incident(s). Please include when and where it happened.

---

---

---

---

List the name(s) of the individual(s) accused of bullying and/or harassment.

---

---

Were there any witnesses? \_\_\_\_ Yes \_\_\_\_ No If yes, please list the names of the individual(s).

---

---

*I certify that all statements on this form are accurate and true to the best of my knowledge.*

---

Signature

Date

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.).

Return this form to: the Secondary School Assistant Principal or the Elementary School Social Worker

Note on confidentiality:

In order to investigate the complaint, the district will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.

Adopted: March 22, 2012

Revised: September 19, 2013

Revised: June 10, 2021

Brunswick/Brittonkill Central School District

# Policy 1120 SCHOOL DISTRICT RECORDS

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

The Superintendent of Schools shall develop regulations ensuring compliance with the Freedom of Information Law and setting forth the procedures to be followed to obtain access to district records, and submit such regulations to the Board for approval. Such regulations shall address ensuring applicable confidentiality and security of district information. The Superintendent shall designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

## Retention and Destruction of Records

The Board hereby adopts the Records Retention and Disposition Schedule LGS-1 issued pursuant to [Article 57-A of the Arts and Cultural Affairs Law](#), which contains the legal minimum retention periods for district records. In accordance with [Article 57-A](#), the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The manner of destruction will be determined by the format of the record (i.e. paper, digital, etc.). In addition, destruction will be appropriately documented.

The Superintendent will establish procedures in the event that the school district is served with legal papers. The Superintendent will communicate with applicable parties, including the school attorney and the records management official, to ensure that, when appropriate, a litigation-hold is properly implemented. The litigation-hold is intended to prevent the destruction or disposal of records that may need to be produced as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc. The Board directs the Superintendent to institute such procedures to implement this policy.

The Superintendent or his/her designee, with assistance from the Records Management Officer, shall be responsible for developing and disseminating department-specific retention schedules and guidance to staff, as necessary, to ensure adherence to this policy.

## Cross-ref:

[8630](#), Computer Resources and Data Management

## Ref:

[Public Officers Law §84](#) *et seq.* (Freedom of Information Law)

[Education Law §2116](#)

[Arts and Cultural Affairs Law §57.11](#)

Local Government Records Law, [Article 57-A](#)

[Federal Rules of Civil Procedure, 16, 26](#)

[8 NYCRR Part 185](#) (Appendix L)

First reading: March 25, 2009

Adoption date: April 21, 2009

Revised: January 23, 2014

Revised: March 3, 2016

Revised: October 29, 2020

Brunswick/Brittonkill Central School District

# **Regulation 1120-R SCHOOL DISTRICT RECORDS REGULATION**

The following comprises the rules and regulations relating to the inspection and production of school district records:

## **I. Designation of Officers**

1. The Records Access Officer shall be the Assistant Superintendent of Business. He/she shall:

- receive requests for records of the Board of Education and make such records available for inspection or copying when such requests are granted;
- ensure that district information that is not permitted to be released is not released (see section IV. Records Exempted from Public Access, below); and
- compile and maintain a detailed current list by subject matter, of all records in the possession of the Board, whether or not available to the public.

2. The Superintendent of Schools, with the Board's approval, shall designate a Records Management Officer for the district. The Records Management Officer will develop and oversee a program for the orderly and efficient management of district records, including maintenance of information security as it pertains to release of district records. The Records Management Officer shall ensure proper documentation of the destruction of records, in accordance with the schedule.

## **II. Definition of Records**

1. A record is defined as any information kept, held, filed, produced or reproduced by, with or for the district in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.

2. The Records Access Officer will have the responsibility for compiling and maintaining the following records:

- a. a record of the final vote of each member of the Board on any proceeding or matter on which the member votes;
- b. a record setting forth the name, school or office address, title and salary of every officer or employee of the district; and
- c. a reasonably detailed current list by subject matter of all records in possession of the district, whether or not available for public inspection and copying.

3. No record for which there is a pending request for access may be destroyed. However, nothing in these regulations shall require the district to prepare any record not possessed or maintained by it except the records specified in II(2), above.

## **III. Access to Records**

1. Time and place records may be inspected: Records may be requested from, and inspected or copied at, the Office of the Records Access Officer, at Brunswick Central Schools District Office during normal business hours on any business day on which the district offices are open. Records may also be requested via e-mail on the district's website at [www.brittonkill.k12.ny.us](http://www.brittonkill.k12.ny.us).

2. Fees: The fee for documents up to 9 x 14 inches is 25 cents per page. For documents larger than 9 x 14 inches, tape or cassette records, or computer printouts, the cost will be based on the cost of reproduction or program utilized. Fees are subject to periodic review and change. However, no fee shall be charged for records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.

3. Procedures: Requests to inspect or secure copies of records shall be submitted in writing, either in person, by mail or via e-mail, to the Records Access Officer. [Forms are provided ([1120-E.1-2](#)) for written and e-mail requests, but are not required.]

4. All requests for information shall be responded to within five business days of receipt of the request. If the request cannot be fulfilled within five business days, the Records Access Officer shall acknowledge receipt of the request and provide the approximate date when the request will be granted or denied.

5. If a request cannot be granted within 20 business days from the date of acknowledgement of the request, the district must state in writing both the reason the request cannot be granted within 20 business days, and a date certain within a reasonable period when it will be granted depending on the circumstances of the request.

6. Denial of Access: When a request for access to a public record is denied, the Records Access Officer shall indicate in writing the reasons for such denial, and the right to appeal.

7. Appeal: An applicant denied access to a public record may file an appeal by delivering a copy of the request and a copy of the denial to the Superintendent within 30 days after the denial from which such appeal is taken.

8. The applicant and the New York State Committee on Open Government will be informed of the Superintendent's determination in writing within 10 business days of receipt of an appeal. The Superintendent shall transmit to the Committee on Open Government photocopies of all appeals and determinations.

#### **IV. Records Exempted from Public Access**

The provisions of this regulation relating to information available for public inspection and copying shall not apply to records that:

1. are specifically exempted from disclosure by state and/or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy;

3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are confidentially disclosed to the Board and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license;
5. are compiled for law enforcement purposes and which, if disclosed, would:
  - a. interfere with law enforcement investigations or judicial pro-ceedings;
  - b. deprive a person of a right to a fair trial or impartial adjudication;
  - c. identify a confidential source or disclose confidential techniques or procedures, except routine techniques or procedures; or
  - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures;
6. records which if disclosed would endanger the life or safety of any person;
7. records which are interagency or intra-agency communications, except to the extent that such materials consist of:
  - a. statistical or factual tabulations or data;
  - b. instructions to staff which affect the public;
  - c. final Board policy determinations; or
  - d. external audits, including but not limited to audits performed by the comptroller and the federal government;
8. records which are examination questions or answers that are requested prior to the final administration of such questions;
9. records which, if disclosed, would jeopardize the district's capacity to guarantee the security of its information technology assets (which encompasses both the system and the infrastructure).

## **V. Prevention of Unwarranted Invasion of Privacy**

To prevent an unwarranted invasion of personal privacy, the Records Access Officer may delete identifying details when records are made available. An unwarranted invasion of personal privacy includes but shall not be limited to:

1. disclosure of confidential personal matters reported to the Board which are not relevant or essential to the ordinary work of the Board;
2. disclosure of employment, medical or credit histories or personal references of applicants for employment, unless the applicant has provided a written release permitting such disclosures;
3. sale or release of lists of names and addresses in the possession of the Board if such lists would be used for private, commercial or fund-raising purposes;

4. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such records are not relevant or essential to the ordinary work of the Board; or
5. disclosure of items involving the medical or personal records of a client or patient in a hospital or medical facility.

Unless otherwise deniable, disclosure shall not be construed to constitute an unwarranted invasion of privacy when identifying details are deleted, when the person to whom records pertain consents in writing to disclosure, or when upon representing reasonable proof of identity, a person seeks access to records pertaining to him or her.

## **VI. Listing of Records**

Pursuant to [Section 87\(3\)\(c\) of the Public Officers Law](#), the current records retention schedule for school districts, published by the Commissioner of Education, shall serve as the list by subject matter of all records in the possession of the school district, whether or not available under the law. The Superintendent or his/her designee, in consultation with the Records Management Officer, shall develop and disseminate department-specific guidance so that staff can implement this policy and regulation.

## **VII. Litigation-Hold**

The Superintendent will designate a "discovery" team, comprised of the school attorney, the Records Access and Records Management Officer and other personnel as needed. The discovery team will convene in the event that litigation is commenced to plan to respond to the request for records. The Superintendent, will ensure that measures are put in place to preserve applicable records.

Adoption date: January 23, 2014

Revised: March 3, 2016

Brunswick/Brittonkill Central School District



**APPLICATION FOR PUBLIC ACCESS TO RECORDS***(Via Mail or E-Mail)*

[Note to the public *{for use on district website}*: This form's language is optional but may enhance your use of the Freedom of Information Law. You may choose to utilize certain portions that are most applicable to your request. You may cut and paste the entire form into a new e-mail, read all provisions, and delete and/or modify those that do not apply. The subject line of your request should be "FOIL Request".]

*{Include district mailing address/e-mail address, as appropriate}*

Dear Records Access Officer:

1. Please e-mail/mail the following records if possible [include as much detail about the record as possible, such as relevant dates, names, descriptions, etc.]:
2. Please inform me of the appropriate time during normal business hours for inspecting the following records prior to obtaining copies [include as much detail about the records as possible, including relevant dates, names, descriptions, etc.]:
3. Please inform me of the cost of providing paper copies of the following records [include as much detail about the records as possible, including relevant dates, names, descriptions, etc.].
4. If all the requested records cannot be e-mailed/mailed to me, please inform me by e-mail/mail of the portions that can be e-mailed/mailed and advise me of the cost for reproducing the remainder of the records requested (\$0.25 per page or actual cost of reproduction).
5. If the requested records cannot be e-mailed/mailed to me due to the volume of records identified in response to my request, please advise me of the actual cost of copying all records onto a CD or floppy disk.
6. If my request is too broad or does not reasonably describe the records, please contact me via e-mail/mail so that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated. If it is necessary to modify my request, and an e-mail/mail response is not preferred, please contact me at the following telephone number: \_\_\_\_\_.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

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

Address [if records are to be mailed]: \_\_\_\_\_

Adoption date: January 23, 2014

**AGENCY RESPONSE TO REQUEST FOR RECORDS**

Dear Applicant for Records:

We received your request for records pursuant to the Freedom of Information Law on [fill in date received, or next business date received, if received after normal business hours]: \_\_\_\_\_.

1. Attached are electronic copies/paper copies of the records that you requested.
2. The records that you have requested to inspect will be made available for inspection on [insert date] \_\_\_\_\_ at [insert time] \_\_\_\_\_. After inspecting the records, you may request copies of selected pages, which we will provide to you on or about [insert date] \_\_\_\_\_. If paper copies are required, payment of a fee of \$.25 per photocopy will be charged.
3. The records requested cannot be located with reasonable effort and your request does not reasonably describe records in the possession of this agency. [Indicate information necessary to locate records or the manner in which records are filed, retrieved or generated by the agency in order for the applicant to clarify the request.]
4. This agency does not maintain or possess the records you have requested. [When possible, indicate to whom the request should be directed.]
5. The records sought cannot be found after a diligent search.
6. This agency has determined that portions of your request can be denied based on the following [provide reason based on one or more exceptions appearing in §87(2) of the Freedom of Information Law]:

Accordingly, your request for records is granted in part and denied in part, and

**NOTE:** Choose one of the following two paragraphs, as appropriate.

- ☐ the requested records are attached. Certain portions have been redacted, and/or certain records have not been provided to you based on the explanation above.

- ☐ the records are not available electronically. Please remit \$\_\_\_\_\_. Copies will be provided to you on or about \_\_\_\_\_.

You have 30 days from receipt of a denial of access to records or portions thereof to appeal to:

Name:  
Title:  
Address:  
E-mail Address:

7. This agency has determined that the records that you requested are not required to be made available to the public based on the following [provide reason based on one or more exceptions appearing in §87(2) of the Freedom of Information Law]:

Accordingly, your request is denied.

You have 30 days from receipt of a denial of access to records to appeal to:

Name:  
Title:  
Address:  
E-mail Address:

8. This agency has determined that it is unable to respond to your request at this time. Accordingly, on or before [insert date within the next 20 business days] \_\_\_\_\_, we will grant and/or deny access in whole or in part.
9. This agency has determined that it is unable to respond to your request in full within the next twenty business days for the following reasons [provide explanation as required by the Freedom of Information Law, §89(3)]:

Accordingly, on or before [insert date] \_\_\_\_\_, we will provide and/or deny access in whole or in part. Please advise by reply e-mail if you would prefer that records be made available on a piecemeal basis if it is feasible to do so.

10. Because the records you have requested include a list of names and residence addresses, disclosure may constitute an unwarranted invasion of personal privacy pursuant to §89(2)(b)(iii) of the Freedom of Information Law. If you maintain that such records are not sought for commercial or fund-raising purposes, as

a condition precedent to disclosure, please prepare the following statement on a separate sheet of paper, sign it, and mail it to the address indicated below.

I [insert name] \_\_\_\_\_ certify that the requested list of names and addresses will not be used for commercial or fund-raising purposes.

\_\_\_\_\_  
[Signature]

Send to:

Name:

Title:

Mailing Address:

11. Because the records you have requested pertain to yourself, but if released to the public would constitute an unwarranted invasion of your privacy, as a condition precedent to disclosure, please prepare the following statement on a separate sheet of paper, sign it, and mail it to the address indicated below, along with copy of your valid driver license or other acceptable form of identification.

I certify that my name is [insert name]

\_\_\_\_\_,  
that I reside at [insert address]  
\_\_\_\_\_, and

that I have attached a copy of my valid driver license or equivalent identification and that the requested records pertain to me.

\_\_\_\_\_  
[Signature]

Adoption date: January 23, 2014

# Policy 2160 SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

## I. General Rules

### A. Purpose of Regulations

Pursuant to the provisions of [General Municipal Law §806](#) and Board Policy 1.200, the Board of Education of the Brunswick Central School District hereby promulgates this Code of Ethics for officers and employees of the School District. These rules shall not conflict with but be in addition to [Article 18 of the General Municipal Law](#) or any other general or special law related to ethical conduct and interest in contracts of municipal officers and employees.

These rules and regulations are promulgated by the School District Board of Education in order to comply fully with its obligation under New York's General Municipal Law. The General Municipal Law requires that public entities such as the Board adopt and promulgate a code of ethics for its officers and employees, including members of the Board.

### B. Notice of Code and Amendment sent to State Comptroller

1. Within 30 days of the Board's adoption of its Code of Ethics, the district clerk shall file a copy of the Code with the Office of the State Comptroller.
2. Any amendment to the Code of Ethics the Board has adopted shall be filed by the district clerk with the Office of the State Comptroller within 30 days of the amendment's adoption.

## II. Code of Ethics

### A.

1. Officer or employee means an officer or employee of the district, whether paid or unpaid, including members of the Board of Education staff and appointees.
2. Interest means a pecuniary or material benefit accruing to an officer or employee unless the context otherwise indicates. For the purposes of this policy and its regulations, unless otherwise provided, an officer or employee shall be deemed to have an interest in the contract of:
  - a. her/his spouse, minor children and dependents, except a contract of employment with the district;
  - b. a firm, partnership, or association of which such officer or employee is a member or employee;
  - c. a corporation of which such officer or employee is an officer, director, or employee; and

d. a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

3. "District" means the Brunswick Central School District.

## B. Standards of Conduct

Every officer and employee of the district shall be subject to, and shall abide by, the following standards of conduct.

1. Gifts. An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$75.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing, or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence her/him in the performance of her/his official duties or was intended as a reward for any official action on her/his part.

2. Confidential Information. An officer or employee shall not disclose confidential information that she/he acquires in the course of her/his official duties, or use such information to further her/his personal interest either directly or indirectly.

3. Representation Before One's Own Agency. An officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any district agency of which she/he is an officer, member or employee or before any district agency over which she/he has jurisdiction, or to which she/he has the power to appoint any member, officer, or employee.

4. Representation before any agency for a Contingent Fee. An officer or employee shall not receive or enter into agreement, express or implied, for compensation for services to be rendered in relation to any matter before any district agency, whereby the compensation is to be dependent or contingent upon any action by such district agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

5. Disclosure of Interest in Matters Before the Board. To the extent that she/he knows thereof, a member of the Board of Education, and any officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any resolution or other matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest she/he or their spouse has in such resolution or matter.

6. Investments in Conflict with Official Duty. An officer or employee shall not invest or hold any investment directly in any financial, business, commercial, or private transaction that creates a conflict with his/her official duties.

7. Private Employment. An officer or employee shall not engage in, solicit, negotiate for, or promise to accept private employment when that employment of service creates a conflict with or impairs the proper discharge of her/his official duties.

8. Future Employment. An officer or employee shall not, after termination of service or employment with the Board, appear before the Board, or any panel or subcommittee of the Board, in relation to any case, proceeding, or application in which she/he personally participated during the period of her/his service or employment, or that was under her/his active consideration.

9. Disclosure of Interest. Any district officer who has, will have, or later acquires in any actual or proposed contract with the district shall publicly disclose the nature and extent of such interest in writing to the Board as soon as she/he has knowledge of such actual or prospective interest. Such written disclosure shall be set forth in and be made a part of the official record of the proceedings of the Board. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation, or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

10. Exceptions to Disclosure of Interest. Notwithstanding the provisions of the preceding paragraph, disclosure shall not be required in the case of an interest in:

- a. a contract with a corporation in which an officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- b. a contract for the furnishing of public utility services when the rates or charges thereof are fixed or regulated by the Public Service Commission;
- c. a contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of her/his official duties and so designated as an office or chamber;
- d. a contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
- e. a contract in which an officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of \$100.00; and
- f. a contract with a member of a private industry council established in accordance with the Federal Job Training Partnership Act or any firm, corporation, or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

### **III. Claims**

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former office or employee of any claim, account, demand, or suit against the district or any agency

thereof, on behalf of her/himself or any member of her/his family arising out of personal injury or property damage, or for any lawful benefit authorized or permitted by law.

#### **IV. Distribution of Code of Ethics, Filing Requirement**

The Superintendent of Schools shall cause a copy of this Code of Conduct to be distributed to every officer and employee of the district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of her/his office or employment. Each employee or officer shall file [2160-E](#), indicating receipt of the Code of Conduct of Ethics from the Superintendent with the District Clerk.

#### **V. Penalties for Intentional Violation of Code of Ethics**

In addition to any penalty contained in any provision of law, a person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics, as recited above, and any accompanying regulations, may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

Ref:

[General Municipal Law §§806-808](#)

First reading: April 21, 2009

Adoption date: May 27, 2009

Brunswick/Brittonkill Central School District



( ) Required  
**(X) Local**  
(x) Notice

### **BOARD COMMITTEES**

The Board of Education establishes two types of committees – Standing Committees and Ad Hoc Committees.

All Board established committees are advisory bodies to the Board and cannot be delegated to act for the Board or represent that it has the authority to act on behalf of the Board, except in those specific instances where the action and the mode of carrying it out have received prior authorization/approval by the Board.

Only Board members appointed to a committee may fully participate in the decision making process of that committee. While all Board members may attend any committee discussion will be at the discretion of the committee chair.

#### **Standing Committees**

The Board has chosen to establish the following standing committees. The primary purpose of these committees is to provide a regular forum for policy and implementation discussion between designated policy makers and appropriate district staff.

At least two, but no more than three Board members will be assigned to each committee. Board members on these committees will be by appointment of the Board President each July. The Board President shall serve as an Ex-Officio member of each committee. The Superintendent will appoint staff members to assist the committee with its work.

#### ➤ **Facilities Committee**

The Facilities Committee will:

- conduct a regular review of policies related to district facilities;
- measure and evaluate the effectiveness of these policies by various means including visitation and review of projects;
- monitor and evaluate federal, state and local changes in laws, regulations, and conditions that suggest the need formulation of new policies or changes to existing policies; and
- as needed, prepare and submit suggested additions and changes in policies to the Board and administration for review, discussion and formal consideration. Such suggestions should be reviewed with the policy committee for consistency in format and style prior to submission.

#### ➤ **Policy Committee**

The Policy Committee will:

- conduct a regular review of the policy manual and identify areas and policies in need of review;

- review all suggested additions and changes in policies, including those proposed by other committees for consistency in format and style prior to submission to the Board for formal consideration;
- monitor and evaluate federal, state and local changes in laws, regulations, and conditions that suggest the need formulation of new policies or changes to existing policies; and
- as needed, prepare and submit suggested additions and changes in policies to the Board and administration for review, discussion and formal consideration.

### Ad Hoc Committees

Ad Hoc Committees may be established by the Board from time to time to study a specific issue or perform a specific task.

A written charge to the committee, including the scope of authority and an expected completion date will be prepared before the committee is appointed. Membership and leadership for the committee shall be based on the charge.

The committee is expected to report to the Board periodically on its progress. The final report of the committee is to be submitted in writing.

Committees are advisory bodies and cannot be delegated to act for the Board except in those specific instances where the action and the mode of carrying it out have received prior authorization/approval by the Board.

First reading: April 21, 2009  
Adopted: May 27, 2009  
Revised: September 19, 2013

## **4200 CURRICULUM MANAGEMENT**

The Board of Education recognizes its responsibility for the development, assessment and improvement of the educational program of its schools. To this end, the Board is committed to establishing and maintaining a coordinated curriculum management process that:

- Defines how the district's curriculum is developed and approved.
- Ensures that the curriculum is taught and assessed.
- Provides for the ongoing review and evaluation of the curriculum.

For purposes of this policy, "curriculum" means a series of planned instruction that is coordinated, articulated and implemented to result in achievement of specific knowledge and skills, and application of such knowledge and skills by all students.

### Curriculum Development

The Board views a centralized curriculum articulated among and between grade levels as essential to an effective instructional program designed to meet the learning standards established by the state and the Board.

The Superintendent of Schools will support the District Curriculum and Assessment Council in their charge to provide leadership and help to manage the process for establishing reviewing and revising the K-12 program. The Council will be assisted in this process by the Instructional Program Review team led by Program Support Leaders. The Superintendent shall support the established procedures for the council, and shall also ensure that it provides for the effective participation of administrators, teaching staff, and members of the Board.

The curriculum shall:

- Comply with state mandates regarding course offerings and essential knowledge and skills.
- Focus on the content standards of each discipline and ensure that what students learn is rigorous, challenging and represents the most important learning for students.
- Provide sufficient flexibility to meet individual student needs at each stage of development.
- Reflect current research, best practices and technological advancements within each discipline.
- Promote congruence among the written, taught and assessed content.

### Curriculum Adoption

The District Curriculum and Assessment Council will review all requests and proposals for additions and changes to instructional programs. It will be the responsibility of the council to ensure that any proposed additions or changes are consistent with the profile of the graduate and graduation expectations before recommending any changes to the Superintendent. The Council shall present the written curriculum to the Board for its review and adoption as developed and/or amended. Prior to adoption, the Board will review the curriculum to ensure consistency with Board-adopted learning objectives. In addition, the Board will adopt instructional materials that support the adopted curriculum.

### Curriculum Implementation

Implementation of the curriculum rests primarily with the teaching staff. In carrying out this

responsibility, the teaching staff shall work to ensure continuity between the written, taught and assessed curriculum. The Building Principal along with the Director of Curriculum and Assessment, shall be responsible for the management of the implementation of the aligned curriculum at the building level. They shall carry out this management function through activities including analyzing student assessment data; making classroom observations of teachers; and providing opportunities for teachers to discuss and share ideas and strategies. The district's curriculum for each subject or course, as developed through the Instructional Program Review Process, shall be communicated to the teaching staff in a written document developed annually. Such documents will provide the necessary information to direct instruction and ensure continuity among and between grade levels. The documents shall also include a description of the essential knowledge and skills for the course, instructional philosophy, appropriate sequence, and correlation of major resources. Curriculum documents shall be made available to parents and community members upon request to promote understanding of district goals and objectives.

### Curriculum Review

The Board recognizes the need for and the value of a systematic, ongoing program of curriculum evaluation that includes collecting and analyzing data about student achievement. All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve students' learning and growth. Such a program is essential to evaluate program effectiveness in each content area and to make judgments about resource allocation. The Superintendent shall, in collaboration with the District Curriculum and Assessment Council, develop guidelines to evaluate the instructional program to ensure its continued effectiveness.

The Council shall report their findings regarding the effectiveness of the instructional program to the Board periodically, and, if necessary, shall recommend changes to the district's curriculum. A status report will be made to the Board at least once a year.

### Ref:

Education Law §§1709(3); 1711(5)

First reading: October 8, 2009

Adoption date: October 22, 2009

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---

**(X) Required**☐ Local☐ Notice

### **ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS AND STUDENTS**

The Board of Education recognizes its responsibility to ensure that appropriate space is available for:

1. Special programs and services provided to meet the needs of students and preschool students with disabilities both within its own facilities, and in programs provided by the Board of Cooperative Educational Services (BOCES) and attended by district residents; and
2. Serving students with disabilities in settings with non-disabled peers, as well.

The district will address such space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the district's special education services plan.

Through the Superintendent, the district also will share with the BOCES District Superintendent information relevant for the BOCES to determine the regional space needs for serving the district's resident students and preschool students with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disabled peers, the Superintendent, in consultation with appropriate school personnel will, at a minimum:

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the district's special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting in which those services are and/or will be provided.
2. Review the results of district child find efforts, including child find activities conducted with respect to parentally-placed nonpublic school students with disabilities.
3. Anticipate any projected increase in the number of students and preschool students with disabilities the district will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and the settings in which those services will be provided.
4. Based on the above information, review current space capacity, and identify any additional space requirements to meet both current and future needs.

Cross-ref: 4321, Programs and Services for Students with Disabilities under the IDEA and New York's Education Law Article 89  
4321.10, Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89

Ref: Individuals with Disabilities Education Act, 20 USC §§1400 et seq.  
Education Law §§3602(10)  
8 NYCRR §§155.1(a); 200.2(c)(iv),(v); 200.2(g)

---

1<sup>st</sup> Reading: January 15, 2008  
Revised: February 19, 2008  
Approved: December 17, 2009  
Revised: May 20, 2014

## **4321.5 DISTRIBUTION OF INDIVIDUALIZED EDUCATION PLANS (“IEP’s”)**

The Board of Education believes that a student with a disability is most effectively educated when the teachers and related staff responsible for the student’s education are fully informed about the student’s abilities and needs relative to his/her disability. The Board also recognizes that all information relative to the student and his/her disability must be kept confidential at all times. Therefore, the Board establishes the following policy regarding the distribution of IEPs.

1. The chairperson of the CSE shall ensure that each regular education teacher, special education teacher, related service provider, and/or other service provider who is responsible for implementation of a student’s IEP is provided an electronic copy of such student’s IEP, including amendments to the IEP, prior to the implementation of such program. For purposes of this paragraph, other service provider means a representative of another public school district, charter school, BOCES, or school enumerated in [article 81, 85 or 89 of the Education Law](#) where the student receives or will receive IEP service.
2. The chairperson of the CSE shall designate one professional employee of the district with knowledge of the student’s disability to inform each regular education teacher, special education teacher, teaching assistant, related service provider, and/or other service provider prior to implementation, of his or her responsibilities relating to implementation an IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP.
3. Any copy of a student’s IEP provided pursuant to this paragraph shall remain confidential and ***personally identifying information*** shall not be disclosed to any other person. Personally identifiable information includes, but is not limited to: (a) the student's name; (b) the name of the student's parent or other family member; (c) the address of the student or student's family; (d) a personal identifier, such as the student's social security number or student number; (e) a list of personal characteristics that would make the student's identity easily traceable; or (f) other information that would make the student's identity easily traceable.
4. The following guidelines shall be set for making copies of student IEPs.
  - a. Permission must be received from the CSE chairperson prior to making hard copies.
  - b. Hard copies of student IEPs shall be printed in the CSE office and shall be kept in a locked file cabinet thereafter.
  - c. Only case managers will be allowed to make hard copies of IEPs.
  - d. A record will be kept in the CSE office documenting the existence of copies made, and will be accompanied by a signed agreement from the person making copies indicating that they will abide by the board’s policy to maintain confidentiality.
  - e. The case manager shall be responsible for returning all hard copies to the CSE office at the year’s end so that they may be shredded.

Ref:

[New York Education Law §4402\(7\)](#)

8 NYCRR §200.4(e)(3)

Adopted: January 9, 2003

1st Reading of Revisions: April 22, 2008

Adopted: May 20, 2008

Approved: December 17, 2009

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---



**Brunswick Central School District  
Committee on Special Education  
Brittonkill  
3992 NY 2  
Troy, NY 12180  
(518)-279-4600 x679**

**ACKNOWLEDGMENT REGARDING INDIVIDUAL EDUCATION PROGRAMS**

Chapter 408 of the Laws of 2002 and Brittonkill Board of Education Policy Number 4321.5 require that:

Each regular education teacher, special education teacher, related service provider and other service provider responsible for implementing a student's IEP shall be:

- provided a paper or electronic copy of the student's IEP prior to its implementation and;
- informed of his or her responsibility to implement the recommendations on the IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services in accordance with the IEP.

Any copy of a student's IEP, whether paper or electronic, shall remain **confidential** and shall not be redisclosed to any other person, except as authorized by school district policy and in accordance with the Individuals with Disabilities Education Act (IDEA), and the Family Education Rights and Privacy Act (FERPA).

I have received access to the IEPs and been advised of my responsibilities for implementing them for all students with disabilities assigned to me. I also acknowledge my obligation to keep the information contained therein confidential as required by law.

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

Signature: \_\_\_\_\_

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

## **4321.6 AVAILABILITY OF ALTERNATIVE FORMAT INSTRUCTIONAL MATERIALS FOR STUDENTS WITH DISABILITIES**

The Board of Education recognizes its responsibility to ensure that all instructional materials used in the district's schools are made available in a usable alternative format for students with disabilities in accordance with their individual educational needs and course selection at the same time as those materials are available to non-disabled students. In accordance with applicable law and regulations, any such alternative format procured by the District will meet the National Instructional Materials Accessibility Standard.

For purposes of this policy, alternative format will mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a student with a disability enrolled in the school district, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file. An electronic file must be compatible with at least one program alternative format conversion software program that is appropriate to meet the needs of the individual student.

The Superintendent will develop a plan to ensure the availability of alternative format materials in accordance with the timeliness requirements of this policy. Such a plan will provide for:

1. Use of vendors who agree to provide instructional materials in alternative formats, and to reflect this requirement in the bidding specifications used for procurement of instructional materials. The same preference will be given to vendors of instructional materials ordered for the school library.
2. Consultation with appropriate school personnel regarding how students will access electronic files. The district's technology staff will be notified of any need to convert electronic files into an accessible format such as Braille, large print, audio, or alternative display.
3. The yearly inspection of the district's timelines for the purchase of instructional materials to ensure sufficient lead time for obtaining needed alternative format materials.
4. Notification to appropriate school personnel by the Committee on Special Education (CSE), CSE Subcommittee, Committee on Preschool Special Education (CPSE) and Section 504 Committee Chairperson whenever it is determined that a student needs instructional materials in an alternative format. Such notice will also identify the particular alternative format needed, and any assistive technology devices or services the student might need to access the alternative format materials.
5. In anticipation of a student's need of instructional materials in an alternative format, classroom teachers will notify appropriate school personnel of the books they will be using in class and any list of required readings. Such notification will occur with sufficient lead time relative to the district's timelines for the purchase of instructional materials.
6. Consultation with the school librarian to make sure that specific library resources required by a student in need of alternative format materials to participate and progress in his or her selected courses are made available to the student in an accessible format.
7. Timely request of state assessments in alternative format.

Cross-ref:

Ref:

Individuals with Disabilities Act (IDEA), [20 USC §§1474](#) (e)(3)(B)

[N.Y. Education Law §§1604](#) (29-a); [1709](#) (4-a); [2503](#) (7-a); [2554](#) (7-a); [3602](#) (10)(b)

8 NYCRR §§200.2 (b)(10)

State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Policy 02-05 Amendment to Section 200.2 of the Regulations of the Commissioner Implementing Chapter 377 of the Laws of 2001: Plans to Provide Instructional Materials in Alternative Formats for Students with Disabilities, May 2002, (available electronically from the VESID website at:

<http://www.vesid.nysed.gov/specialed/publications/policy/alterformnat502.htm>).

1st Reading: April 22, 2008

Adopted: May 20, 2008

Approved: December 17, 2009

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---

## **IMPARTIAL HEARING OFFICER APPOINTMENT AND COMPENSATION**

The Board of Education will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation, or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in Commissioner's regulations.

### *Selection*

The updated list of certified IHOs for this county promulgated by the New York State Education Department will be used in connection with requests for impartial hearings. The list shall also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the district their interest in serving as an IHO in the district.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within two (2) business days after receipt by the district of such written request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The district representative shall then proceed through the list to determine availability of the next successive IHO.

The District Clerk or other person so designated, under the direction of the Board President, shall initiate the selection process by contacting the impartial hearing officer whose name first appears after the impartial hearing officer who last served. The District Clerk or designee shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted. Pursuant to the Regulations of the Commissioner of Education, if an impartial hearing is currently pending for the same student when a new hearing request is received, the district will appoint the same IHO, if available, who will determine whether or not to consolidate the hearings. Additionally, if the new hearing request concerns an issue which had been previously withdrawn in the 12 months prior, the district shall appoint the same IHO, if available.

An IHO on the district's rotational list may not accept appointment unless he or she is available to:

1. Make a determination on the sufficiency of the due process complaint that will be heard at the hearing within five days of receiving such a request; and
2. Initiate the hearing within the first 14 days after either:
  - The date on which he or she receives written notice that the parents and the district waived their right to hold a resolution meeting to resolve their

differences prior to commencement of the hearing, or met but were unable to reach agreement; or

- The expiration of the 30-day period beginning with the receipt of the due process complaint, whichever occurs first.

### *Appointment*

The Board President, or in his or her absence or inability, the Vice President, will appoint an IHO immediately after the IHO selected from the rotational list indicates he or she is available.

The Board will rescind the appointment of an IHO and appoint a new one if the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

### *Compensation*

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is \$100.00 per hour for pre-hearing, hearing, and post-hearing activities. In addition, impartial hearing officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging, in accordance with the current district reimbursement rate set for district employees, up to \$350 per day. Mailing costs associated with the hearing will also be reimbursed. The District will not reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.

### *Cancellation*

The district shall attempt to provide an Impartial Hearing Officer with two (2) business days' advance notice of the cancellation or re-scheduling of an impartial hearing. Should the district request the cancellation or re-scheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) days notice, the district agrees to pay the Impartial Hearing Officer a fee of \$100.00. The district shall not be responsible for costs associated with a parent or guardian's cancellation or adjournment of a hearing.

A copy of this policy will be forwarded to the impartial hearing officer at the time of appointment.

Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the district and such information will be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by Commissioner's regulations.

Ref: 8 NYCRR §§200.2; 200.5; 200.21

Revised: May 20, 2014

## **4526.1 INTERNET SAFETY**

The Board of Education is committed to undertaking efforts that serve to make safe for children the use of district computers for access to the Internet and World Wide Web. To this end, although unable to guarantee that any selected filtering and blocking technology will work perfectly, the Board directs the Superintendent of Schools to procure and implement the use of technology protection measures that block or filter Internet access by:

- adults to visual depictions that are obscene or child pornography, and
- minors to visual depictions that are obscene, child pornography, or harmful to minors, as defined in the Children's Internet Protection Act.

Subject to staff supervision, however, any such measures may be disabled or relaxed for adults conducting bona fide research or other lawful purposes, in accordance with criteria established by the Superintendent or his or her designee.

The Superintendent or his or her designee also shall develop and implement procedures that provide for the safety and security of students using electronic mail, chat rooms, and other forms of direct electronic communications; monitoring the online activities of students using district computers; and restricting student access to materials that are harmful to minors.

In addition, the Board prohibits the unauthorized disclosure, use and dissemination of personal information regarding students; unauthorized online access by students, including hacking and other unlawful activities; and access by students to inappropriate matter on the Internet and World Wide Web. The Superintendent or his or her designee shall establish and implement procedures that enforce these restrictions.

The Superintendent or his or her designee under the District's Computer Network or Acceptable Use Policy shall monitor and examine all district computer network activities to ensure compliance with this policy and accompanying regulation. He or she also shall be responsible for ensuring that staff and students receive training on their requirements.

All users of the district's computer network, including access to the Internet and World Wide Web, must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the District's Acceptable Use Policy. Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

Ref:

Public Law No. 106-554

[47 USC §254](#)

[20 USC §6801](#)

First reading: February 11, 2010

Adoption date: September 28, 2010

## 4526.1-R INTERNET SAFETY REGULATION

The following rules and regulations implement the Internet Safety Policy adopted by the Board of Education to make safe for children the use of district computers for access to the Internet and World Wide Web.

### I. Definitions

In accordance with the Children's Internet Protection Act,

- *Child pornography* refers to any visual depiction, including any photograph, film, video, picture or computer or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct. It also includes any such visual depiction that (a) is, or appears to be, of a minor engaging in sexually explicit conduct; or (b) has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or (c) is advertised, promoted, presented, described, or distributed in such a manner than conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.
- *Harmful to minors* means any picture, image, graphic image file, or other visual depiction that (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

### II. Blocking and Filtering Measures

- The Superintendent or his or her designee shall secure information about, and ensure the purchase or provision of, a technology protection measure that blocks access from all district computers to visual depictions on the Internet and World Wide Web that are obscene, child pornography or harmful to minors.
- The Superintendent or his or her designee shall be responsible for ensuring the installation and proper use of any Internet blocking and filtering technology protection measure obtained by the district.
- The Superintendent or his or her designee may disable or relax the district's Internet blocking and filtering technology procedure only for educational and/or professional related responsibilities.

### III. Monitoring of Online Activities

- The Superintendent or his or her designee shall be responsible for monitoring to ensure that the online activities of staff and students are consistent with the district's Internet Safety Policy and this regulation. He or she may inspect, copy, review, and store at any time, and without prior notice, any and all usage of the district's computer network for accessing the Internet and World Wide Web and direct electronic communications, as well as any and all information transmitted or received during such use. All users of the district's computer network shall have no expectation of privacy regarding any such materials.
- Except as otherwise authorized under the District's Computer Network or Acceptable Use Policy, students may use the District's computer network to access the Internet and World Wide Web only during supervised class time, study periods or at the school library, and exclusively



related to their course work.

- Staff supervising students using district computers shall help to monitor student online activities to ensure students access the Internet and World Wide Web, and/or participate in authorized forms of direct electronic communications in accordance with the district's Internet Safety Policy and this regulation.
- The Superintendent or his or her designee shall monitor student online activities to ensure students are not engaging in hacking (gaining or attempting to gain unauthorized access to other computers or computer systems), and other unlawful activities.

#### IV. Training

- The Superintendent or his or her designee shall provide training to staff and students on the requirements of the Internet Safety Policy and this regulation.
- The training of staff and students shall highlight the various activities prohibited by the Internet Safety Policy, and the responsibility of staff to monitor student online activities to ensure compliance therewith.
- Students shall be directed to consult with their classroom teacher if they are unsure whether their contemplated activities when accessing the Internet or Worldwide Web are directly related to their course work.
- Staff and students will be advised to not disclose, use and disseminate personal information about students when accessing the Internet or engaging in authorized forms of direct electronic communications.
- Staff and students will also be informed of the range of possible consequences attendant to a violation of the Internet Safety Policy and this regulation.

#### V. Reporting of Violations

- Violations of the Internet Safety Policy and this regulation by students and staff shall be reported to the Building Principal.
- The Principal shall take appropriate corrective action in accordance with authorized disciplinary procedures.
- Penalties may include, but are not limited to, the revocation of computer access privileges, as well as school suspension in the case of students and disciplinary charges in the case of faculty and staff.

First reading: February 11, 2010

Adopted: September 28, 2010

## **4531 FIELD TRIPS**

The Brunswick Central School District Board of Education encourages student participation in field trips when they have a clear relationship to curriculum content and contribute to the academic and educational enrichment of students. The criteria for consideration of requests for authorization for field trips shall include: attention to safety precautions; educational value and appropriateness including relationship to curriculum; selection and appropriateness of sites; consent forms for parents; transportation limitations and restrictions; disruption of the instructional schedule, financial statement and adequacy of adult supervision of students during trips.

### Requests for Authorization of Field Trips

Requests for the approval of all field trips must be submitted in writing by the sponsoring faculty member to the building principal, on a form provided by the District.

Building principals shall have the responsibility to recommend approval, disapproval or modification of such trips to the Superintendent of Schools and shall perform such responsibility in a timely manner. The Superintendent shall have the authority to dispose of such recommendations as he or she deems appropriate and as provided herein. Requests for authorization for overnight trips or trips outside of the United States shall be submitted to the Board of Education, together with the written recommendations of the building principal and Superintendent of Schools for disposition.

### Chaperones for Field Trips

All field trips must be chaperoned by adults, including both male and female teachers. Exact numbers of chaperones required shall be determined by the building principal and class advisor. No less than one adult per every ten students must be available to chaperone a field trip. A minimum of one member of the District faculty or administrative staff must accompany each field trip. On overseas trips, chaperones shall be responsible for maintaining a copy of the passport of each student participating in the trip.

### Distance, Length of Field Trips

Field trips using public transportation shall generally be limited in duration to a single day, approximately eight hours in duration. Trips extending beyond eight hours in duration shall generally be limited to students in grades five through twelve.

### Permission of Parent / Guardian Required

Written parental permission for each participating student must be obtained for all field trips. The form shall be provided by the District and inform parents about the trip, including an itinerary which should include the cost and any special instructions. The form shall specify the modes of transportation to be utilized and provide for the signature of the parent / guardian providing express permission for the student to participate in the field trip.

### One-Day Field Trips

Requests for authorization for one-day field trips must be submitted to the building principal for consideration at least ten days prior to the publication or student notification of the planned trip.

When the district provides transportation to students on a school-sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the district unless:

1. the parent or legal guardian of a student participating in such event has provided the district with a

written notice authorizing an alternative form of return transportation for the student; or

2. intervening circumstances make such transportation impractical.

Where intervening circumstances have made transportation back to the point of departure or to the appropriate school in the district impractical, a representative of the district shall remain with the student until such student's parent or legal guardian has been contacted and the student has been delivered to his/her parent or legal guardian.

### Student Responsibilities

Students participating in field trips shall observe the school code of conduct at all times during a field trip. Students must never travel alone while on a field trip and must always be accompanied by at least one other student. Students are responsible for all school work missed while on a multi-day field trip and teachers shall be responsible for providing all such work to students, at least one day prior to the scheduled departure of the field trip.

### Field Trips in Excess of One Hundred Miles and/or Overnight Field Trips

Field trips in excess of one hundred miles are considered only if the experience is unique and unable to be replicated at a closer distance. Overnight field trips or trips abroad must meet all of the following requirements:

1. be approved by the Superintendent of Schools
2. be supervised by school faculty
3. be submitted for Board of Education approval at least 60 days prior to the planned departure date.
4. Have an itinerary that includes: listing of all events and activities (where students will be at all times), locations of where students are lodged (including addresses and phone numbers of such locations), mode(s) of transportation, and names of faculty members and chaperones supervising the trip.
5. A financial statement reflecting the cost of the trip, and the source of the funds must be submitted along with the itinerary.
6. Non-district employed chaperones must complete an application and be fingerprinted.

### Senior Class Trip

The Senior Class Trip should be scheduled during the Spring Recess or other scheduled vacation period. The primary purpose of the trip shall be educational in nature and the trip shall be consistent with all other requirements for field trips. All seniors shall have the opportunity to attend the trip, at the lowest cost possible. The final destination of the trip shall be determined by a majority vote of the senior class.

The itinerary for the senior trip shall be developed by the senior class advisor, senior class representatives and the high school principal. Request for authorization for the trip shall be submitted to the Superintendent of Schools for inclusion on the February Board of Education agenda. A financial statement reflecting the cost of the trip, and the source of the funds must be submitted along with the itinerary. There must be demonstration of sufficient funds in the class treasury to defray the cost of the proposed trip. Financial commitments shall not be made prior to approval of the trip by the Board of Education. The final level of participation must be at least fifty percent of the senior class in order for the trip to be considered a school sponsored trip.

The senior class shall be responsible for the payment of transportation, lodging and entrance fees for the

chaperones, as necessary.

#### Optional Field Trips

Students will be charged actual costs for optional field trips. Such trips are ordinarily done outside of regular school hours.

#### Equal Opportunity

All students shall have an equal opportunity to participate in field trips that are a mandatory part of the educational program. No student shall be denied an opportunity to attend such field trips due to inability to pay the costs associated with such trips.

#### Donations for Field Trips

The Board of Education will accept contributions for the purpose of funding specific field trips, provided that the proposed trip will meet the requirements for school-sponsored trips as determined by the building principal, superintendent and Board of Education.

#### Ref:

[Education Law §§ 1804](#)

First Reading: November 19, 2009

Adopted: December 17, 2009

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---

## **4532 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. The only exception shall be in the case of volunteer coaches within the athletic program. Volunteer coaches require approval by the Board of Education and as such may have direct contact with student athletes in their coaching capacity.

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, as well as make provisions for adequate supervision and evaluation.

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 will include a criminal background check. The district agrees to assume the cost.

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.

The District shall be responsible for maintaining a current and complete list of all active volunteers.

First Reading: December 17, 2009

Adopted: January 14, 2010

---

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---

## 4765 ONLINE LEARNING AND COURSE CREDIT

( ) Required

**(X) Local**

**(X) Notice**

The Board of Education recognizes that new technologies are changing the way instructional material can be delivered to students. These technologies may permit the district to more effectively reach all students and provide expanded and enriched curriculum opportunities. Therefore, the Board encourages teachers and administrators to utilize online instructional opportunities for students. The use of distance learning opportunities (e.g., through BOCES), where students attend class in the district with instruction provided remotely by a teacher at another location, may be utilized but is not covered by this policy.

In accordance with Commissioner's regulations, the Board authorizes the use of district-approved online courses which enable students to earn course credit toward a Regent's Diploma, in accordance with this policy. Such online course instruction may be used to supplement a class offered by the district ("blended course") or it may be the sole mechanism for delivering the subject matter ("online course"). Online courses may be provided either with district instructional staff, through a BOCES contract, or through a shared services contract with another school district.

The Superintendent is directed to develop the following:

1. a mechanism for reviewing and approving online educational programming that can be used to enable students to earn course credit as either part of a blended or online course in accordance with Commissioner's Regulations and policy 4200, Curriculum Management;
2. criteria and procedures for admitting students to online courses; and
3. methods for monitoring the efficacy of online courses. In developing the procedures above, the Superintendent, with the assistance of appropriate staff, will consider:
  - the equitable access of students to blended and/or online courses;
  - the adequacy of instructional support for students utilizing blended and/or online courses;
  - the budgetary impact of use of blended and/or online courses; and
  - the fit of online education resources to New York State learning standards.

### Emergency Utilization during School Closures

During emergency situations such as extended school closures, the district may utilize online learning platforms and other electronic technology to deliver instruction to students at all grade levels in an age-appropriate manner, in order to maintain continuity of the instructional program. The district will consider the technological capacity of students and staff to access online learning with respect to devices and internet access. The district may take steps to increase technological capacity during the emergency school closures, such as providing computing devices and temporary internet access devices.

Cross-ref:

4200, Curriculum Management

8131, Pandemic Planning

Ref:

[8 NYCRR §100.5\(d\)\(10\)](#)

*Matter of Boyd*, Decision No. 16364, June 28, 2012

Adoption date: May 7, 2020

**Brunswick/Brittonkill Central School District**

---

## **ANIMALS IN THE SCHOOLS**

The Board of Education recognizes that animals have a proven educational and therapeutic value, but must also consider the safety and well-being of the school population, visitors to the school, and the animal. Therefore, in consideration of the above, animals may be brought in for education purposes to the classroom, only after request to, consultation with, and approval by the Building Principal.

The request, which shall be made in writing on the prescribed form, shall state the educational purpose, and a description of the conditions under which the animal will be brought to school. Proof that the animal has been properly vaccinated and licensed will also be required.

The following rules must be adhered to:

- Animals may not roam freely but shall be on a leash at all times.
- Animals must be clean and free of ticks, fleas, parasites, mites, etc.
- Owners/handlers must clean up after their animals immediately.
- Students must be supervised during any interactions with animals.
- Students and teachers must wash hands after any interactions with animals, their cages and food/water.
- Animals are not permitted in rooms where food and drink are consumed or in the classrooms during lunch/party where food is being consumed.

Animals that will not be permitted in the schools include:

- Inherently dangerous animals (e.g., lions, tigers, cougars, and bears).
- Nonhuman primates (e.g., monkeys and apes).
- Mammals at high risk for transmitting rabies (e.g., bats, raccoons, skunks, foxes, and coyotes).
- Aggressive or unpredictable wild or domestic animals.
- Stray animals with unknown health and vaccination history.
- Venomous or toxin-producing spiders, insects, reptiles, and amphibians.

Adoption date: March 6, 2014

## 5152 ADMISSION OF NON-RESIDENT STUDENTS

### 1. Applicability

This policy shall apply to all non-resident students in the district except those in attendance in the district pursuant to [Education Law §§3204\(4\)-\(7\)](#), concerning: children in certain family homes; children who are intellectually disabled; children in hospitals or certain other institutions for the care, custody, or treatment of children; youth in Division for Youth Placements; and youth incarcerated in county correctional facilities. This policy is not applicable to homeless students entitled to attend district schools under federal and state law and regulations, who may not be currently residing in the district (see policy 5151, Homeless Children). Homeless students who are not entitled to attend district schools under federal and state laws may be considered for non-resident enrollment under this policy. This policy is also not intended to cover students who are placed in district programs by agreement with, and paid for by, another school district. "Non-resident student" shall, for purposes of this policy, denote a student who has not established legal residence in the district and is not covered by a specific agreement and/or special provisions made for students covered by collective bargaining agreements or agreement with other School Boards of Education.

### 2. Acceptance of Non-Resident Students by the District

Non-resident students may be accepted as students in the district upon approval of the Superintendent if he/she deems:

- a. There is sufficient space to accommodate the non-resident student;
- b. No increase in the size of faculty or staff will be necessary to accommodate them;
- c. The non-resident students meets the district's criteria for admission; and
- d. The admission of such non-resident student is and continues during enrollment period to be in the best interests of the district.

### 3. Tuition

- a. Tuition fees for non-resident students shall be established annually by the Board of Education pursuant to the Commissioner's Regulations in this regard.
- b. The District's acceptance of a non-resident student shall be provisional, pending receipt of tuition payment for the student;
- c. Tuition will be billed on an annual basis. Payment may be made in full or, if necessary, the tuition amount can be split into three (3) equal payments due and payable on the following dates: August 15, November 15 and February 15;
- d. The person in parental relation to the student, or if the student is emancipated, the student, will be billed in August. The timing of other billing to such person will depend on the date of the student's first attendance in the district, and the tuition charge will be prorated on a daily basis; and
- e. Upon proof of payment, school tax payments of non-residents who own assessable property which must be individually owned by the parent(s) (not by a business or corporation) in the district will be deducted from any tuition charges levied against such non-resident.

### 4. Placement of Non-Resident Students

School and class placement of a non-resident student admitted to attend in the district shall be determined solely by the Superintendent or designated district administrative personnel.

### 5. Continuation as Non-Resident Student

Upon evidence of satisfactory achievement, a non-resident student admitted to attendance upon instruction in the district shall be permitted to continue in the school's program so long as:

- a. Tuition will be due on an annual basis with the first payment due by August 15<sup>th</sup> of each year;
- b. Transportation will be provided only within the district and consistent with existing policy for transportation of resident students; Transportation outside the district remains the responsibility of the parent or person(s) who is the legal guardian of the student;
- c. The student's scholastic achievement is commensurate with the expectations of the program in which the student is enrolled;
- d. The student meets the district's standards of conduct for students; and
- e. The student's attendance upon instruction in the district does not create the need to employ additional staff, or cause class size to increase beyond what is desirable, or create stress on the use of facilities in the district.

A violation of any of those conditions may cause the Board to terminate the non-resident student's student status in the district.

### 6. Responsibilities of Non-Resident Students



It shall be the responsibility of any non-resident student accepted as a student in the district to meet all academic and disciplinary standards of the district. A non-resident student accepted as a student in the district shall be wholly subject to the student discipline and conduct codes, and may be disciplined pursuant to Education Law as if she/he were a resident student.

## 7. Changes in Residency During the Year

- a. If a resident student becomes a non-resident on or after May 1, then that student may be permitted to remain in the district under the following conditions:
  - i. If the student ceases to be a resident on or after May 1 but before June 1, then the student may remain in school in the district upon payment of the prorated portion of the established fee; or
  - ii. If the student ceases to be a resident on or after June 1, then the student may remain in school in the district school through the end of the school year without a tuition charge.
  - iii. Former residents enrolled in grade 12 at the time of departure from the district may be permitted to finish high school and graduate with their class provided the former resident meets the criteria of this policy and upon the payment of tuition for the 12th grade year.

However, homeless students who are no longer district residents due to homelessness are addressed in policy 5151, Homeless Children.

- b. A parent or legal guardian of a non-resident student demonstrating prior to or during the first half of any school year substantial proof of pending legal residency, i.e. proof of purchased property with a future date for occupancy, or a contract for purchase of property with a closing date on the purchase may have their child(ren) admitted without tuition charge. If legal residence is not established by January 1<sup>st</sup> of the current school year of the child(ren)'s admittance, tuition shall be charged consistent with the district policy and state requirements for each child admitted and retroactive to the date of admission into the district's schools.

## 8. Applications for Admission as Non-Resident Student

### *Timelines*

- a. Applications by or on behalf of admission of a non-resident student to attendance upon instruction in the district shall be made to the Superintendent of Schools;
- b. Such application shall be made at least 30 days prior to the start of the semester if the applicant wishes attendance in the district to begin. Thereafter, application shall be made annually at least 30 days prior to the start of the school year.
- c. Application for admission other than at the start of the semester shall be made at least 30 days prior to the date on which attendance, if admitted, would commence, or as soon before the desired start date as possible.

## 9. Administrative Regulations

The Superintendent shall develop and implement such rules and procedures as are needed to effect the terms and requirements of this policy.

### Ref:

[Education Law §3202\(2\)](#)

First reading: December 17, 2009

Adoption Date: January 5, 2012

Revised: May 9, 2013

Revised: April 25, 2017

Revised: June 13, 2019

**Brunswick/Brittonkill Central School District**

---

## **6830 EXPENSE REIMBURSEMENT**

School district employees, officials and members of the Board of Education will be reimbursed for reasonable, actual and necessary out-of-pocket expenses which are legally authorized and incurred while traveling for school related activities.

Only expenses necessary to the purpose of the travel shall be reimbursable. Transportation costs such as taxi cabs are allowable only for essential transportation. Mileage will be paid at the rate fixed by the federal Internal Revenue Service for business travel. Tax exemption certificates shall be issued and utilized as appropriate.

The President of the Board shall determine and approve which meetings and conferences may be attended by Board members and the Superintendent of Schools.

The Superintendent shall determine, in the first instance, whether attendance by district staff at any conference or professional meeting is in the best interest of the district and eligible for reimbursement of expenses under this policy.

To obtain reimbursement, the claimant must complete and sign an expense voucher, attach all receipts or other expense documentation, together with a copy of the approved conference attendance request form and evaluation report (if required), and submit the same to the appropriate administrator. Reimbursement shall only be made after such claim has been audited and allowed.

Regulations concerning expense reimbursement shall be attached to this policy and shall be reviewed annually and revised as appropriate.

Ref:

Education Law §§1604(27); 1709(30); 1804; 2118; 3023; 3028

General Municipal Law §77-b

First reading: September 8, 2011

Adoption date: September 22, 2011

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---

## **6830-R EXPENSE REIMBURSEMENT REGULATION**

The district shall reimburse district employees, officials and members of the Board of Education for reasonable, actual and necessary out-of-pocket expenses incurred while traveling for school-related business upon receipt of a completed voucher with itemized receipts along with approved attendance form. The following rules shall guide the reimbursement of school-related travel expenses:

### Transportation

- Travel shall be by the most economical method, whether by private automobile, school vehicle or common carrier such as bus, train or plane.
- If travel is by private automobile, mileage shall be reimbursed at the level approved by the Internal Revenue Service for business travel. Parking and tolls will also be reimbursed but gasoline will not.
- Rental car expenses will be reimbursed only if authorized in advance. Receipts must be attached.
- Air travel is only allowed when determined by the Board President or the Superintendent to be in the district's best interest. Air travel shall be reimbursed at the lowest feasible fare available and shall not exceed regular coach class fare. Travel arrangements should be made as soon as reasonably practicable so as to avoid payment of a higher fare due to a late booking.

### Lodging

- Persons traveling on district-related business are expected to secure the most reasonable rate for necessary hotel accommodations. The district will reimburse for actual lodging fees up to the maximum lodging fee set by the federal government for that location.
- When the rate is pre-determined by the organization sponsoring the event, the traveler shall secure a room rate at no more than the pre-determined rate notwithstanding what the federal travel reimbursement rate is. Hotel accommodations at a rate other than the most reasonable rate or a pre-determined rate described above will be reimbursed only if approved by the Board President (for members of the board and the Superintendent) and the Superintendent (for all others) prior to the stay.

### Meals

A per diem amount allowed for meal charges, including gratuities, for person traveling for authorized district-related business shall be set at the annual organizational meeting.

### Personal Expenses

The district does not reimburse persons traveling on district-related business for personal expenses including, but not limited to, pay television, hotel health club facilities, alcoholic beverages, theater and show tickets, and telephone calls and transportation costs unrelated to district business.

First reading: September 8, 2011

Adoption date: September 22, 2011

## **8414 SCHOOL BUS SAFETY PROGRAM**

The Board of Education is committed to ensuring the safe transportation of students to and from school. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

In order to maintain personal safety on a school bus the following must be adhered to:

- 1) Aisles and emergency exits must remain clear of obstructions at all times when the bus is in service on a regular route, and/or a sports or field trip.
- 2) Eating and drinking any form of liquid is prohibited on the bus. Transportation staff, with a documented medical need may seek approval from the Transportation Supervisor to consume food and/or water onboard the school bus as consistent with their medical needs. Transportation staff who have received approval may consume the food or water when the bus is parked and students are not on the bus.
- 3) Smoking or use of tobacco or other similar products is strictly prohibited while operating a school bus and while on school property.

### **Employee Use of Cell Phones and Portable Electronic Devices Prohibited**

Use of portable electronic devices by a school bus driver/bus attendant at times when the vehicle is in operation on the roadway poses a potential safety risk whether or not passengers are riding the bus. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation, to include when parked during loading and unloading of students.

Personal cell phones should be stored out of sight and immediate reach and should remain off at all times that the bus is in operation. Communication with the transportation department should occur by radio only and in accordance with applicable traffic laws; only if unable to make radio contact or in case of emergency may the bus driver retrieve his or her cell phone from where it has been stored and use it.

The following terms are defined as:

- a) "Portable electronic device" shall mean any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.
- b) "Using" shall mean holding a portable electronic device while viewing, playing music, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.

c) "In operation" shall mean that the bus engine is running, whether in motion or not.

### **Student Use of Cell Phones and Portable Electronic Devices**

Student use of devices on buses is permitted under guidelines set forth. Students who misuse personal electronic devices (PED) such as cell phones, iPods, laser pens, or any other item used for communication, picture taking to bully other students with, and or create an unsafe and distracting environment for the bus driver on the bus, may have their personal electronic devices confiscated by the bus driver. PED's will be handed over to the building principal or her/his representative for disposition.

### **Safety Rules**

The Transportation Supervisor, in cooperation with the Principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort.

### **Safety Inspections and Service of Buses**

All buses and other vehicles owned and operated by the School District will have required safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

### **Accidents/Incidents**

Every bus driver is required to report promptly any school bus accident involving death, injury, or property damage. All accidents and incidents, regardless of damage involved, must be reported at once to the Transportation Supervisor.

First Reading: April 12, 2018

Adopted: May 3, 2018

**Brunswick/Brittonkill Central School District**

## **8414.5 ALCOHOL AND DRUG TESTING OF DRIVERS**

**(X) Required**

**(X) Local**

**(X) Notice**

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees, especially those in safety-sensitive positions. To ensure the safety of its students, the Board requires alcohol and controlled substance testing of certain "drivers," operators of "other school buses," and any other employee who is subject to such testing, in accordance with and as set forth in the applicable federal and state requirements.

### **Definitions**

1. "Driver" includes any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.
2. "Other school buses" include those covered by applicable federal regulations (see list below) and any other motor vehicle either owned by the district or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

### **Testing Responsibilities**

Consistent with federal regulations, the district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of drivers who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver's license. Employees holding such positions include:

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

Controlled substance and alcohol tests will be conducted for operators of all "other school buses" consistent with the procedures applicable to the implementation of federal regulations. Volunteers who drive a bus with passengers fewer than 30 days per year are not subject to such testing.

Generally, the required testing will be conducted at or prior to the time of employment and randomly throughout the school year. However, drivers are subject to additional testing under federal regulations when a supervisor has a reasonable suspicion that a driver has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the driver has been found to violate district policy and federal regulations; and after the driver's return to duty.

### **Driving Prohibition**

In accordance with federal and state law, a driver may not drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. uses or is under the influence of alcohol or a controlled substance that is not lawfully prescribed within six hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

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

### **Enforcement of Driving Prohibitions**

The school district will not require or permit drivers of vehicles listed above, as well as operators of all "other school buses" defined above, to be on duty or operate a listed vehicle or other school bus, if it appears that they have consumed a drug/controlled substance (except those lawfully prescribed) or alcohol within the preceding eight hours. This shall be based on the person's general appearance, conduct, or other substantiating evidence. Those who maintain, repair, or garage listed vehicles or school buses that involves incidental driving without passengers, are exempt from this requirement, but are still prohibited from consuming controlled substances and alcohol within six hours of going on duty.

### **Response to Positive Testing Results**

Any driver who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any driver found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of at least 0.02 but less than 0.04 as drivers listed above.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The driver may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of 0.04 or greater or a positive drug test as drivers listed above.

### **Re-Testing**

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

### **Policy Distribution**

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

### **Cross-ref:**

9320, Drug-Free Workplace

9610, Staff Substance Abuse

### **Ref:**

Omnibus Transportation Employee Testing Act of 1991, [49 U.S.C. §§31136; 31306](#)

[49 U.S.C. §521\(b\)](#)

[49 CFR Part 391](#) (Qualifications/Disqualifications)

[49 CFR Part 382](#) (Drug and Alcohol Testing Requirements)

[49 CFR Part 40](#) (Testing Procedures)

[49 CFR §395.2](#) (On-duty time defined)

[Vehicle and Traffic Law §§509-g; 509-l; 1192; 1193](#)

*Will v. Frontier CSD Bd. of Educ.*, 97 N.Y.2d 690 (2002)

Revised: June 13, 2019

---

**Brunswick/Brittonkill Central School District**

## **8414.5-R ALCOHOL AND DRUG TESTING OF DRIVERS REGULATION**

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

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

### **I. Definitions**

#### **A. Employees Covered Under Federal Law**

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

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

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

#### **B. Employees Covered Under State Law**

Operators of "other school buses" are subject to testing as described in section III below. Other "school buses" include both those covered by applicable federal regulations as stated above, and any other motor vehicle either owned by the district or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

Certain specified employees will not be considered operators of "other school buses." They include:

1. Volunteers who drive a school bus with passengers fewer than 30 days per year; and
2. Employees engaged in the maintenance, repair or garaging of buses, who in the course of their duties must incidentally drive a vehicle not covered under federal law without passengers.
- 3.

#### **C. Safety Sensitive Function**

An employee is performing a safety-sensitive function that is covered by federal regulations when:

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

### **II. Driver Prohibitions and Consequences**

Employees covered under federal law are required to be in compliance with district policy and regulation at the following times:

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



Employees covered under both federal and state law are prohibited from driving a listed vehicle or performing other safety-sensitive duties if the employee:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;
2. has consumed or is under the influence of alcohol or a controlled substance that is not lawfully prescribed within six hours before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for controlled substances; or
4. refuses to take a required alcohol or controlled substance test. Refusal to submit shall mean the failure to provide adequate breath or urine without a valid medical explanation, receipt of verified adulterated or substituted drug test result, or to engage in conduct that clearly obstructs the testing process, such as a failure to arrive for the drug testing or failure to sign the alcohol testing form prior to specimen collection.

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

Drivers who violated the above prohibitions will be subject to the following enforcement actions:

1. Employees covered under federal law will be removed from their safety-sensitive functions if they violate the district's policy or federal regulations pertaining to the possession or consumption of alcohol or controlled substances.
2. The Supervisor of Transportation or his/her designee will not require or permit employees covered under state law to be on duty or operate a listed vehicle or other school bus, if it appears that they have consumed a drug/controlled substance (except those lawfully prescribed) or alcohol within the preceding eight hours. This shall be based on the person's general appearance, conduct, or other substantiating evidence. Those who maintain, repair, or garage listed vehicles or school buses that involves incidental driving without passengers, are exempt from this requirement, but are still prohibited from consuming controlled substances and alcohol within six hours of going on duty.
3. Any covered employee who tests 0.02 or greater but less than 0.04 will be removed from driving and other safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
4. In the event that any covered employee has a breath alcohol concentration of 0.04 or greater, has tested positive for a controlled substance or has refused to take a test, he or she will, in addition to immediate removal from driving and any other safety-related duties, not be returned to duty until he or she:
  - has been evaluated by a substance abuse professional;
  - has complied with any treatment recommendations; and
  - has received a satisfactory result from a return to duty test.
5. Upon return to duty, the employee will be subject to follow-up testing.

While New York Law permits the use of medical marijuana, federal law still prohibits its use. Any driver tested under the federal regulations, who tests positive for marijuana, even if such use is based upon a lawful certification under state law, will be found to have violated the federal regulations (DOT Office of Drug and Alcohol Policy and Compliance, Medical Marijuana Notice (Oct. 2009) at: <https://www.transportation.gov/odapc/medical-marijuana-notice>).

### III. Types of Testing

The Superintendent of Schools and the Director of Transportation shall ensure that the following alcohol and drug tests are conducted and that any employee who is required to take such a test is notified prior to the test that it is required pursuant to federal regulations. Notice will also be given in the case of pre-employment alcohol testing, that such test is required by state law.

1. **Pre-employment:** Controlled substance and alcohol tests will be conducted before all applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. These tests will also be given when employees covered under federal or state law transfer to a safety-sensitive function.
2. **Post-accident:** Alcohol and controlled substance tests will be conducted if a driver covered under federal law is involved in an accident in which:
  - a. there has been a fatality; OR
  - b. the driver has received a citation for a moving violation in connection with the accident pursuant to the time limitations specified in the regulation AND EITHER:
    1. there is an injury treated away from the scene of the accident; or
    2. there is a disabled vehicle towed from the scene.
3. **Reasonable Suspicion:** Alcohol and controlled substance tests will be conducted when the Transportation Supervisor or other school official who has completed the minimum two hours of training has a reasonable suspicion

that the driver covered under federal law has violated district policy and regulation. A “reasonable suspicion” must be based on specific, contemporaneous, articulable observations concerning the driver’s behavior, appearance, speech or body odors that are characteristic of controlled substance or alcohol misuse. Alcohol tests can only be done just before, during or just after the employee covered under federal law drives a listed vehicle or performs other safety-sensitive duties. The supervisor who makes the determination of reasonable suspicion cannot do the testing.

4. **Random Testing:** For employees covered under federal law, random alcohol tests shall be conducted annually at a minimum rate established annually by the Federal Motor Carrier Safety Administration. Random alcohol tests must be conducted just before, during or just after the employee drives a listed vehicle or performs other safety-sensitive duties. For employees covered under federal law, random controlled substance tests shall be conducted annually at a minimum rate established annually by the Federal Motor Carrier Safety Administration. Random controlled substance tests may be conducted at any time. Random alcohol and controlled substance tests must be unannounced and spread reasonably throughout the calendar year.

New York law requires employees covered by state law to be tested in conformance with federal regulations [49 CFR Part 382](#). Although federal regulations permit employers to perform random testing beyond what they require, a separate pool must be maintained for those employees covered by state law who do not meet federal requirements. The separate pool for these employees will be subject to testing at the same minimum rate annually established for drivers subject to the Federal Motor Carrier Safety Administration regulations.

5. **Return-to-Duty Testing:** Any covered employee who refused to take a test or has engaged in prohibited alcohol and controlled substance use, except for alcohol concentration of between 0.02 and 0.04, shall be required to take an alcohol or controlled substance test and achieve a satisfactory result before returning to duty in the safety-sensitive position. If removal was due to alcohol use, a satisfactory result will be less than 0.02 alcohol concentration. If removal was due to controlled substance use, a satisfactory result will be one that it is verified as negative. The test will not be administered until the employee has been evaluated by a substance abuse professional and has complied with any treatment recommendations.
6. **Follow-Up Testing:** After any covered employee who was found to violate the district’s policy against alcohol and controlled substance use returns to duty, he or she will be subject to at least six unannounced tests in the first 12 months following the employee’s return to duty. Follow-up testing may be extended for up to 60 months from the date of the employee’s return to duty. Follow-up alcohol testing may only be conducted before, during or after the driver has performed his or her driving duties.

#### IV. Testing Procedures

##### A. Alcohol Testing Procedures

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

1. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a “negative” test.
2. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must be conducted using an EBT that meets the requirements of federal regulations.
3. If the confirmation test results indicate an alcohol concentration from 0.02 to 0.03999, the employee will be restricted from duty for at least 24 hours from the time of the test.
4. If the confirmation test results indicate an alcohol concentration equal to or greater than 0.04, the employee will be removed from all safety-sensitive duties and no return to duty will be permitted until the employee has successfully passed required return-to-duty tests. The employee must also be reviewed by a Substance Abuse Professional and comply with his/her recommendations. Follow-up tests will also be required.
5. For post-accident testing, the results of breath or blood tests conducted by law enforcement officials will be accepted as long as the testing conforms with federal and state requirements for alcohol testing and the results are made available to the district.

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

##### B. Drug Testing Procedures

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

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

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

## **V. Dilute Specimen Testing**

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

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

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

## **VI. Training**

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

## **VII. Recordkeeping and Reporting**

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

The following personal information must be reported to the Department of Transportation (DOT) Clearinghouse for employees subject to DOT testing:

- a verified positive, adulterated or substituted drug test result;
- an alcohol confirmation tests with a concentration of 0.04 or higher;

- a refusal to submit to any test required by the regulations;
- An employer's report of actual knowledge of on duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use;
- A substance abuse professional's report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer report of completion of follow-up testing.

#### **VIII. Required Notification**

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

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

#### **IX. Penalties**

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

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

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

Revised: June 13, 2019

---

**Brunswick/Brittonkill Central School District**

**ALCOHOL AND DRUG TESTING PROGRAM  
ACKNOWLEDGMENT FORM**

I, \_\_\_\_\_, have received, read and understand the Alcohol and Drug Testing Program policy and regulation. I consent to submit to the alcohol and drug testing program as required by law and district policy and regulation.

I understand that if I am being required to submit to a pre-employment alcohol test or a dilute specimen re-test, such test is required pursuant to district policy for employment with the district and not pursuant to federal regulations.

I understand that if I violate district policy, regulation or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Adoption Date:

## 8505.5 NO MEAL SHAMING POLICY

The Brunswick CSD Board of Education recognizes that on occasion, students may not have enough funds for a meal. To ensure that students do not go hungry, the Board will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy.

To comply with State guidelines and maintain a system for accounting for charged meals, regarding both full and reduced-price meals, the Board shall:

1. Allow only regular reimbursable meals to be charged, excluding extras, à la carte items, side dishes, additional meals, and snacks;
2. Use a computer-generated point of sale system (Nutrikids), which identifies and records all meals as well as collects repayments.

Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies are not to be considered “à la carte” transactions, as a section on the daily cash report or deposit summary reads “charges paid.”

Students shall not be denied a reimbursable meal, even if they have accrued a negative balance from other cafeteria purchases, *unless the parent/guardian has provided written permission to the school to withhold a meal*. No student with unpaid charges will be prohibited from purchasing food if they have money that day.

Students who cannot pay for a meal or who have unpaid meal debt shall not be publicly identified or stigmatized (including wristbands or hand stamps), required to do chores or work to pay for meals, or have meals thrown away after they have been served. District staff shall not discuss a student’s unpaid meal debt in front of other students. The district shall not take any action directed at a student to collect unpaid school meal fees. However, the district may discretely notify students of their account balances, and why certain items (e.g., à la carte, etc.) could not be provided with charged meals.

### Student Account Balance Notification

The district’s payment system allows for automatic replenishment when a balance reaches a certain amount set by the parent/guardian. The district shall encourage parents/guardians to utilize this option.

Parents/guardians shall be discretely notified of student account balances regularly. When a student’s account balance falls to \$0 and whenever a meal is charged, the district will discretely notify the parent/guardian of the balance, and the process to refill the account. This notification will continue regularly until the account is replenished. Parents/guardians must repay all unpaid charges remaining at the end of the year or before their child leaves the district, whichever occurs first.

The district shall discretely notify parents/guardians of students with negative balances of at least five meals, determine if the student is directly certified to be eligible for free meals, and attempt to reach the parent/guardian to assist them in the application process for free and/or reduced price meals, and determine if there are other issues within the household causing the insufficient funds and offer appropriate assistance. If a parent/guardian regularly fails to provide meal money and does not qualify for free or reduced price meals, the district may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.

The school district shall notify all parents/guardians in writing on an annual basis at the start of the school year and to families transferring during the year, outlining the requirements of this policy. The policy shall also be published in appropriate school and district publications. All staff involved in implementing and enforcing this policy shall also be notified of these requirements and their responsibilities. The district’s enrollment process shall include the application process for free and reduced price meals. If the district becomes aware that a student is so eligible, it shall file an application for the student. Staff responsible for assisting foster, homeless and migrant students shall coordinate with the food services staff to ensure such students receive free school meals.

### Unpaid Meal Charges and Debt Collection

Unpaid meal charges are a financial burden to the district and taxpayers and can negatively affect the school program. Unpaid meal charges shall be considered “delinquent” as per the district’s accounting practices. The district shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year. The district shall notify parents/guardians of unpaid meal charges at regular intervals, and may engage in collection activities by district staff, which do not involve debt collectors as defined in federal law ([15 USC §1692a](#)), and may not charge fees or interest. The district shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

### Remaining Account Balances

Remaining funds may be carried over to the next school year. When students leave the district or graduate, the district will attempt to contact the parent/guardian to return remaining funds. Parents/guardians may request that funds be transferred to other students (e.g., siblings, unpaid accounts). All transfer requests must be in writing. Unclaimed funds remaining after three

months shall be absorbed by the school meal account.

Staff

Staff members are allowed to purchase food from the district's food services. However, all purchases must be paid for at our point of sales system: Nutrikids with cash, check or online payment: [myschoolbucks.com](https://myschoolbucks.com). Staff members are not allowed to charge meals to be repaid later.

Building Principals, working with the head of food services, shall ensure that all district and food service staff with responsibilities under this policy will be trained on the provisions of this policy and the requirements of [Education Law section 908](#).

Adopted: September 13, 2018

**Brunswick/Brittonkill Central School District**

---



## **8650 SCHOOL DISTRICT COMPLIANCE WITH COPYRIGHT LAW**

The Board of Education acknowledges the necessity of complying with federal laws governing the use of copyrighted material.

Infringement on copyrighted material, whether prose, poetry, graphic images, music, video or computer code, is a serious offense against federal law and contrary to the ethical standards required of staff and students alike. It is each staff member's responsibility to comply with the district's copyright procedures. The district is not responsible for violations of the copyright laws by its staff or students.

### Use of Copyrighted Materials

It is well-recognized that limited use of copyrighted material for educational purposes, without permission, is allowable under the "fair use" doctrine. In order to determine if the use of copyrighted material is permitted under the fair use doctrine, the following factors must be weighed:

1. The purpose and character of the use (i.e., is it for instructional purposes?);
2. The nature of the copyrighted work (i.e. is it a newspaper article or photograph?);
3. The amount and substantiality of the portion used in relation to the work as a whole (i.e., is it a short excerpt?); or
4. The effect of the use upon the potential market for or value of the copyrighted work (i.e. by reproducing it, does it impact the ability of the author/owner to sell it?)

Staff members should consult with the Building Principal when they have a question as to the use of copyrighted material or if they need assistance in obtaining proper authorization for the use of material.

### Materials Created by District Employees or Others

The district is the holder of the copyright for works made for hire (e.g., materials prepared by an employee within the scope of his/her employment, including instructional texts, tests, answer sheets, etc.). The district shall be considered the author and owner of the copyright unless there is a separate written agreement with the employee that specifies a different arrangement.

When work is specifically commissioned, and the author is not an employee of the district, there shall be a written agreement specifying authorship and copyright arrangements.

The Superintendent of Schools is hereby directed to keep accurate records of all materials involving copyright laws and to develop such rules and regulations as he/she may deem appropriate to carry out this policy

### Cross-ref:

[4526](#), Computer Use in Instruction

[8630](#), Computer Resources and Data Management

### Ref:

[17 U.S.C. §§101; 106; 107; 117; 201; 302](#)

*Basic Books, Inc. v. Kinko's Graphics Corp.*, 758 F. Supp. 1522 (SDNY 1991)

H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. (1976)

First reading: November 17, 2011



Adoption date: December 1, 2011

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---

## **8650-R SCHOOL DISTRICT COMPLIANCE WITH COPYRIGHT LAW REGULATION**

### **1. Use of Literary, Pictorial and Graphic Works**

- a. A single copy may be made or any of the following by or for a teacher at his or her individual request for scholarly research or use in teaching:
  - i. A chapter from a book;
  - ii. An article from a periodical or newspaper;
  - iii. A short story, short essay or short poem; and
  - iv. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
- b. Multiple copies of works listed in Section A may be made by or for a teacher for classroom use or discussion; provided that:
  - i. The numbers of copies made does not exceed the number of students in the class;
  - ii. Each copy must include a notice of copyright;
  - iii. The inspiration and decision to use the work and the moment of its use for maximum teacher effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission;
  - iv. More than nine instances of such multiple copying for one course during one class semester is impermissible;
  - v. No more than one short poem, article, story, essay or two excerpts may be copied from the same author;
  - vi. No more than three short poems, articles, stories, essays or excerpts may be copied from the same collective work or periodical volume;
  - vii. The copying of poetry and prose is limited to: a) a complete poem, if less than 250 words and, if printed, not more than two pages or an excerpt of not more than 250 words from a longer poem; and b) completed articles, stories or essays of less than 2,500 words, or an excerpts from any prose work of not more than 1,000 words or 10% of the work, whichever is less; and
  - viii. The copying of charts, graphs, diagrams, drawings, cartoons and pictures is limited to one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

### **2. The Use of Broadcast Programs**

- a. Broadcast programs are television programs transmitted by television stations for reception by the general public without charge.
- b. A broadcast program may be recorded simultaneously with broadcast transmission and retained by the District for no more than the first forty-five consecutive calendar days after the date of recording.
- c. Recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary during the first ten consecutive school days in the forty-five calendar day retention period. School days are school session days, not counting weekends, holidays, vacations, examination periods or other scheduled interruptions within the forty-five calendar day retention period.
- d. After the first ten consecutive school days, recordings may be used up to the end of the forty-five

calendar day retention period only for teacher evaluation purposes (i.e., to determine whether or not to include the broadcast program in the teaching curriculum).

e. All recording should be done by the School District at the request of individual teachers. The department and/or individual responsible for recording shall maintain a log in which the dates of recording, the ten day use period and the forty-five day retention period are marked. It is the responsibility of the department and/or individual responsible for recording to notify individual teachers of the relevant dates for the ten day period as well as the forty-five day period and to request the return of all recordings. It will also be the responsibility of the department and/or individual responsible for recording to erase or destroy the recordings immediately at the close of the forty-five day retention period.

f. Recordings may be made only at the request of and use by individual teachers and may not be regularly recorded in anticipation of requests.

g. No broadcast program may be recorded more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

h. A limited number of copies may be reproduced from each recording to meet the legitimate needs of teachers. The copies are subject to the ten day use period and forty-five day retention period applicable to the recording.

i. Recordings and copies of recordings must include the copyright notice on the broadcast program as recorded.

j. Broadcast programs need not be used in their entirety, but the recorded programs may not be altered from their original content. The recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

### 3. Use of Copyrighted Music

a. Multiple copies of excerpts of musical works may be made provided that: 1) the excerpts do not comprise a part of the whole which would constitute a formal unit such as a section movement or aria; and 2) no more than 10% of the whole work may be copied for academic performances.

b. A single copy of an entire performable unit (section, movement, aria, etc.) which is confirmed by the copyright owner to be out of print or unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

c. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, are not altered or, if none exist, added.

d. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the District or individual teacher.

e. A single copy of a sound recording (e.g., tape, disc, cassette, etc.) may be made from existing sound recordings owned by the District or individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the District or individual teacher.

f. All permissible copies must include the copyright notice appearing on the printed copy from which copies are made.

g. Copying of or from works intended to be "consumable" in the course of study or teaching such as workbooks, exercises, standardized text and answer sheets and like material is impermissible.

### 4. Copying Machines

- a. A notice that the making of a copy may be subject to the copyright law must be displayed in the vicinity of all copying machines. The following notice will satisfy this requirement:

**WARNING CONCERNING COPYRIGHT RESTRICTIONS**

*The Copyright Law of the United States (Title 17 United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship or research. If a user makes a request for or later uses a photocopy or reproduction for purposes other than private study, scholarship, research, comment, criticism, news reporting and classroom preparation, that user may be held liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment or the order would involve violation of Copyright Law.*

- b. Order forms for copying should include a warning of copyright restrictions.

**5. Use of Computer Programs**

- a. Multiple copying of computer programs without authorization from the copyright owner is impermissible.
- b. One archival copy of district-owned computer programs may be made and retained by the department or individual responsible for recording broadcast programs. Individual staff members may not make archival copies or store district-owned computer programs on hard disk drives.

**6. Use of Teacher-Owned /Rented Videos**

Teachers may show motion pictures or other audiovisual works in the course of face-to-face teaching activities in a classroom or similar place devoted to instruction provided that the performance is given by means of a copy lawfully made.

First reading: November 17, 2011

Adoption date: December 1, 2011

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---

## **9265 EXCELLENCE IN TENURE**

It is the policy of the Brittonkill Board of Education that to be granted tenure, teachers must have either demonstrated excellence or have shown the clear potential and movement toward excellence during their pre-tenure period. Toward that end, the following benchmarks of expectation for the pre-tenure teacher, and activities indicative of excellence for each benchmark, are established:

**BENCHMARK I: PROFESSIONAL GROWTH.** It is the responsibility of teachers to reflect on and assess their development as professionals. While workshops and conferences contribute to professional growth, these experiences must be translated to the classroom and the benefits realized. Effective new approaches should be shared with colleagues. Activities indicative of excellence in professional growth include:

- a. Seeks to broaden one's repertoire of instructional approaches, implements those approaches in the classroom, shares those approaches with colleagues, and provides support during any subsequent implementation in other classrooms.
- b. Identifies goals for professional growth, with timetables for attainment of specific goals. Systematically and regularly reflects on plans for professional growth.
- c. Provides educational leadership by asking questions, framing problems, developing strategies, and seeking solutions.
- d. Consistently exhibits through their actions that they feel a professional obligation to stay current in their field of education and to always strive to improve both their teaching and the educational program of the District.

**BENCHMARK II: INSTRUCTIONAL PROGRAM.** It is the responsibility of the teacher to establish high performance standards for individual students and to seek and use practices that maximize the long-term knowledge gained by each student while fostering their enthusiasm for learning. Activities indicative of excellence in instructional program include:

- a. Consistently provides meaningful and relevant lessons to engage students. Focuses students on essential questions, concepts, and skills for both breadth and depth of learning, and is adaptable with their educational program to take advantage of student interest and/or focus on subject matter requiring additional instruction. Uses instructional strategies that consistently provide each student with opportunities to develop critical thinking and collaboration skills, see the connections of each subject matter to other academic subjects and the "real world" of the student, and foster their creativity.
- b. The teacher's efforts consistently seek to instill a general enthusiasm for learning in their students.
- c. Consistently involves all students in achieving and maintaining high performance standards. Uses a variety of assessment strategies to provide evidence of achievement for all students.
- d. Recognizes the importance of communicating and working with parents and other district personnel. Develops partnerships with parents in an effort to integrate the needs of parents and students in prioritizing curriculum goals, objectives, and assessment strategies. Initiates opportunities with pupil-service personnel and support staff to better meet the needs of students, and is flexible in developing schedules for meeting those needs.
- e. Maintains a thorough depth of knowledge in the subject matter that they teach, and continually updates their curriculum with current information.

f. Genuinely cares about the well being of each and every student, and is consistently pro-active in helping solve individual student issues.

**BENCHMARK III: PROFESSIONALISM.** It is the responsibility of teachers to be positive role models and to communicate effectively. It is also the responsibility of teachers to conduct themselves in a highly ethical manner, and to display the highest standards of personal and professional conduct. Teachers impact students in a variety of ways: the way in which teachers conduct themselves in school affects the students with whom they interact. Communication takes place when the educator gathers, processes, and relays information effectively through reading, writing, active listening, as well as verbal and non-verbal expressions. Activities indicative of excellence in professionalism:

- a. Consistently conforms to accepted professional standards of conduct as well as consistently demonstrates respect for self and others.
- b. Extensively utilizes collaborative skills to build positive relationships with parents, staff, students, and community members. Maximizes efforts in seeking new ideas and suggestions to build those relationships.
- c. Extensively participates in programs and events that extend beyond the classroom. Consistently supports and reinforces established policies and decisions. Consistently completes routine responsibilities in a thorough and timely manner.

**BENCHMARK IV: LEARNING CLIMATE.** It is the responsibility of new teacher to establish a classroom environment that makes it possible for each student to realize his or her full learning potential. This will be achieved through the use of effective classroom management skills to create interactive and supportive relationships that engage students as active learners. Activities indicative of an excellent learning climate:

- a. Extensively demonstrates and promotes respect for all individuals.
- b. Continually demonstrates a sense of fairness, positive rapport, and accommodation of student social and emotional needs. Encourages others to display these same characteristics.
- c. Maximizes efforts to establish and maintain a safe and creative environment. Maximum use of instructional time is evident. Develops and fully utilizes an ability to motivate students by creating an enthusiasm for learning.

First reading: December 1, 2011

Adoption date: December 15, 2011

---

**BRUNSWICK/BRITTONKILL CENTRAL SCHOOL DISTRICT**

---

**STAFF REQUESTS FOR ACCOMMODATIONS  
UNDER THE AMERICAN WITH DISABILITIES ACT AS AMENDED (ADAAA)**

The Board of Education is committed to equal opportunity and nondiscrimination (0100, Equal Opportunity and Nondiscrimination) for staff and students. The Superintendent or his/her designee is authorized to provide reasonable accommodations for qualified employees who require such in order to perform the essential functions of their job under the provisions of federal and state law.

Under the law, employees are responsible for notifying the district that an accommodation is needed.

In order to expedite the process, requests for such accommodations should be made in writing to the Assistant Superintendent for Business and include the following:

- reasonable documentation showing that the employee has a disability as defined by the ADAAA,
- a statement describing how this disability impacts job performance ability, and
- a statement of the accommodation the employee is seeking and explanation of how the accommodation will impact or benefit the disability.

It should be noted that while efforts will be made to comply with specific accommodation requests, some requests may impose an undue hardship on the district. The district will collaborate with the employee to attempt to find a suitable accommodation. The district will respond to requests for accommodation in a timely manner.

If an employee is dissatisfied with the district's response, complaints or grievances related to this matter shall be pursued in accordance with policy 0100, Equal Opportunity and Nondiscrimination.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Rehabilitation Act of 1973, 29 USC §§705, 794 *et seq.* (Section 504)  
Executive Law §290 *et seq.* (New York State Human Rights Law)

Adoption date: November 21, 2013

**EVALUATION OF STAFF  
(NOT COVERED BY 3012-c OF EDUCATION LAW)**

The Board of Education believes that the regular, rigorous and meaningful evaluation of all staff is necessary to continuously improve the achievement of students and the operation of the district. To this end, the Superintendent of Schools shall be responsible for ensuring that all district employees are evaluated annually and receive appropriate levels of support based upon that evaluation, if necessary, to improve their skills.

Administrators

All administrators, other than building principals who are covered by policy 9240.1, shall be evaluated annually by the Superintendent in accordance with this policy, applicable state law, and regulation and collective bargaining agreements.

Professional Employees (not covered by 3012-c)

All professional employees (non-classroom teachers providing instructional services or pupil personnel services, counselors, school psychologists and social workers) shall be evaluated annually in accordance with state law and regulation, as well as any applicable collective bargaining agreement and the district's Part 100.2(o) Professional Performance Review Plan. The plan shall include the required regulatory elements such as: (a) criteria for evaluating teachers and other professional employees, (b) assessment methods, (c) how quality rating categories/criteria will be used to differentiate professional development, compensation and promotion; (d) how timely and constructive feedback from evaluations will be provided; (e) plans to improve teacher performance for those rated ineffective, and; (f) training for evaluators.

The Superintendent shall collaborate with teachers, pupil personnel professionals, administrators and parents in developing the plan, which may be a multi-year plan. The Superintendent shall be responsible for selecting those individuals with whom he or she will collaborate in the development of the plan. The Superintendent shall meet with a group of such individuals at least once each year to determine if changes are necessary after its initial adoption.

The Superintendent shall submit the district's Professional Performance Review Plan, with any recommended changes, to the Board at its organizational meeting. At that meeting, the Board may request that the Superintendent reconsider or reexamine certain aspects of the plan, in



which case, the Superintendent will resubmit the plan at the Board's first regular meeting in August.

The Board will provide members of parent organizations and the president of the applicable bargaining units the opportunity to comment on the plan, prior to its adoption, at a meeting at which the plan is considered. The Board must approve the plan before it becomes effective. The approved plan for each school year will be available in the district offices by September 10 of each year.

Each year, the Superintendent shall provide a report to the State Education Department on information related to the district's efforts to address the performance of non-classroom teachers rated ineffective.

#### Support Staff

Support staff (those staff not required to be evaluated under the Professional Performance Review Plan) shall be evaluated annually in accordance with any applicable collective bargaining agreement and this policy.

#### Reporting

The Superintendent will prepare an annual report for the Board that provides data on the evaluation ratings so that the Board can assess the effectiveness of the district's evaluation program. Data may include the number of employees evaluated, a summary of the final evaluation ratings, the rates of staff turnover and other relevant information. Personally identifiable data will not be released to the public.

#### Training

The Superintendent shall ensure that all staff that are required to evaluate other staff are provided appropriate and sufficient training in assessment and evaluation, in accordance with state law and regulation.

Cross-ref: 9160, Personnel Records  
9420.1, Building Principal and Classroom Teacher  
Evaluation  
9700, Staff Development

Ref: Education Law §3012-c  
8 NYCRR § 100.2(o) (Professional Performance Review Plans)

Adoption date: December 12, 2013

## **BUILDING PRINCIPAL AND CLASSROOM TEACHER EVALUATION**

In accordance with state law and regulation, it is the goal of the Board of Education to have a high quality evaluation program for staff including building principals and classroom teachers which results in an effective teacher in every classroom and an effective leader in every building in the district. In order to achieve that goal, the Superintendent of Schools shall be responsible for ensuring that building principals and classroom teachers are evaluated annually, in accordance with state law and regulation. Evaluations will be a significant factor in employment decisions, including, but not limited to, promotion, retention, tenure determination, termination and supplemental compensation.

### Annual Professional Performance Review Plan

The district will submit the required annual professional performance review plan to the State Education Department in a timely manner, in conformance with state law, Regents Rules and Commissioner's Regulations. The Superintendent will provide periodic reports to the Board of Education on the progress of negotiations regarding the negotiable parts of the plan, salient information about the preparation of the plan, present the plan for Board approval and apprise the Board when the plan has been approved by the State.

The plan shall include a description of the required elements, including the following:

- a) the process for transmitting accurate data to the State Education Department,
- b) scoring methods that ensures the integrity of the testing process,
- c) how quality rating categories/criteria will be used to differentiate professional development, compensation and promotion;
- d) how timely and constructive feedback from evaluations will be provided;
- e) plans to improve teacher performance for those rated ineffective or developing, and
- f) training for evaluators.

Once the district has received approval of the plan by the State Education Department, the plan will be posted on the district's website within 10 days, or by September 10<sup>th</sup>, whichever is later.

### Classroom Teachers and Principals (covered by Education Law §3012-c)

Classroom teachers and buildings principals will receive a composite performance rating as part of the annual professional performance review, in accordance with state law, by September 1<sup>st</sup> of the following school year. The composite performance rating will fall into one

of four categories: highly effective; effective; developing and ineffective. This composite rating will be made up of multiple measures of effectiveness and will include student performance on state and local tests, in accordance with the terms of the annual professional performance review plan.

#### Teacher and Principal Improvement Plans

When a teacher or principal is rated as developing or ineffective as a result of the annual performance review, the Superintendent or his/her designee must formulate and commence an improvement plan (TIP/PIP). The improvement plan will be developed in accordance with negotiated agreements, but must be in place no later than 10 school days from the opening of classes in the school year following the school year for which the performance was rated. The Superintendent will prepare an annual summary report for the Board on the number of TIPs/PIPs issued and other relevant data to support assessment of the effectiveness of the district's approach to improvement plans. In the event that the assessment reveals that progress isn't being made, the administration will recommend changes to the approach.

#### Appeals

For classroom teachers and principals, an appeal of an evaluation may be commenced once the composite evaluation score has been received. The right to appeal and the process of the appeal is prescribed by the annual professional performance review plan.

#### Training

The Superintendent is the lead evaluator for the district and shall plan his/her own professional development in order to maintain his/her expertise in this area. The Superintendent shall ensure that all staff that are required to evaluate other staff are provided appropriate and sufficient training in assessment and evaluation, in accordance with state law and regulation.

#### Reporting and Public Disclosure

In accordance with state law, the district will make aggregate information from the classroom teacher and building principal annual professional performance system available on the district website. This summary information will not include personally identifiable data.

Upon request from a parent or legal guardian, the district will provide the final quality rating and composite effectiveness score for each of the classroom teachers and for the building principal to which the student is assigned. The district will take reasonable steps to review the

BRUNSWICK C.S.D. POLICY

9420.1

request to verify that the parent/guardian is entitled to the information. The Superintendent will develop procedures to implement this provision of the policy.

Cross-ref: 9140.1, Employee Complaints and Grievances  
9420, Staff Evaluation  
9160, Personnel Records  
9700, Staff Development

Ref: Education Law §3012-c  
8 NYCRR Subpart 30-2  
8 NYCRR § 100.2(o)(2) (Professional Performance Review Plans)  
*Guidance on New York State's Annual Professional Performance Review for Teachers and Principals to Implement Education law §3012-c and the Commissioner's Regulations*, Updated, August 30, 2013

Adoption date: January 9, 2014

## **FAMILY AND MEDICAL LEAVE**

Consistent with the federal Family and Medical Leave Act (FMLA) of 1993 as amended, the Board of Education recognizes the right of eligible employees to unpaid, job protected family and medical leave for up to twelve (12) workweeks during any twelve (12) month period. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for FMLA an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

FMLA leave shall be granted for the following reasons:

1. the birth and care of a newborn child of the employee;
2. the adoption or foster placement of a child;
3. to care for an employee's spouse, parent, or son or daughter with a serious health condition;
4. due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
5. for a qualifying exigency as defined in law and regulation, arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty).

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of unpaid, job protected leave in a single 12-month period to care for the service member who is seriously ill or injured in the line of duty.

An employee may elect, or the district may require, an employee to use accrued paid vacation, personal or family leave for purposes of an FMLA leave.

The employee shall notify the district of his/her request for leave, if foreseeable, at least 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 may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

The Board shall ensure that FMLA is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

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: 29 U.S.C. §§ 207, 2601, 2611, 2612, 2613, 2614, 2618, 2619.  
29 CFR §§ 825.110, 825.309, 825.600, 825.603, 825.800.

Adoption date: March 6, 2014

## **FAMILY AND MEDICAL LEAVE REGULATION**

Consistent with the federal Family and Medical Leave Act of 1993 (FMLA) as amended, the Board of Education shall provide up to twelve (12) workweeks of unpaid, job protected leave in a twelve (12) month period for its eligible employees. In addition, FMLA provides eligible employees with 26 workweeks of leave in a single 12 month period to care for a covered service member with a serious illness or injury incurred in the line of duty.

An eligible employee must have been employed for at least twelve months, have worked at least 1,250 hours during the prior twelve months, and be employed at a worksite where at least 50 employees are employed by that employer within a 75 mile radius of that worksite.

### *Right to Benefits during Leave*

An eligible employee is entitled to a total of twelve workweeks of unpaid, job protected family and medical leave. Any employee who uses the unpaid, job protected leave shall have his/her 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 policies and collective bargaining agreements. The employee is not entitled to accrue seniority during the leave.

An employee may elect, or the district may require, an employee to use available paid leave time for purposes of a family or medical leave. However, an employee may only use accrued paid leave in accordance with the applicable collective bargaining agreement.

### *Family and Medical Leave*

Family leave is available when a child is born to the employee, adopted by an employee or one is placed with the employee for foster care. Medical leave is available in order for the employee to take care of a spouse, child, parent who has a serious health condition, when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job. Military caregiver leave is available to employees who are family members of covered service members with a serious illness or injury incurred in the line of duty on active duty. Additionally, this applies to covered veterans who require care and have been other than dishonorably discharged from service within the last five (5) years.

Military caregiver leave is a special entitlement that allows the employee to extend FMLA leave to 26 workweeks. Qualifying exigency leave is available to employees when a family member is notified of impending call or called to active duty.

A child shall include any individual whether biological, adopted, a foster child, a stepchild, a legal ward, or a child standing in loco parentis who is under eighteen years of age or, if over eighteen, is incapable of self-care due to a mental or physical disability. A parent shall include the biological parent of the employee or an individual who stood in loco parentis to the employee when he/she was a child. Next of kin shall mean the

nearest blood relative other than spouse, parent, son, and daughter, as defined in federal regulation.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Family leave must be taken within one year of the birth or placement of the employee's child. If both spouses are employed by the district, the combined amount of leave for family leave or medical leave may be limited to twelve weeks.

#### *Notice to Take Leave*

The employee shall notify the district of his/her request for family or medical leave at least 30 days prior to the date when the leave is to begin, when such leave is foreseeable. If such leave is not foreseeable then notice shall be given as early as is practical. If the employee requests medical leave, reasonable attempts shall be made to schedule treatment so as not to disrupt the district's operations.

Employees, absent unusual circumstance, must comply with the district's usual and customary notice and procedural requirements for requesting leave.

#### *Intermittent Leave*

Under certain circumstances, an employee, who requests family leave, may be provided intermittent leave or a reduced leave schedule. In some cases, intermittent leave must have the District's approval. Intermittent leave may be provided for medical leave, however, the district may transfer the employee to a comparable position if it will better accommodate such intermittent periods of leave. For instructional employees who request medical leave and it is foreseeable that the medical treatment shall cause the employee to be on leave for more than 20% of the total number of working days in the period of leave, the district may require the employee to take a block of time or to transfer to an equivalent position for which the employee is qualified, but which better accommodates intermittent periods of leave.

#### *Military Leave: Leave Related to Active Duty or a Call to Active Duty*

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the district as soon as is reasonable and practicable.

The School Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty be supported by a certification issued in accordance with regulations.



*Certification*

The district may require the employee requesting medical leave to present a certification from the health care provider of the person for whom the employee is taking the leave. Upon request by the district, the employee must provide the certification within 15 days. The certificate shall include:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. a statement that the employee is needed to care for the family member and an estimate of the amount of time that such employee shall be needed or a statement that the employee is unable to perform the functions of the employee's position; and
5. the dates and duration of medical treatment if the request for intermittent leave is for a planned medical treatment.

If the district doubts the validity of the certification, then, at the district's expense, a second opinion may be required from a health care provider selected by the district. The school physician cannot give this opinion. If the two opinions conflict, a third health care provider, at the district's expense, may be chosen by the two parties to render a final opinion.

*Restoration*

An instructional employee, who begins any type of leave at least five (5) weeks before the end of an academic term, may be required not to return until the new term begins if the leave is at least three (3) weeks long and the employee would return during the last three (3) weeks of the term.

An instructional employee who begins leave, for any purpose other than personal illness, less than three (3) weeks prior to the end of the term and the leave is longer than five (5) working days, may be required not to return until the new term begins.

*Failure to Return*

The district may recover the health care premiums paid during the leave if the employee fails to return from the leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

*Effect on Existing Laws or Agreements*

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees, whether or not they are covered by a collective bargaining agreement. Any collective bargaining agreement which contains greater leave benefits than this policy shall remain in force.

*Notice of 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.

Adoption date: March 6, 2014

## 9620 CHILD ABUSE IN AN EDUCATIONAL SETTING

☐ Required

☒ Local

☐ Notice

The Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of [Article 23-B of the Education Law](#).

### Required Reporters

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse in an educational setting:

- School administrator
- Teacher
- School nurse
- School guidance counselor
- School psychologist
- School social worker
- Other school personnel required to hold a teaching or administrative license or certificate
- licensed and registered physical therapist,
- licensed and registered occupational therapist,
- licensed and registered speech-language pathologist,
- teacher aide,
- school resource officer,
- school board member, and
- any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children; or
- who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to [title nine-B of article five of the social services law](#).

For purposes of this policy, persons holding these positions shall be referred to as "required reporters."

### Definitions

"Administrator" or "school administrator" shall mean a principal of, or the equivalent title, in a public school, charter school or board of cooperative educational services, or other chief school officer.

"Child" means a person under the age of 21 enrolled in a school.

"Child abuse" means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or
- any child sexual abuse as prohibited by [sections 130](#) or [235 of the Penal Law](#); or
- the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to [Article 235 of the Penal Law](#).

"Educational setting" means the buildings and grounds of the school, the vehicles provided by the school, directly or by contract for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee and volunteer and a child has allegedly occurred.

"Employee" means any person who is receiving compensation from a school district. Additionally, for the purpose of this

policy, one whose duties involve direct student contact and is receiving compensation from any person or entity that contracts with a school to provide transportation services to children or is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, whereby such services performed by such person involve direct student contact.

"Law enforcement authorities" means any officer or office of municipal, sheriffs, or division of the state police department.

"Parent" means either both of a child's parents or other persons legally responsible for the child.

"School" generally means any school district, public school, charter school, non-public school board of cooperative educational series or special act school district and additional entities as defined by [section 1125\(10\)](#) of Education Law.

"Volunteer" means any person, other than an employee, who has direct student contact and provides services to a school or school district which involve direct student contact and who provides services to any person or entity which contracts with a school to provide transportation services to children.

### Reporting Requirements

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the required reporter shall:

1. promptly complete the required State Education Department report form; and
2. personally deliver it to the Principal of the school in which the child abuse allegedly occurred.

If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the required reporter must promptly forward the report form to the Superintendent of the district of attendance and the Superintendent of the school district where the abuse allegedly occurred (if different).

If an allegation is made to a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such driver shall promptly report to his or her supervisor.

If an allegation is made to a supervisor of a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children, that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such supervisor shall promptly complete a written report on the attached form (9620-E.1) and shall personally deliver it to the school district superintendent employed by the school district where the child abuse occurred.

If an allegation is made which involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent of schools, shall be notified if the allegation.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

In any case where the employee the allegation is being made against is the superintendent or administrator, the report of such allegations shall be made to the Board President.

If the Principal/Superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall immediately notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal/Superintendent shall contact the person making the report to learn the source and basis for the allegation.

The Principal shall also promptly provide a copy of the written report to the Superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department.

### Rights of Employees and Volunteers

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons

are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

### Confidentiality

All reports, photographs, and other written material submitted pursuant to this policy and [Article 23-B of the Education Law](#) shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal and Superintendent shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a class A misdemeanor.

### Penalties

Willful failure of an employee to prepare and submit a written report of alleged child abuse required by [Article 23-B of the Education Law](#) shall be a class A misdemeanor.

Willful failure of any Principal or Superintendent to submit a written report of alleged child abuse to an appropriate law enforcement authority, as required by [Article 23-B of the Education Law](#), shall be a class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

The law further prohibits any Principal or Superintendent from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

### Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

### Training

The Superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under [Article 23-B](#). The program shall include at a minimum information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter can and should take, the legal protections afforded reporters, and the consequences for failing to report, and any other elements specified in Commissioner's regulations.

Further, all persons employed on or after July 1, 2019 as a school bus driver employed by any person or entity that contracts with a school to provide transportation services to children shall be required to complete two hours of coursework or training (from an approved provider) regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report. Each employee in such titles shall provide the school administrator of the school with documentation showing that he or she completed the required training. In addition, each school bus driver shall provide such contracting person or entity with documentation showing that he or she completed the required training. The department shall be authorized to request such records on a periodic basis and may publish a list of any persons or schools who are not in compliance with this subdivision on its website.

The coursework or training required by this section shall not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to sections three thousand three and three thousand four of this chapter.

### Ref:

[Education Law §§1125-1133](#)

[Penal Law §§130, 235, 263](#)

[8 NYCRR §100.2](#) (hh) (Reporting of Child Abuse in an Educational Setting)

*Appeal of S.S.*, 42 EDR 273 (2003)

First reading: December 1, 2011

Adoption date: December 15, 2011

Revised: June 13, 2019

**Brunswick/Brittonkill Central School District**

---

# **CHILD ABUSE IN AN EDUCATIONAL SETTING EXHIBIT CONFIDENTIAL REPORT OF ALLEGATION**

SUBJECT CHILD	PARENT OF SUBJECT CHILD
Name _____ Last First MI	Name _____
Address _____ _____	Address (if different) _____ _____
School _____	
Grade _____ Sex (M, F, Unknown) _____	
Age or Birthday (Mo/Day/Yr) _____	

SOURCE OF ALLEGATION (Check as Appropriate)
<input type="checkbox"/> Child <input type="checkbox"/> Parent <input type="checkbox"/> Other – Name _____ Relationship to Child (if any) _____

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)
Name _____ School District _____
School Building _____ School Position _____

SPECIFIC ALLEGATION
Use this space to provide information to describe or explain the circumstances surrounding the allegation. (attach additional sheets if necessary)

REPORTER INFORMATION
Name _____ School District _____
School Address _____ School Telephone _____
Relationship to Child (if any) _____
<input type="checkbox"/> Teacher <input type="checkbox"/> School Guidance Counselor <input type="checkbox"/> School Nurse <input type="checkbox"/> School Psychologist <input type="checkbox"/> Administrator <input type="checkbox"/> School Board Member <input type="checkbox"/> School Social Worker <input type="checkbox"/> School personnel required to hold teaching or administrator license or certification
Date Submitted to Administrator ____/____/____/ Signature _____

FOR ADMINISTRATOR USE ONLY	FOR SUPERINTENDENT OF SCHOOL USE ONLY
Reasonable Suspicion _____ Yes _____ No	Reasonable Suspicion _____ Yes _____ No
Date Submitted to Superintendent ____/____/____	Date Submitted to Law Enforcement ____/____/____
Name/Signature _____	Name/Signature _____
Date Submitted to Law Enforcement ____/____/____	Date Submitted to Commissioner ____/____/____
Name/Signature _____	Name/Signature _____

Child Abuse in an Educational Setting Definitions

Definitions contained in §1125 of Article 23-B, Title I of the Education Law

1. "Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:
  - a. intentionally or recklessly inflicting physical injury, serious physical injury or death, or
  - b. intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death, or
  - c. any child sexual abuse as defined in this section, or
  - d. the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.
2. "Child" shall mean a person under the age of 21 years enrolled in a school.
3. "Employee" shall mean any person (i) who is receiving compensation from a school or (ii) whose duties involve direct student contact and (a) who is receiving compensation from any person or entity that contracts with a school to provide transportation services to children, or (b) who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract.
4. "Volunteer" shall mean any person, other than an employee, who has direct student contact and: (i) provides services to a school , (ii) provides services to any person or entity that contracts with a school to provide transportation services to children.
5. "Educational setting" shall mean the building and grounds of a school, the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities, both on and off school grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.
6. "Administrator" or "school administrator" shall mean a principal of a school, or other chief school officer.



7. "School" shall include a school district, public school, charter school, nonpublic school, board of cooperative educational services, special act school district as defined in section four thousand one of this chapter, approved preschool special education program pursuant to section forty-four hundred ten of this chapter, approved private residential or non-residential school for the education of students with disabilities including private schools established under chapter eight hundred fifty-three of the laws of nineteen hundred seventy-six, or state-operated or state-supported school in accordance with article eighty-five, eighty-seven or eighty-eight of this chapter.
8. "Law enforcement authorities" shall mean a municipal police department, sheriff's department, and the division of state police or any officer thereof. Notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or society for the prevention of cruelty to children as such terms are defined in section four hundred twenty-three of the social services law.
9. "Parent" shall mean either or both of a child's parents or other persons legally responsible for the child.
10. "Child sexual abuse" shall mean conduct prohibited by article one hundred thirty or two hundred sixty-three of the penal law.

First reading: December 1, 2011  
Adoption date: December 15, 2011  
Revised: June 13, 2019

## **9620-E2 CHILD ABUSE IN AN EDUCATIONAL SETTING - NOTICE/REPORTING REQUIREMENTS - EXHIBIT**

### Duties of Employees

The law imposes reporting requirements on teachers, administrators, school nurses, school guidance counselors, school psychologists, school social workers, school board members and all other school personnel required to hold a teaching or administrative license or certificate, licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered, speech-language pathologists, teacher aides, school resource officers, school board members, any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children, or who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law.

When these employees of the district or to a school bus driver employed by a person or entity that contracts with a school to provide transportation services receive an allegation of child abuse by an employee or volunteer in an educational setting, they must take the following steps:

- a. Upon receipt of an oral or written allegation of child abuse in an educational setting, the employee must promptly complete the "Child Abuse in an Educational Setting" report form (attached).
- b. Upon completion of the report form, the employee must personally deliver it to the school building administrator of the school in which the child abuse allegedly occurred.
- c. If the allegation(s) involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the employee must promptly forward the report form to the superintendent of schools of the school district of attendance and the school district where the abuse allegedly occurred.

### Duties of School Building Administrators

In all cases, upon receipt of a report form, the school building administrator must review the form and determine if there is reasonable suspicion to believe that an act of child abuse, as defined by law, has occurred. If he or she finds reasonable suspicion to believe that an act of child abuse has occurred, additional steps must be taken which differ depending upon the individual who has made the allegation.

### Child makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations ([8 NYCRR §100.2\(hh\)](#)).
- c. Promptly provide a copy of the completed report form to the superintendent.
- d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

### Parent Makes the Allegation

- a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations ([8 NYCRR §100.2\(hh\)](#)).
- b. Promptly provide a copy of the completed report form to the superintendent.
- c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

### Person other than the Parent or the Child Makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations ([8 NYCRR §100.2\(hh\)](#)).
- c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the report form.
- d. Promptly provide a copy of the completed report form to the superintendent.
- e. Promptly forward a copy of the completed report form to appropriate law enforcement authorities. The report to law enforcement may not be delayed by reason of inability to contact the superintendent.

### Duties of Superintendents

In most cases, the school building administrator will receive the completed report form from an employee and make the reasonable suspicion determination. However, there are situations in which the superintendent will receive the report form directly and he or she will be responsible for making the reasonable suspicion determination such as:

- a. Where the school building administrator receives the oral or written allegation and is required to complete the report form;
- b. Where it is alleged that a child was abused by an employee or volunteer of a school other than a school within the school district where the child attends.

In addition, a superintendent may receive an oral or written allegation of child abuse in an educational setting from local law enforcement officials or from child protective services. In these cases, the superintendent would be responsible for completing the report form and, subsequently, making the reasonable suspicion determination.

If the superintendent finds reasonable suspicion to believe that an act of child abuse has occurred, as defined by law, additional steps must be taken which differ depending on the individual who has made the allegation.

#### Child makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations ([8 NYCRR §100.2\(hh\)](#)).
- c. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

#### Parent Makes the Allegation

- a. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations ([8 NYCRR §100.2\(hh\)](#)).
- b. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

#### Person other than the Parent or the Child Makes the Allegation

- a. Promptly notify the parent of the child that an allegation of child abuse in an educational setting has been made.
- b. Promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Commissioner's regulations ([8 NYCRR §100.2\(hh\)](#)).
- c. Ascertain from the reporting employee the source and basis for the allegation and complete that portion of the form.
- d. Promptly forward a copy of the completed report form to the appropriate law enforcement authorities.

In all cases where a completed report is forwarded to the appropriate law enforcement authorities and the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the Department, the superintendent must also refer such report to the Commissioner of Education.

#### Expungement

A report that does not, after investigation, result in a criminal conviction shall be expunged from any record which may be kept by a school or school district with respect to the subject of such a report after a period of five years from the date of the making of such report or at such earlier time as such school or school district determines.

#### Penalty Provisions

The requirements set forth within the law are mandatory. Willful failure of an employee to prepare and submit a report form as required by the law is a Class A misdemeanor. The law also provides that a willful failure of a school building administrator or superintendent to forward a copy of the report form to the appropriate law enforcement authority is a Class A misdemeanor. In addition, the Commissioner of Education can also fine a school building administrator or a superintendent up to \$5,000 for failure to forward a copy of the completed report form to the appropriate law enforcement authorities.

#### Immunity Provisions

The law provides immunity from civil liability for employees, volunteers, school building administrators and superintendents who reasonably and in good faith make a report of child abuse in an educational setting in the manner described in the law. The law also provides immunity from civil liability to school building administrators and superintendents who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

#### Confidentiality of Records

In general, the only persons authorized to receive the written report form and any related materials are the school building administrator and the superintendent. The law requires that all reports, records, photographs and other material submitted remain confidential and may not be disclosed except to law enforcement authorities involved in the criminal investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. Willful disclosure of a written record required to be confidential, to a person not authorized to receive or review such record is a class A misdemeanor. The law requires that school building administrators and superintendents exercise reasonable care to prevent unauthorized disclosure.

### Duties of District Attorneys

Where a criminal investigation is undertaken in response to a report forwarded to the appropriate law enforcement authorities, the district attorney must notify the superintendent of the school district where the acts of child abuse occurred and the superintendent of the school district where the child attends, if different, of the following:

- an indictment;
- the filing of an accusatory instrument;
- The disposition of the criminal case; or,
- the suspension or termination of the investigation.

Where a criminal conviction is obtained for a crime involving child abuse in an educational setting by a licensed or certified school employee, the district attorney is required to notify the Commissioner of Education, as well as the superintendent of the school district in which the acts of child abuse occurred and the superintendent of the school district where the child attends, if different.

### Duties of the Commissioner of Education

Upon receiving notification of conviction from a district attorney, the Commissioner of Education must begin proceedings against the convicted individual pursuant to [Part 83 of the Commissioner's regulations](#) to determine whether the individual possesses good moral character. The determination may result in additional action taken against the individual related to his or her license or certification.

The Commissioner has also issued the attached form that must be used for the recording and transmission of allegations of child abuse in educational settings.

The Commissioner and the Board of Regents also promulgated [§100.2\(hh\)\(2\)](#), which sets forth the training requirements relating to child abuse in an educational setting.

### Unreported Resignations or Voluntary Suspensions

The law prohibits school building administrators or superintendents from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

First reading: December 1, 2011

Adoption date: December 15, 2011

Revised: June 13, 2019

**Brunswick/Brittonkill Central School District**

---

## 9645 DISCLOSURE OF WRONGFUL CONDUCT

### (Whistleblower Policy)

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation, and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.

For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

### Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred by a certified educator, or non-certified individual involved in the state testing program must report their concerns to the State Education Department (SED) in the manner prescribed by the Commissioner of Education, and must also report concerns to the Superintendent or Board of Education. Any Building Principal receiving such a report shall relay this information to the Superintendent.

The Superintendent, School Attorney or the Independent Auditor shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, SED, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board-designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct. The district shall not take adverse action against an employee who has reported misconduct when mandated to do so by federal or state law or regulation.

### Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has 30 days to report his or her findings and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is binding.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy.

This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing this policy shall meet with the Board once a year to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Ref:

[Civil Service Law §75-b](#)

[Labor Law §740](#)

[8 NYCRR §§102.3, 102.4](#)

*Garrity v. University at Albany*, 301 A.D. 2d 1015 (3<sup>rd</sup> Dept. 2003) (Article 75-b protections only apply if employee first discloses wrongdoing to employer, allowing for investigation and correction prior to disclosure to outside agencies)

*Matter of Brey v. Bd. of Educ.*, 245 A.D. 2d 613 (3<sup>rd</sup> Dept. 1997) (termination based on work deficiency, not retaliation)

Revised: October 17, 2013

Revised: January 7, 2016

**Brunswick/Brittonkill Central School District**

Table of Contents  
Section III – Health, Safety and Security

Accidents, Injury and Illness.....	2
AIDS and HIV-Related Illness .....	2
Alarm Systems .....	3
Automated External Defibrillators.....	3
Bloodborne Pathogens .....	3
Building Security Procedures .....	3
Care of School District Property.....	4
Dangerous Weapons in School and the Gun Free Schools Act .....	4
Defacement, Destruction, or Theft of School Property .....	6
Emergency Plans.....	6
Facilities Related Problems.....	6
Fire Drills .....	7
First Aid Procedures .....	7
Hazard Reporting.....	8
Infection Control/Bloodborne Pathogens .....	8
Infestations and Communicable Diseases.....	9
Pest Management .....	9
Public Conduct on School Property.....	10
Public Use of School Facilities .....	12
Permitted Uses .....	13
Prohibited Uses .....	13
Conditions of Use for District Facilities .....	13
Application Procedure for Use of District Facilities.....	14
Purchasing of Chemicals and Chemical Products .....	15
Right-To-Know .....	16
Schools Against Violence in Education (SAVE).....	16
Traffic and Parking Controls .....	17
Unauthorized Entry to School District Property .....	17
Violence and Threats of Violence.....	17
Worker’s Compensation .....	18
Appendix - Standing Orders for First Aid .....	20

## **Accidents, Injury and Illness**

Any accident, injury, illness or incident that occurs on school property must be immediately reported to your supervisor or the school nurse, and the appropriate paperwork completed as soon as possible.

All student accidents requiring first aid treatment must be reported to the District Office. The attending nurse or athletic coach who administered the first aid will complete the written report detailing the accident. The report must be filed with the District Office within 24 hours of the accident.

## **AIDS and HIV-Related Illness**

The Board of Education recognizes the public concern over the health issues surrounding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) infection. Based upon the current state of medical knowledge, HIV is not easily transmitted and there is no evidence that AIDS or HIV can be transmitted by casual social contact in the open school setting.

The Board acknowledges that students or employees diagnosed with HIV infection, an HIV-related illness, or AIDS (collectively referred to "AIDS/HIV") have certain privacy rights and a right to a free appropriate public education or reasonable accommodations, and that non-infected AIDS/HIV individuals have the right to be in an environment free of any significant risks to their health. Current law and regulations strictly limit the disclosure of confidential HIV-related information.

No student's right to education shall be interrupted or curtailed solely on the basis of the student's AIDS/HIV status. Students infected with AIDS/HIV shall be afforded the same rights, privileges and services available to other students.

No employee shall be prevented from continuing in his/her employment solely on the basis of such employee's AIDS/HIV status and such employee is entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable the individual to perform the essential functions of his/her position.

Except as otherwise provided by law, no disclosure of AIDS/HIV related information involving a student shall be made without first obtaining the informed consent of the parent or guardian or the student on the approved Department of Health form.



## **Alarm Systems**

It is a violation of District policy for any person or persons to tamper with, deface, destroy, or otherwise interfere in any manner, with any fire alarm or other safety system installed or used at any facility or site owned or leased by the District, or in any vehicle owned, leased or otherwise used by the District.

In addition, it is prohibited for any person or persons to intentionally create a false fire alarm or an intentionally false warning of impending danger to any facility, program or activity operated by the District.

Any violation shall be dealt with as a disciplinary matter if the perpetrator is a student or an employee of the District. The Superintendent or his/her designee will report any such incident to the appropriate law enforcement authorities, and shall fully cooperate with the authorities in investigating the incident and prosecuting those responsible.

## **Automated External Defibrillators**

In order to enhance safety measures for the staff, students and guests within the Brunswick Central School District, the District has instituted an Automated External Defibrillation program (the “AED Program”) and maintains 12 AED units for emergency use.

Only those District employees who are trained in accordance with the laws of the State of New York shall be authorized to use the AEDs.

## **Bloodborne Pathogens**

Please see “Infection Control”

## **Building Security Procedures**

### **Visitor Sign In-Sign Out Procedures**

During regular school hours, the District will maintain ID badge and sign in-sign out procedures for visitors to our schools. Upon arrival at any of our school buildings, all visitors, and substitute employees are required to sign in and receive an ID badge. Whenever possible, visitors shall be escorted to their stated destination. If an escort is not available, the destination will be contacted by telephone or public address system to report the arrival of the visitor. If you notice a person you do not recognize in the building without an ID badge, please route the individual to the appropriate location to obtain one. Visitors should also be instructed to sign out and return the ID badge upon departure.

**Single Point of Entrance**

All school buildings will maintain a single point of entrance during the regular school day. Doors other than the main entrance should remain locked during the school day and should not be propped open by faculty, staff, students and others. The main entrance of each school building will remain open until the last scheduled event of the evening has concluded. At this time, the main door will be locked for the evening by custodial staff.

**Lunchroom Access**

Unless specifically authorized by the building principal, no visitors will be allowed in the lunchroom area during the regular school day. Building principals will have the discretion to waive this procedure for special events or circumstances.

**Classrooms and Offices**

Remember to lock all classrooms and office doors and close all windows when vacant, and at the end of each school day.

**Surveillance Cameras**

The building and grounds are under video surveillance.

<b>Care of School District Property</b>
---

Students and staff shall show respect for the real and personal property of the District, and shall care for said property. Students or staff who purposely, knowingly, or recklessly damage or destroy District property may be disciplined for said behavior.

As used herein, the term "real and personal property of the District" shall be understood to include the grounds, buildings, textbooks and library books and other media, vital records, curriculum-related materials, electronic equipment, computer and office supplies, furniture, building fixtures, tools and equipment, vehicles, and other personal property that is owned, leased, rented, or otherwise duly in the possession or control of the District.

<b>Continuation of Operations Plan</b>
--

Please see end of Employee Handbook.

<b>Dangerous Weapons in School and the Gun Free Schools Act</b>
---

In order to ensure the safety of students, staff, and the general public, to minimize disruptions in educational activities and programs, to remain eligible for federal funds under the Goals 2000 Act of 1994, and to comply with Section 3214(d)(3) of the Education Law, the Brunswick Central School District establishes the following rules and requirements.

### **Prohibition on Weapons**

No student shall have in his or her possession upon any school premises or property owned or under the control of the District any rifle, shotgun, pistol, revolver, other firearm, knife, dangerous chemicals, explosives, or any object which is not necessary for school activities and which could be used as a weapon.

A weapon is defined under this policy as a firearm, as that term is defined in federal law (18 U.S.C. Sec. 921), viz.: any weapon, including a starter gun, that will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any destructive device; but not including an antique firearm.

The term “weapon” shall also include a knife with a blade and in excess of 2 and 1/2 inches in length. Notwithstanding the definition of a weapon in federal law, students shall not be allowed to possess knives of any kind on the premises or property of the Brunswick Central School District.

### **Penalty for Violation**

In accordance with the Gun-Free Schools Act of 1994, a student found guilty of bringing a firearm, as defined in federal law, or a weapon as described above, onto school property after a hearing has been provided pursuant to section 3214 of the Education Law will be subject to at least a one-year suspension from school. However after this penalty has been determined, the Superintendent of Schools may review the penalty and may modify such suspension on a case-by-case basis. The determination of the Superintendent in a student disciplinary matter arising under this policy shall, upon request of a disciplined student and/or his/her parent or guardian, be subject to review by the Board of Education.

### **Certain Rights of Students Unaffected**

This policy does not and shall not be deemed to authorize disregard by the District of any:

1. Procedural right due to any student under the laws of the United States or New York State, the Commissioner's Regulations, or adopted policies of this Board, prior to the imposition of disciplinary measures against that student;
2. Requirement associated with a change in placement, or any other right, of a student classified as disabled under the Individuals with Disabilities Education Act (IDEA), Article 89 of the Education Law, or Part 200 of the Commissioner's Regulations; or
3. Educational obligation that the District may have to a student who is disciplined through suspension or expulsion.

### **Courses in Safe Use of Firearms Unaffected by This Policy**

The Board recognizes that the Gun-Free Schools Act of 1994 does not diminish the authority of the Board to offer courses of instruction in the safe use of firearms, pursuant to Education Law Sec. 809-a.

### **Peace and Police Officers**

This policy is not intended to apply to New York State Peace Officers and Police Officers acting within the scope of their employment as such.

## **Defacement, Destruction, or Theft of School Property**

Defacement, destruction, or theft of school property (vandalism) has the effect of not only causing the community's scarce resources to be depleted on otherwise unnecessary repair or replacement of school property, but also of adversely affecting the morale of the students, the faculty, and the support staff of the District.

New York State law allows the District to institute legal proceedings against the perpetrator of such acts, or against the perpetrator's parent or legal guardian, for any and all repair costs due to the perpetrator's vandalism.

All District staff should report any incidents of vandalism of school property of which they become aware, and to report, if known, the name(s) of whoever is responsible.

## **Emergency Plans**

The District recognizes the important of protecting the health and safety of students and staff, as well as ensuring the security and safety of school property. An emergency plan for the District that provides for sheltering, evacuation, early dismissal, written notification to students and staff, and annual drill and coordination with local and county emergency and preparedness administrators has been developed.

The plan shall be reviewed annually and shall be modified by the Board as needed, no later than October 1 each year.

Copies of the plan are available for public inspection.

## **Facilities Related Problems**

If your room or equipment within your room requires repair, or is not functioning properly, contact the Building & Grounds office so that a work order may be generated to address the situation. Forms are available on the website under Building & Grounds.

## **Fire Drills**

Education Law requires that all public schools hold a minimum of 12 fire drills per school year, of which 8 will be held before Christmas.

All teachers should instruct their students on the proper exit and impress on them the need for order. Drill instructions are posted on the bulletin board in each classroom.

In the event of an actual fire, teachers should follow these steps:

1. If you detect a fire or smoke condition, pull the fire alarm to evacuate the building.
2. Notify the main office of the location of the fire as well as any injuries.
3. Close windows. Turn off all lights.
4. When moving to exits, close all doors behind you (DO NOT LOCK).
5. Touch doors before opening. If a door is hot, try another route.
6. Stay close to the floor to avoid smoke inhalation.
7. Never go back into the fire to get something or rescue someone.
8. If somebody is on fire, use the Stop, Drop and Roll technique.
9. If you must use a fire extinguisher use the Pull, Aim, Squeeze, Sweep technique.
10. Report to designated evacuation site.
11. Take attendance of students and adults and report discrepancies to runner.

## **First Aid Procedures**

Education law requires First Aid but prohibits any treatment beyond First Aid. First Aid is defined as “such treatment as will protect the life and comfort of the patient until authorized treatment is secured.” In all accident cases and emergency situations, the responsibility for the care, treatment and transportation of the individual should be transferred to the parent, guardian or parental-designee as soon as possible. Subsequent treatment is their responsibility. In the absence of the school nurse, the building principal or his designee is responsible for emergency care. However, every employee of the District must accept responsibility for First Aid. Efforts should be made to take appropriate action, which may include removing the person from a hazard, notifying the appropriate person in the administration of the injury and otherwise acting in a manner that will protect the injured person and others from further injury.

School personnel should treat only injuries that have occurred on school property or school buses. A dressing applied by a family physician or parent may be reinforced, if necessary, but not changed.

Any child who brings medicine, parental request or physician's prescription to school should be referred to the school nurse. Medication (ear drops, cough drops, syrup, pills, capsules, etc.) should not be administered even in emergencies to any child by any school personnel.

It must be emphasized that the school nurse should be contacted immediately when there is a need for first aid. The information on treatment for certain injuries contained at the end of this section (Standing Orders for First Aid) is given in case the school nurse is not immediately available.

## **Hazard Reporting**

The District has an obligation to provide an educational and work environment that is free of hazards. To assist the District with this obligation, employees are responsible for reporting any unsafe building or equipment conditions to the main office as soon as possible.

## **Infection Control/Bloodborne Pathogens**

Certain job classifications within the District (e.g. coaches, health office staff, bus drivers, custodians) may be required to interact with blood or other body fluids as a part of their job duties. If your job falls within one of these classifications, the District will schedule you to attend a training program on Bloodborne pathogens and infection control. Until you have attended this training program, you will not be expected to provide medical assistance or clean blood or body fluids. Should you encounter a situation that involves another person's blood or body fluids, please contact a trained staff member to address the situation.

The Health Office will provide information on Hepatitis B vaccinations addressing its safety, benefits, efficacy, methods of administration and availability. The Hepatitis B vaccination series will be made available at no cost, within 10 days of initial assignment, to employees who have occupational exposure to blood or other potentially infectious materials unless:

- The employee has previously received the series.
- Antibody testing reveals that the employee is immune.
- Medical reasons prevent taking the vaccinations.
- The employee chooses not to participate.

All employees that have an occupational exposure are strongly encouraged to receive the Hepatitis B vaccination series. However, if an employee chooses to decline the vaccination, then the employee must sign a statement to this effect.

Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of refusal of the Hepatitis B vaccination will be kept in the Health Office in the confidential medical records file.

## **Infestations and Communicable Diseases**

Control of communicable disease and infestations is essential to prevent large-scale infection of employees and the student body. Administrative procedures shall be adopted to ensure proper safeguards for others and, in the case of students, to maintain educational services for the affected individual. Should incidents occur in which these procedures would be inadequate, the Superintendent, building principals and health staff are authorized to initiate measures which, in their judgment, are necessary to prevent large-scale infections or infestations.

1. Infestations include, but shall not be limited to, lice, scabies and pediculosis. Procedures shall be instituted which are designed to prevent large-scale infestations among students and employees. School officials shall retain the right to continue exclusion from school until, in the school nurse's judgment, readmission would pose no threat to other individuals in the school environment.
2. Communicable diseases include, but shall not be limited to: mumps, measles, chicken pox, strep infections, staph infections, acute infectious mononucleosis, A and B-infectious hepatitis, impetigo, conjunctivitis, ringworm, cytomegalovirus (CMV), Herpes Simplex (HSV). Procedures shall be instituted which are designed to prevent the spread of communicable diseases among students and employees. In cases where a child has been excluded from school, prior to readmission to school, the parent/guardian shall provide the school nurse, upon request, with a written statement from the family physician that certifies that the child has been treated and may return to school. School officials reserve the right to continue exclusion from school until an investigation by the school physician concurs with the family physician's certification.

## **Pest Management**

The District recognizes that pests can pose a significant risk to health and property and that there are significant risks inherent in using chemical pesticides in the school environment. The District utilizes an Integrated Pest Management program that is critical to reducing pesticide use in the school while providing effective and economical pest controls. The Integrated Pest Management program is designed to ensure the health and safety of students, staff, administration, and all others using or visiting the District's buildings and grounds. The Integrated Pest Management program will ensure that pest populations are managed in an effective and environmentally sound manner emphasizing pest exclusion, habitat, modification, sanitation, monitoring, and the use of non-toxic and least toxic products and techniques.

If you have any questions regarding the program, please contact the District's Safety and Health Designee or the Integrated Pest Management Coordinator (Supervisor of Buildings and Grounds).

As part of this program, the District will provide written notification of pesticide applications made at school buildings or grounds to staff, student, parents, and community members.

## **Student and Staff Responsibilities**

The two most important responsibilities of students and staff are sanitation and communication. Much of the prevention and reduction of pest infestation at the school site depends on whether or not students and staff clean up food leftovers, food in lockers, gum under desks, paper clutter, etc. In addition, because people at the school site may observe the presence of pests, they should report any evidence of pest activity to their Building Principal or Head Custodian. Other actions may be required of students and staff, or undertaken by them, depending on their interest in the site and the pest management system. The more occupants who “buy in” to this, the better the pest management system will work.

- Allow food and beverages only in designated areas.
- If indoor plants are present, keep them healthy. When small insect infestations appear, remove them manually.
- Keep areas as dry as possible by removing standing water and water damaged or wet materials.
- Store animal foods in tightly sealed containers and regularly clean cages. In all areas, remove dust and debris.
- Routinely clean lockers and desks.
- Frequently vacuum carpeted areas.

## **Public Conduct on School Property**

The primary purpose of the school district is to provide an optimal environment for learning and education. Any action by an individual or group aimed at disrupting, interfering with, or delaying the educational process, or any action having such effect, is a violation of District policy.

The District has a responsibility to protect school property and will take any and all legal action to prevent the damage or destruction of property. In addition, the District will seek restitution from, and prosecution of, any person or persons who willfully damage school property.

It is not the intent of the District to limit or inhibit freedom of speech or freedom to assemble peaceably. The District recognizes that free inquiry and free expression are indispensable to the objectives of a school district, and is a fundamental feature of our national life. The purpose of this policy is to prevent abuse or inhibition of the rights of others, and to maintain public order.

These rules govern the conduct of students, faculty and other staff, licensees, invitees, and all other persons upon property of the Brunswick Central School District, and also upon, or with respect to, any other premises or property under the control of the District and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic, and other programs and activities.

### **Prohibited Conduct:**

No person, acting either singly or in concert with others, shall:



- A. Willfully cause physical injury to any other person or threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act that she/he has a lawful right to do, or to do any act that she/he has a lawful right not to do;
- B. Physically restrain or detain any other person, nor remove such person from any place where she/he is authorized to remain;
- C. Willfully damage or destroy property of the District or property under its jurisdiction, or remove or use such property without authorization;
- D. Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty, or staff member;
- E. Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- F. Without authorization, remain in any building or facility after it is normally closed;
- G. Refuse to leave any building or facility after being requested to do so by an authorized administrative officer, member of the faculty, or staff member;
- H. Obstruct the free movement of persons or vehicles in any place to which these rules apply;
- I. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings, or deliberately interfere with the freedom of any person to express her/his views, including invited speakers;
- J. Knowingly have in her/his possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm, knife with a blade in excess of 2 and ½ inches or other weapon, without the written authorization of the Superintendent of Schools, whether or not a license to possess the same has been issued to such person; or
- K. Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so;
- L. Use, consume, sell, distribute or offer for sale or distribution tobacco, alcohol or marijuana;
- M. Possess, use, consume, sell, distribute or offer for sale, distribution, use or consumption illegal drugs or controlled substances without written authorization of a physician;
- N. Use, possess, wear or in any way depict or demonstrate obscene materials or engage in or present obscene conduct or behavior. The term "obscene" refers to verbal, written, graphic, pictorial, and other means of presenting materials, when such materials violate generally accepted social and community standards. Obscene material appeals to prurient interest, is utterly without redeeming social importance, goes beyond customary limits of candor in

description or representation, is characterized by patent offensiveness and is pornographic, indecent, vulgar and salacious;

- O. Park a motor vehicle in any fire lane or other no parking zone or park in any parking space designated for use by the disabled without a valid permit visibly displayed on or in the vehicle.

### **Penalties and Procedures:**

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

- A. If the violator has been granted a license for use of District premises or property or is an invited guest of the District, her/his authorization to remain upon the grounds or other property shall be withdrawn and she/he shall be directed to leave the premises. In the event of failure to do so, she/he shall be subject to removal from the premises.
- B. If a trespasser or visitor without specific license or invitation, she/he shall be subject to removal from the premises.
- C. If she/he is a student, she/he shall be subject to disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand, or warning, as prescribed by Section 3214 of the Education Law of the State of New York, and she/he shall be subject to removal from the premises.
- D. If a tenured faculty member, she/he shall be subject to ejection, warning, reprimand, suspension, or other disciplinary action or combination of such actions, as prescribed by and in accordance with Section 3020-a of the Education Law.
- E. If a staff member in the classified service of the civil service, she/he shall be subject to the penalties and procedures prescribed in Section 75 of the Civil Service Law, and be subject to ejection.
- F. If a staff member other than one described in subdivisions D and E, she/he shall be subject to dismissal, suspension without pay, or censure, and be subject to ejection.

<h2><b>Public Use of School Facilities</b></h2>
---

While the District's school buildings and grounds are maintained primarily for the purpose of educating students within the District, the District recognizes that the buildings and grounds are a valuable community resource and believes that this resource should be available to the community for specific uses that will not interfere with educational activities. This policy is intended to identify the uses that community groups may make of those facilities.

### **Permitted Uses**

District facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

- A. Instruction in any branch of education, learning or the arts.
- B. Public library purposes, subject to provisions of the Education Law, or as stations of public libraries.
- C. Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public.
- D. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
- E. Polling places for holding primaries and elections, for the registration of voters and for holding political meetings.
- F. Civic forums and community centers.
- G. Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
- H. Child-care programs when school is not in session, or when school is in session for the children of students attending schools of the District and, if there is additional space available, for children of employees of the District.
- I. Graduation exercises held by not-for-profit elementary and secondary schools provided that no religious service is performed.

### **Prohibited Uses**

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited.

- 1. Meetings sponsored by political organizations.
- 2. Meeting, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer fire fighters or volunteer ambulance workers.

### **Conditions of Use for District Facilities**

- A. Use of District facilities may be permitted unless such facilities are in use for school purposes, or during educational programs. The District reserves exclusive and nonreviewable judgment to determine if a requested use would interfere with or disturb the District's educational programs.
- B. To ensure that District facilities are preserved for the benefit of the greater District community, only community based groups and organizations (that is, groups which are located within the geographic area covered by the District) may be granted access to District facilities.
- C. Use of District facilities by the Boy Scouts or other patriotic youth groups listed as a patriotic society in title 36 of the U.S. Code will be permitted to the same extent as other outside groups. The District shall not deny access to or otherwise discriminate against such

youth groups based solely on the group's membership or leadership criteria or oath of allegiance to God and country.

- D. United State military recruiters will be provided the same access to high school students on school grounds that are generally provided to colleges and universities or prospective employers.
- E. Use of District facilities will be permitted only where the applicant agrees to pay the District a user fee according to a schedule adopted by the District to cover the costs of heat, electricity, maintenance, custodial services and any other expenses associated with the requested use. Use is further conditioned upon the applicant's agreement to pay additional fees associated with the use of any additional services or equipment. The District retains the right to condition use upon an applicant depositing with the District a sum equaling the estimated costs and fees associated with the proposed use 10 days in advance of the requested use. The District retains the further right to waive user fees for groups that are associated with or sponsored by the District.
- F. Where, in the judgment of the District, the requested use of District facilities requires special equipment or supervision, the District reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees in accordance with paragraph C above. Only authorized personnel shall operate District equipment.
- G. Use of District facilities will only be permitted where the organization provides the District timely evidence of adequate insurance coverage (\$1,000,000 minimum) to save the District harmless from all liability, property damage, personal injuries and/or medical expenses. The District will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.
- H. The Board reserves the discretion to deny use of District facilities described above, or to terminate use of District facilities:
  - 1. By an applicant who has previously misused or abused District facilities or property or who has violated this policy;
  - 2. For any use which could have the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States of New York State Constitutions;
  - 3. For any use which, in the estimation of the Board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
  - 4. For any use which the Board deems inconsistent with this policy;
  - 5. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
  - 6. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consume, promoted or possessed;
  - 7. For any use prohibited by law.

### **Application Procedure for Use of District Facilities**

- A. All applications for use of school facilities shall be made in writing and submitted to the Superintendent of Schools at least 30 days prior to the date of the requested use. A use permit application is available in the Superintendent's office.

- B. The applicant must clearly and completely describe the intended use of the District facility in the application.
- C. All applicants must review this policy prior to submitting the application. An authorized agent of the group or organization requesting use must sign all applications. The applicant's signature on the application shall attest to the group or organization's intent to comply with all Board policies and regulations and to use District facilities strictly in accordance with the use described in the application.
- D. All applicants must agree to assume responsibility for all damages resulting from its use of District facilities. The applicant must provide proof of adequate insurance at least 10 days before the date of the requested use.
- E. Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Superintendent. Permits shall not be transferable.
- F. The Superintendent is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason.
- G. With regard to scheduling activities, the District retains the right to give preference to groups and organizations, which are associated with or sponsored, by the District.
- H. Issuance of a permit shall not limit the right of access to the facility by District staff.

### **Purchasing of Chemicals and Chemical Products**

The Brunswick Central School District will make every attempt to use the least toxic materials available in the maintenance and construction of its facilities as well as in classroom activities. The District will avoid purchasing products that contain chemicals that are known or suspected to cause cancer as determined by the Occupational Safety & Health Administration, the International Agency for the Research of Cancer or the National Toxicology Program. This information is available on the Material Safety Data Sheet (MSDS). The District will also avoid purchasing products that claim ingredient "Trade Secret" status as defined by the Hazard Communication Standard (OSHA 29 CFR 1910.1200).

The District recognizes that students may have greater susceptibility to the hazards of certain classes of toxic materials and therefore require a greater level of protection than adult workers and therefore establishes the following prohibitions:

#### Chemicals that will not be ordered for use in K-12 Programs due to toxicity:

Lead	Arsenic	Cadmium	Chromium
Manganese	Antimony	Mercury	Carbon Disulfide
Carbon Tetrachloride	Chlorine Gas	Colchicine	Hydrogen Sulfide
Cyanides	Phenol	Asbestos	n-Hexane
Benzene	Benzidine	Nicotine	Ethylene Oxide
Acrylonitrile	Chloroform	Formaldehyde	Nickel Powder
Aniline	Beryllium Carbonate	1,4 Dioxane	Hydrofluoric Acid

Chemicals that will not be ordered to Fire/Explosion Hazards:

Picric acid	Ethyl Ether	Diisopropyl Ether	Potassium Metal
Benzoyl Peroxide	Perchloric acid	Carbon Disulfide	Cyclohexene
Tetrahydrofuran	Pentane		

Young children (K-6) should not be exposed to hazardous and toxic chemicals. The Labeling of Hazardous Art Materials Act of 1988 prohibits schools from purchasing the following categories of products for use by elementary school students:

- Rubber cements, permanent felt tip markers, shellac, and other solvent-containing materials
- Spray adhesives, fixatives and air brushes
- Powdered materials, including dyes, clays and pastels
- Photographic chemicals
- Wheat (wallpaper) paste containing toxic preservatives
- Copper enamels and pottery glazes containing lead and other toxic chemicals
- Adult art materials.

All hazardous and toxic chemicals shall be secured from students at all times. Flammable and combustible liquids will be applied (e.g. spray painting) only outdoors or indoors with an approved ventilation hood/booth. Storage of flammable and combustible liquids shall be limited to that necessary for maintenance, demonstration, treatment and laboratory work, not including fuel oil for oil burner service. All flammable and combustible liquids shall be stored in approved containers, cabinets or storage areas in compliance with OSHA 29 CFR 1910.106 and Part 1171 of the New York State Uniform Fire Prevention and Building Code.

### **Right-To-Know**

Occupational Health and Safety Administration regulations provide that all employees have a right to information on hazardous or toxic chemicals that may be present in the workplace. If you are concerned about a chemical or a product, you may request a material safety data sheet for items found in the District that are covered by these regulations. To request a material safety data sheet, please contact the District Office. As the District is required to maintain material safety data sheets and chooses to assess chemical products that will be used in its facilities, employees and guests may not bring chemical products, e.g. pesticides or cleaning chemicals, into the school building unless specific permission has been granted by the building administrator, and a material safety data sheet is on file.

### **Schools Against Violence in Education (SAVE)**

The Schools Against Violence in Education (SAVE) legislation was passed to enhance safety and security of students, staff and communities from violent acts. It is the policy of the District to implement the requirements of the regulations associated with the SAVE legislation. Each year the District will provide SAVE training to school personnel in compliance with these regulations.

## **Traffic and Parking Controls**

Operation of all authorized motor vehicles shall be permitted only upon improved roads, driveways and parking areas. Driving or parking on sidewalks, lawns or athletic fields, or areas held for such purposes, is expressly prohibited.

The maximum rate of speed permitted on school property shall be ten miles per hour and shall be posted accordingly.

Vehicles must be parked in a designated parking area. When signs, barriers, or pavement markings designate individual parking areas, vehicles shall be placed and left in position to conform to such signs, barriers, or pavement markings.

Where “Entrance, Exit or One Way” signs have been posted or placed at access points on public highways or thoroughfares, the direction of traffic on school property shall conform to these signs. A full stop is required before entering any public highway or thoroughfare.

No unauthorized vehicles shall be driven on any tennis court, basketball court, athletic fields or track, lawn, woodland, or any other area of school property or premises that is not designated or authorized for vehicular traffic.

## **Unauthorized Entry to School District Property**

No person shall enter any school building, facility, grounds, or other property in violation of policy or regulations established by the District.

No person, either singly or in concert with others, shall:

1. Enter or remain in, without permission, either express or implied, any administrative office, faculty office, or other restricted area.
2. Enter or remain in any building or facility for any purpose other than its authorized use, or use said building or facility in such a manner as to prevent or obstruct its authorized use by others.
3. Remain in any building or facility after it is normally closed without proper permission.
4. Refuse to leave any school or facility after being requested to do so by any duly authorized official.

## **Violence and Threats of Violence**

A threat is defined as an explicit or implied demonstration or declaration or intent to inflict harm, punishment, injury, loss or death on an individual; an express or implied indication that violence, injury, loss or pain will be inflicted on another.

1. Any student who receives a threat or hears or observes one being made, shall immediately notify a member of the staff, faculty or administration.
2. A member of the staff or faculty who is informed of, or hears of or observes a behavior deemed to be a threat on another, or who receives a threat, shall immediately notify the building administrator.
3. Any building administrator who is informed of a threat or hears or observes a threat on another, or who receives a threat, shall take immediate steps necessary to secure the safety of all students, and will conduct an immediate and thorough investigation of the matter. This will include conferences with those alleging that a threat was made and the individual(s) who allegedly made such threat.
4. If after such investigation it appears reasonably certain that the allegation is true, the building administrator will immediately consult with the school guidance counselor, psychologist, social worker, and/or child study team. These consultations may lead the building administrator to contact county agencies, including those concerned with mental health, social services and child protection. If appropriate, arrangements will be made for an emergency mental health evaluation.
5. The building administrator will, before the start of the next school day, call the parents or guardians of all students involved in the incident.
6. Unless otherwise required by law, school district policy or as a reasonable and prudent response to an imminent threat to health and safety, the building administrator will consult with the Superintendent as to whether law enforcement officials should be contacted.
7. The behavior of a student found to have made a threat will be addressed in accordance with the school code of conduct. If the student behavior is not proscribed by the code of conduct, the building administrator or superintendent will take reasonable measures to provide an appropriate school response to the behavior consistent with federal, state and local due process requirements. Under appropriate circumstances, the Superintendent will inform the Board if a threat and the administrator's response to the same.

The results of all findings and actions taken shall be communicated in a timely manner to the parents of all students involved.

### **Worker's Compensation**

All employees must report injuries within 24 hours to the Business Office so that Worker's Compensation reports may be filed. The District is self-funded for Worker's Compensation. Any medical bills related to an on-the-job injury should be forwarded to PMA at the address below.



Employment-related injuries should be reported immediately to the health office and to your immediate supervisor or building principal. The accident report should be completed by the health office, the immediate supervisor or building principal should review the accident form, sign and forward it to the business office for filing of proper forms to the Worker's Compensation Coordinator at:

PMA Customer Service Center  
PO Box 5231  
Janesville, WI 53547-5231  
1-888-476-2669

## Appendix - Standing Orders for First Aid

When neck, back or head injury is suspected, please **DO NOT MOVE** the individual. Notify the main office and/or send for the nurse. By law, the school can administer first aid only.

<b>Animal Bites</b>	Cleanse wound with soap and water for 5 minutes. Notify parents. Isolate the animal. State police should be notified in the event of a dog bite. Incident will be reported to the Public Health Department by the State Police.
<b>Human Bites</b>	Cleanse the wound with soap and water for 5 minutes. Apply dry sterile dressing to wound and apply wrapped ice. Notify parents.
<b>Bites or Stings</b>	Determine if the individual has history of allergy to bee stings. Apply wrapped ice. Apply meat tenderizer on a wet gauze pad.
<b>Blisters</b>	Wash with soap and water and cover with sterile dressing.
<b>Bruises</b>	Apply ice compress. Reevaluate in 30 minutes. Notify parents.
<b>Burns</b>	Apply cold water or ice to burned area for 10 minutes. Ice should not be placed directly on skin.  <b>Acid Burns:</b> wash thoroughly with water for 5 minutes. <b>Thermo Burns:</b> apply cold water immediately, then sterile gauze bandage. Secure medical aid. <b>Eye:</b> Rinse with lukewarm water for 5 minutes.
<b>Choking</b>	Determine that the person is unable to breathe. Stand behind the victim, quickly grasping both arms around the victim's waist. Place the thumb side of your fist against the victim's abdomen, slightly above the navel and below the tip of the breastbone. Grasp your fist with your other hand and press it into the victim's abdomen with a quick upward thrust. Repeat if necessary. Notify parents.
<b>Earache</b>	Take temperature, send child home and advise parents that he/she see the family physician.
<b>Fainting</b>	Place child flat on back with head low and loosen tight clothing. Apply aromatic spirits of ammonia on cotton under nose for inhalation. Contact parents when fainting occurs and urge medical attention.
<b>Foreign Body in Eye</b>	Drawing upper lid of eye over lower lid may sometimes dislodge foreign body. A wet cotton-tipped applicator may be used to remove a foreign body from lid or corner of eye. Do not attempt to remove a foreign body on the surface of the eyeball. Patch both eyes. Instruct child not to rub eye. Notify parents.

<b>Trauma to Eye</b>	Calm student. Close injured eye. Cover with ice compress. Notify parents.
<b>Frostbite</b>	Restore body temperature gradually, immerse in warm water. Avoid direct heat and violent friction. Notify parents.
<b>Hemorrhage</b>	Apply firm pressure over the injury and elevate the part. Call physician if bleeding does not readily cease. Notify parents.
<b>Hysteria</b>	Rest on cot. If severe and recurrent, refer parents to family physician for cause and treatment.
<b>Menstrual Discomfort</b>	Rest on cot. If severe and recurrent, refer parents to family physician for cause and treatment.
<b>Nosebleed</b>	Have child sit erect with head tilted slightly forward in chair. Apply pressure to nostrils for 10 minutes. Cold compresses may be used.
<b>Poison Ivy</b>	Area should be washed thoroughly with soap and water followed by rubbing alcohol. Apply calamine lotion to rash. Refer family for medical attention if sensitivity to poison ivy is severe.
<b>Possible Fractures and Sprains</b>	Place in a comfortable position without moving more than is necessary. Provide warmth to body and support limb. Notify parents. Secure medical attention.
<b>Possible Poisoning</b>	Call poison control center. Speak clearly. Read ingredients from label. Give trade name. Copy antidote down. Save label for doctor. Notify parents. Save container and any vomitus and send with victim to the physician.
<b>Scratches</b>	First cleanse with soap and water. Apply an antiseptic followed by a dry, sterile dressing.
<b>Seizures or Convulsions</b>	Do not try to hold the individual. Put him on the ground or floor where he cannot injure himself. Loosen tight clothing such as collars, belts, etc. Something should be placed under the person's head to prevent injury. If possible, turn head to the side for drainage, after seizure stops. Allow individual to rest quietly following convulsion. Notify parents.
<b>Stomach or Headache</b>	Determine cause if possible. If not relieved after a reasonable time, send student home and refer family for medical attention.
<b>Suspected Alcohol or Drug Abuse</b>	Accompany student to the health office for interview and observation by health office staff and principal. In more serious cases (unconsciousness, drowsiness, hallucinations), contact the parents. If necessary send via ambulance to hospital. Observe student for possible stoppage of breathing or cardiac arrest.
<b>Toothache</b>	Have student rinse mouth with warm water to dislodge foreign material. Contact parents and urge attention by dentist. Apply cold pack.
<b>Tooth Injury</b>	Contact parents. Arrange for dental attention. Save any lost teeth and take to the dentist. Place tooth in container of milk.

# **Brunswick Central School District**



## **Public Health Emergency – Continuation of Operations Plan**

Approved by Brunswick CSD Board of Education February 11, 2021

Date of Revision/Review: January 28, 2021

Purpose	5
Scope	5
Requirements	5
Essential Titles	5
Remote Work and Telecommuting	7
Staggered Work Shifts	9
Transportation	10
Driver/Monitor/Aide/Maintenance	10
Cleaning and Sanitizing	10
Personal Protective Equipment	10
Exposure and Response	12
Emergency Housing for a Public Health Emergency	14
Appendix I	15
Infectious Disease Preparedness and Response Plan	15
Appendix II	37
COVID-19 School Reopening Facilities Cleaning & Disinfection Protocol	37
Appendix III	39
Record of Updates/Revisions	39

This plan has been developed in accordance with the amended New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable.

This plan has been developed with the input of the Civil Service Employees Association, Inc. (CSEA), the Brittonkill Teachers' Association (BTA) and the Brittonkill Principals' Association as required by the amended New York State Labor Law.

No content of this plan is intended to impede, infringe, diminish, or impair the rights of us or our valued employees under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

This plan has been approved in accordance with requirements applicable to the agency, jurisdiction, authority, or district, as represented by the signature of the authorized individual below.

As the authorized official of the Brunswick Central School District, I hereby attest that this plan has been developed, approved, and placed in full effect in accordance with S8617B/A10832 which amends New York State Labor Law section 27-c and New York State Education Law paragraphs k and l of subdivision 2 of section 2801-a (as amended by section 1 of part B of chapter 56 of the laws of 2016), as applicable, to address public health emergency planning requirements.

Signed on this day: February 12, 2021

By: Dr. Angelina Maloney

Signature:

A handwritten signature in cursive script, reading "Dr. Angelina Maloney".

Title: Superintendent

## Purpose

On September 7, 2020, Governor Cuomo signed into law Chapter 168 of the Laws of 2020 that requires public employers, including public school districts, to adopt a continuation of operations plan in the event that the governor declares a public health emergency involving communicable disease. The legislation (S.8617-B/ A.10832) amends subdivision 2 of section [2801-a of New York Education Law](#) to require that District Safety Plans include protocols for responding to a declared public health emergency involving a communicable disease that are “substantially consistent” with the provisions of section 27-c of the Labor Law.

## Scope

The Public Health Emergency Continuation of Operations Plan (PHECOP) identifies the varied aspects of providing a safe work environment for continued education of students and district operations during a declared public health emergency. Essential roles and critical functions are outlined to assist in delivering required assets and support to instructional and non-instructional functions to effectively continue district operations during a declared public health emergency. Planning and response efforts ultimately support the whole school community: students, parents and staff of our district.

## Requirements

### Essential Titles

The following provides a list and description of positions and titles considered essential in the event of a state-ordered reduction of in-person workforce, as well as a justification for such consideration for each position and title. This anticipates how certain positions/titles may be necessary to assist in response to a pandemic or communicable disease outbreak.

- Per S8617B/A10832:
  - ‘essential employee’ is defined as a public employee or contractor that is required to be physically present at a work site to perform their job
  - ‘non-essential employee’ is defined as a public employee or contractor that is not required to be physically present at a work site to perform their job
    - Note that per NYS Department of Health COVID-19 toolkit guidance, school staff are not essential workers.

A list of district-identified essential job functions and workers can be found on the chart below. It is important to note that those performing essential job functions will abide by the staggered schedule, in order to maintain and ensure safety for all employees. Whenever possible, employees should work from home and only be on-site at district premises for the completion of the essential functions listed below.

Department	Essential Position or Title	Description
<b>Operations and Maintenance</b>	Superintendent of Building & Grounds Head Maintenance Mechanics Maintenance Workers Head Custodians Custodians Custodial Workers	Maintain the cleanliness and continued functioning and maintenance of school buildings. Deep clean as necessary based on state and local health department requirements for public health emergencies. Assist with building operations in the event of district provided childcare for fire responders/health care workers
<b>Grounds</b>	Superintendent of Building & Grounds Head Groundskeepers Groundskeepers	Snow removal and groundskeeping
<b>District Administration</b>	Superintendent Asst Superintendents District based Administrators	Required to ensure continuity of the response efforts; coordinated response with state and local health departments; communication to families and staff; ensure all essential daily functions are completed
<b>Information Technology</b>	Network Engineer & Technicians	Maintain internet capability, including remote learning and working from home. Provide troubleshooting for internet and program access. Assist with internet connectivity to ensure Digital Equity.
<b>Transportation</b>	Director of Transportation Head Bus Driver Bus Drivers Bus Aides Head Mechanic Mechanics	To transport food to students who receive home meals and/or to transport students in the event they are attending in person instruction. Distribution of technology (laptops, hotspots, etc.) as necessary for Digital Equity



<b>Food Service</b>	Food Service Director Food Service Workers Support Staff (as needed)	To prepare and distribute meals to students. (for those at home with remote learning and at district childcare for first responders/health care workers)
<b>Business Office</b>	Business Official Payroll Clerk Accounts Payable Purchasing	Processing of payroll deposits and checks; timely payment of district bills; processing and approving purchase orders for emergency supplies related to the public health emergency
<b>Building Level Administration &amp; Clerical Support</b>	Building Administrators Clerical Support	Required to ensure continuity of the response efforts; communications to parents and staff; processing of purchase orders for emergency supplies; timely payment of building bills
<b>Faculty and Staff</b>	Teachers Related Service Providers Teaching Assistants School Nurse	Assist with district provided childcare for first responders/health care workers as required. Assist with distribution of meals to students as needed. Should it become necessary to meet a student's needs under IDEA and/or Section 504 regulation (FAPE), teachers/related service providers may be deemed essential on an as needed basis.

### **Remote Work and Telecommuting**

The following is a description of the protocols the district will follow in order to enable all non-essential employees and contractors to telecommute. This description is not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed devices or technology, including software, data, office laptops or cell phones, and the transferring of office phone lines to work or personal cell phones as

practicable or applicable.

To enable all non-essential employees and contractors to telecommute, the District will follow a contingency plan in a similar format as during the pandemic shut down with full remote instruction in March 2020.

Non-essential employees will complete telecommuting agreements prior to working remotely in the event that the district will need to close for an extended period of time. Staff required to work remotely will be provided with adequate district technology support to carry out their normal daily work functions. All district phones are able to be programmed to transfer to personal phone lines, which will be conducted to ensure continuity communications.

Non-essential employees will continue to have access to various digital platforms, including, but not limited to:

#### Remote Instructional Technology Platforms

Email and video conferencing technology and software	Google Classroom Suite- Learning Management System Grades 3-12
e-School	Seesaw- Learning Management System K-2
Amplify Reading K-5	Google Suite Tools (Docs, Slides, Forms, etc.)
Other digital instructional platforms programs required to support remote learning	

#### Additional Remote District Technology Platforms

Finance Manager	e-School
IEP Direct	IT/Help desk technology, work order systems, remote access
Raptor Visitor Management	Google Suite Tools (Docs, Slides, Forms, etc.)
Work order system(s)	Fill with additional district technology to support office functions

## District Technology Hardware, Software, and Devices

Laptops and Chromebooks	Video/webcam hardware
Virtual Private Network (VPN) access	Other computer hardware as needed (i.e. printers)
Specialty software available by download	District issued cell phones for appropriate staff

## Staggered Work Shifts

In the event of a public health emergency, the school district has determined that essential employees / outside contractors will follow a predetermined work shift schedule set by the district in an effort to minimize viral contact or employee overcrowding within the building.

<b>Essential Employee Title / Outside Contractor</b>	<b>Building Name</b>	<b>Shift / Work Hours</b>
Custodial & Maintenance	Senior High Middle School Elementary School	<i>8 hours</i>
Faculty	Senior High Middle School Elementary School	<i>6 hours &amp; 55 Minutes</i>
Cafeteria	Senior High Middle School Elementary School	<i>Cooks: 6 or 6.5 hours</i> <i>Food Service Helpers: 3.25 hours</i>
Aides	Senior High Middle School Elementary School	<i>Per contract</i>
Administration	Business Office / Superintendent's Office	<i>As needed</i>

Before School Program After School Program	Elementary School	7 am - 8:40 am 3:30pm - 6:00pm
---	-------------------	-----------------------------------

## **Transportation**

For transportation needs, in the event of a public health emergency, the school district will ensure all predetermined protocols and procedures as mentioned in the district's reopening plan are adhered to. All employees (bus drivers, aides, monitors, etc.) who operate or occupy a district owned vehicle are subject to social distancing, face coverings, and daily health screenings.

### **Driver/Monitor/Aide/Maintenance**

- All employees will be provided all necessary PPE to perform their duties safely. Maintenance personnel operating school owned vehicles will be required to disinfect high touch surfaces periodically during the occupancy of their vehicle.
- Maintenance employees will operate their designated vehicles solo and passengers/coworkers are prohibited.
- All employees are encouraged to sanitize their hands frequently before and after operating vehicles.

### **Cleaning and Sanitizing**

- Each bus will have all high traffic areas properly cleaned between each run.
- Each bus utilized in the school day will be sanitized at least once daily.
- Maintenance vehicles will be routinely cleaned and sanitized placing emphasis on high touch surfaces.

## **Personal Protective Equipment**

The following protocols will be implemented by the district to procure personal protective equipment (PPE) for essential employees, based upon tasks and needs related to the public health emergency. Specific information related to required storage and accessibility can be found in **Appendix I**, Infectious Disease Preparedness and Response Plan

### **Procurement**

1. The district will abide by the Board of Education Procurement Policy. In the event an Executive Order by the Office of the Governor indicates that schools may suspend their procurement policy temporarily due to the public health emergency, the district reserves the right to suspend the BOE Procurement Policy per Governor's directive. (i.e. [Executive Order 202](#) - 3/7/2020 for COVID-19)
2. The district will secure and provide PPE for employees.
3. Procurement of PPE, other than basic preliminary purchases, will be done on a

consolidated basis.

4. The district will provide employees with an acceptable face covering at no-cost to the employee and have an adequate supply of coverings in case of replacement.
  - a. Staff will be allowed to wear their own face covering pending district approval.
5. Information shall be provided to staff and students on proper use, removal, and washing of cloth face coverings.
6. Masks are most essential in times when physical distancing is difficult.
7. The district will promote and reinforce the use of PPE among all staff.
8. Specialized PPE (N95s, face shields, gowns, gloves, etc.) may be required for specific work tasks and will be provided as deemed necessary by a hazard assessment.
  - a. Those individuals that are required to wear N-95 respirators will be medically screened and fit-tested prior to use to assure they are physically able to do so.

### **PPE Supply Management**

The purchasing department will work with each department to determine the overall PPE needs of the district. Centralized purchasing will be used when possible.

All types of PPE must be:

- Selected based upon the hazard to the staff.
- Properly fitted and periodically refitted, as applicable (e.g., respirators).
- Consistently and properly worn when required.
- Regularly inspected, maintained, and replaced, as necessary.
- Properly removed, cleaned, and stored or disposed of, as applicable, to avoid contamination of self, others, or the environment.
- The district will maintain an inventory of PPE in accordance with the NYS Education Department, NYS Department of Health and CDC guidelines. PPE will be continually restocked as needed.
- Storage of personal protective equipment will be on campus and comply with the manufacturer's storage recommendations for each item.
- PPE equipment will be readily available to all employees through identified disbursement protocols.

### **Exposure and Response**

Effective prevention and mitigation steps are required to prevent the spread and/or contraction of the virus/disease. In the event an employee or contractor is exposed to a known case of the identified virus/disease, exhibits symptoms of the virus/disease, or tests positive for the virus/disease, the district will follow the current guidance from the Center for Disease Control, the New York Department of Health and the local health department. Appropriate cleaning and disinfection protocols will be followed. Steps will be followed to isolate the positive case and contact trace exposed individuals for

quarantine. Contact tracing protocols will be implemented and followed in accordance with the local health department requirements as the lead agency. Established protocols shall not violate any existing federal, state, or local law, regarding sick leave or health information privacy.

1. Detailed actions for both daily and emergency cleaning of work areas, common area surfaces and shared equipment can be found in **Appendix II**, COVID-19 School Reopening Facilities Cleaning & Disinfection Protocol.
2. The District will adhere to privacy, accommodation, and HIPAA laws, and any federal or state requirements relating to protection of identified individuals during the public health emergency.
3. The District will adhere to any federal or state paid / unpaid leave provisions regarding quarantine, testing, exposure, and treatment protocols during a declared public health emergency.
  - a. Represented employees will have access to contractual leave as outlined in their respective bargaining unit agreements.
  - b. Non-represented employees have access to leave based on their current job titles and as outlined in board policy.
4. Contact tracing protocols will be implemented and followed in accordance with the local health department requirements as the lead agency.

### **Onsite Documentation**

The following are protocols to limit exposure and facilitate contact tracing during a public health emergency. These protocols are for documenting precise hours and work locations, including off-site visits, for essential employees and contractors will be established. They are designed only to aid in tracking of the disease and to identify exposed employees and contractors for contact tracing and to facilitate the provision of any benefits which may be available.

#### **On-Site Employee Contact Documentation**

- Complete daily health screening questionnaire prior to arrival on site or immediately upon arrival on site. If symptomatic, do not enter.
- Employees should use a swipe badge or electronic access system if available. Such a system can be used to stagger access and limit staff numbers to reduce unnecessary interactions.
- Use district contact tracing forms
- Record person to person contacts (other than incidental contacts) as they occur
- Record accurate times of contact
- Masks must be worn at all times
- Social distance whenever possible, if a task limits social distancing re-examine the task to see if there is another way for it to be accomplished
- Conduct virtual meeting and interactions whenever possible

- Stagger task that involves multiple individuals to use the same space to improve social distancing
- Limit internal travel to location required by designed duties or tasks
- Limit number of staff in public location such as bathrooms or break rooms
- Turn all contact sheets in at the end of each workday

### **Vendor Contact Documentation**

- Vendors must wear face covering at all times while on site
- Vendors must social distance wherever possible
- Deliveries should be scheduled in advance to minimize contact with staff.
- Establish a delivery drop zone where material can be dropped off at designated times contact free
- Vendors who must enter the facility and interact with staff will be screen with a daily health screening questionnaire
- If staff must interact with vendors, they must record the interaction on the district contact tracing form, including accurate times of interaction
- Clean/disinfect the delivery area(s) between uses.
- Vendor visits/meetings that do not involve delivery must be done remotely

### **Contractors - Construction project related Contact Documentation**

- Contractors must complete a daily health screening questionnaire with their employer either prior to arrival on site or immediately upon arrival on site. If symptomatic do not enter.
- Contractors must wear face-coverings at all times while on district grounds
- Contractor tasks should be scheduled to reduce or eliminate interaction will all district staff. The use of closed off zones or after-hours work should be considered.
- If contractors are required to interact with district staff or work in a shared space the district staff must record this interaction on the district contact tracing form, including accurate times of contact
- Contractor and related project meeting must be remote whenever possible

### **Off-Site Employee Contact Documentation**

(The following pertains to employees who work off site; not from home, or must leave the main location to conduct district business:)

- Complete daily health screening questionnaire prior to going to any off-site location
  - Complete screening survey at designated location as well
- Wear a mask at all times
- Social distance whenever possible
- Schedule virtual visits or meetings whenever possible
- Minimize the number of different locations visited in a day
- Record all person-to-person contacts (other than incidental contacts) as they occur
- Record accurate contact times

- Inquire about possible symptoms or exposure of individuals at locations that may need to be entered that are not business. If there are noted symptoms, or known exposure, do not enter these locations

### **Emergency Housing for a Public Health Emergency**

Coordination with the local health department may be necessary in the event emergency housing is necessary during a public health emergency. The District may lodge identified essential employee(s) at a local hotel, if available. If this decision is made, follow-up planning will be in conjunction with union officials.



## **Appendix I**

### **Infectious Disease Preparedness and Response Plan**

## **Brunswick Central School District**



### **Infectious Disease Preparedness and Response Plan**

## Infectious Disease Preparedness and Response Plan

This plan was developed to help identify risk levels at Brunswick Central School District and to determine appropriate control measures to implement when faced with infectious diseases. This plan will assist in implementing engineering, administrative, and work practice controls including personal protective equipment (PPE) in order to prepare and respond to infectious diseases.

### Risk Factors

Employee risk of occupational exposure to infectious diseases during an outbreak may vary from very high to high, medium, or lower (caution) risk. The level of risk depends on the individual's job requirements, including the requirement for social distancing. During pandemics, the Occupational Safety and Health Administration (OSHA), may issue guidance on occupational risks for workers. In addition to the levels of occupational risk, there are factors that can greatly affect mortality and certain individual's ability to fight specific infectious diseases.

The Occupational Risk Pyramid depicts the four exposure risk levels in the shape of a pyramid to represent probable distribution of risk. Most job functions within the district will fall in the **medium** exposure risk level.

(<https://www.osha.gov/Publications/OSHA3993.pdf>)

**Occupational Risk Pyramid**



- **Very high** exposure risk jobs with a high potential for exposure to known or suspected sources of infectious diseases during specific medical, postmortem, or laboratory procedures. Staff in this category include:
  - Healthcare staff performing aerosol-generating procedures on or

collecting/handling specimens from potentially infectious patients or bodies of people known to have, or suspected of having, an infectious disease at the time of death.

- **High** exposure risk jobs with a high potential for exposure to known or suspected sources of an infectious disease. Staff in this category include:
  - Healthcare delivery, healthcare support, medical transport, and mortuary staff exposed to known or suspected infectious disease patients or bodies of people known to have, or suspected of having, infectious disease at the time of death.
- **Medium** exposure risk jobs that require frequent/close contact with people who may be infected, but who are not known or suspected patients. Staff in this category include:
  - Those who may have contact with the general public (e.g., schools, high-population-density work environments, some high-volume retail settings), including individuals returning from locations with widespread infectious disease transmission.
- **Lower** exposure risk (caution) jobs are those that do not require contact with people known to be, or suspected of being, infected nor frequent close contact with (i.e., within 6 feet of) the general public.
  - Staff in this category have minimal occupational contact with the public and other coworkers.

***Please refer to Appendix A of this document for OSHA's Occupational Risk Pyramid and individual factors affecting risk levels specifically for COVID-19.***

## **Risk Control**

Monitoring of current situations will be crucial. Federal and state, local department of health (LDOH) recommendations will be followed for situations that may arise as a result of outbreaks, such as:

- Increased rates of staff absenteeism.
- The need for social distancing, staggered work shifts, downsizing operations, delivering educational services remotely, and other exposure-reducing measures.
- Interrupted supply chains or delayed deliveries.
- Positive cases of infectious disease that require facility closures.

Conducting essential operations with a reduced workforce should be planned in advance through Continuity of Operations Planning (COOP). These mission critical

functions would include at least:

- Payroll
- Benefits management for staff
- Accounts receivable/payable
- Delivery of educational services remotely
- Meal distribution programs and backpack programs
- Building cleaning and sanitization
- IT Support

### **Risk Reduction**

Protecting staff will depend on emphasizing basic infection prevention measures. All staff should implement good hygiene and infection control practices. An aggressive communication plan in the school buildings and community help promote basic infection prevention measures should include:

- Promoting frequent and thorough hand washing by communicating to staff, students, contractors, visitors, and other individuals the importance of washing their hands.
  - Hand washing should last at least 20 seconds and include scrubbing all surfaces and under the nails.
  - If soap and running water are not immediately available, provide alcohol-based hand sanitizer containing at least 60% alcohol.
    - Handwashing should be conducted immediately when soap and running hot water is available.
- Encourage or enable staff to stay home if they are sick.
- Encourage respiratory etiquette, including covering coughs and sneezes.
  - Provide staff, students, and visitors with tissues and trash receptacles.
- Social distancing
- Discourage staff and students from using other's cell phones, desks, offices, or other work tools and equipment, whenever possible.

Regular housekeeping practices are also necessary in assisting in keeping facilities open. Proper cleaning, sanitizing, and disinfecting procedures are required to be completed by maintenance staff. Facility directors and staff must:

- Follow manufacturer's instructions for use of all cleaning and disinfection products must be followed at all times (e.g., concentration, application method, contact time and required PPE).
- Ensure selected disinfectant products are on the approved Environmental Protection Agency (EPA) List for use against emerging viral pathogens.

A comprehensive list of approved cleaning, sanitizing, and disinfecting products can be found in Appendix B of this document.

District policies and procedures should be written in advance to address the following needs:

- Reduction in essential workforce
  - Telecommuting
  - Job rotations
  - Staggered shifts
- Distance learning
- Meal/food preparation
- Childcare operations

### **Policies and Procedures for Prompt Identification and Isolation of Sick People**

Prompt identification and isolation of potentially infectious individuals is a critical step in protecting staff, students, visitors, and others. The district must inform and encourage staff to monitor for signs and symptoms of any suspect contagions. Nursing staff must also have the proper resources to manage students presenting symptoms as school.

Federal, State, and LDOH guidance must be followed regarding protocols for:

- Stay at home,
- Self-quarantine,
- Mandatory isolation
- Return to school or work

Procedures for immediately isolating staff or students who have signs and/or symptoms of a contagious pathogen:

- Move potentially infectious people to a location away from staff, students, and other visitors. Isolation rooms or areas should be designated areas until potentially sick people can leave the building.
- Follow Federal, State and Local guidance to take steps to limit spread of the respiratory secretions of a person who may have a virus. This would include providing the infected person with a face mask.
- Restrict the number of personnel entering isolation areas.
- Protect staff in close contact with (i.e., within 6 feet of) a sick person or who may have been exposed to or have made contact with a person carrying an infectious disease using additional engineering and administrative controls, safe work practices, and PPE. Staff whose activities involve close or prolonged/repeated contact with sick people are addressed further in later sections covering workplaces classified at medium and very high or high exposure risk.

## **Develop, Implement, and Communicate about Workplace Flexibilities and Protections**

When faced with a contagious disease outbreak, the district shall:

- Follow the recommendations of Federal, State, and Local authorities.
  - Maintain regular or routine proactive communication with these authorities
- Ensure that sick leave policies are flexible and consistent with state and local guidance and that employees are aware of these policies.
- Maintain flexible policies that permit employees to stay home to care for a sick family member. Employers should be aware that more employees may need to stay at home to care for sick children or other sick family members than is usual.
- Encourage staff to follow the guidance of their physician or LDOH for notification of illnesses and stay at home procedures.
- Monitor staff concerns about pay, leave, safety, health, and other issues that may arise during infectious disease outbreaks.
- Provide adequate and appropriate training regarding essential worker functions. Ensure protocols are in place for staff health and safety, including proper hygiene practices and the use of any workplace controls. Informed staff who feel safe at work are less likely to be unnecessarily absent.

## **Implement Workplace Controls**

The best way to control a hazard is to systematically remove it from the workplace, rather than relying on staff to reduce their exposure. During an outbreak, when it may not be possible to eliminate the hazard, the most effective protection measures are (listed from most effective to least effective):

1. Engineering controls
2. Administrative controls
3. Personal Protective Equipment (PPE)

There are advantages and disadvantages to each type of control measure when considering the ease of implementation, effectiveness, and cost. In most cases, a combination of control measures will be necessary to protect staff from exposure.

## **Engineering Controls**

Engineering controls involve isolating employees from work related hazards. In workplaces where they are appropriate, these types of controls reduce exposure to hazards without relying on staff behavior. Engineering controls may differ depending on the infectious disease. Controls may include:

- Increasing HVAC ventilation rates in the work environment.
  - The HVAC system will require an evaluation to determine if this control method will be viable.
- Installing physical barriers, such as clear plastic sneeze guards.
  - Such barriers will require an evaluation prior to installation to maximize its efficiency.
- Utilizing exterior/outside methods for meal and schoolwork distribution.
  - Use of bags and boxes
- Isolation rooms and areas for sick students to use prior to being picked up or leaving the building(s).
  - If possible, select isolation rooms with secondary access so that compromised student(s) do not travel back into the shared space.

## **Administrative Controls**

Administrative controls require action by the staff or employer. Typically, administrative controls are changes in work policy or procedures to minimize exposure to a hazard. Examples of administrative controls include:

- Encouraging or enabling sick staff to stay at home.
- Minimizing contact among staff, students, and visitors by replacing face-to-face meetings with virtual communications and implementing telecommuting when feasible.
- Establishing alternating days or extra shifts that reduce the total number of employees in a facility at a given time, allowing them to maintain distance from one another while maintaining a full onsite work week.
- Discontinuing nonessential travel to locations with ongoing outbreaks.
  - Please refer to Appendix A of this document for COVID-19 related travel restriction guidance.
- Developing emergency communications plans, including a forum for answering staff and family concerns and internet-based communications.
- Providing staff with up-to-date education and training on contagious disease risk factors and protective behaviors (e.g., cough etiquette and care of PPE, when necessary).
- Training staff who need to use protective clothing and equipment how to put it on, use/wear it, and take it off correctly, including in the context of their current and potential duties. Training material should be easy to understand and available in the appropriate language and literacy level for all staff.

## **Safe Work Practices**

Safe work practices are types of administrative controls that include procedures for safe and proper work used to reduce the duration, frequency, or intensity of exposure to a hazard. Examples of safe work practices include:

- Providing resources and a work environment that promotes personal hygiene.

For example, provide tissues, trash cans, alcohol-based hand sanitizer containing at least 60 percent alcohol, cleaners, disinfectants, and disposable towels for staff to clean, sanitize, and disinfect their work surfaces.

- Requiring regular hand washing and use of alcohol-based hand sanitizer when hand washing is not readily available. Staff should always wash hands when they are visibly soiled and before and after removing any PPE.
- Post age-appropriate hand washing signs in restrooms.

## **Personal Protective Equipment (PPE)**

While engineering and administrative controls are considered more effective in minimizing exposure to contagions, PPE may also be needed to prevent certain exposures. While correctly using PPE can help prevent some exposures, it should not take the place of other prevention strategies.

Examples of PPE include gloves, goggles, face shields, face masks, and respiratory protection, when appropriate. During an outbreak of an infectious disease, recommendations for PPE specific to occupations or job tasks may change depending on job tasks, updated risk assessments for staff, and information on PPE effectiveness in preventing the spread of the disease.

All types of PPE must be:

- Selected based upon the hazard to the staff.
- Properly fitted and periodically refitted, as applicable (e.g., respirators).
- Consistently and properly worn when required.
- Regularly inspected, maintained, and replaced, as necessary.
- Properly removed, cleaned, and stored or disposed of, as applicable, to avoid contamination of self, others, or the environment.
- Storage of personal protective equipment will be on campus and comply with the manufacturer's storage recommendations for each item.
- PPE equipment will be readily available to all employees through identified disbursement protocols.

Employers are obligated to provide designated staff with PPE needed to keep them safe while performing their jobs. The types of PPE required during an outbreak will be based on the risk of being infected with the contagious disease while working and job tasks that may lead to exposure. This may be directed by the federal, state and or LDOH.

Staff, including those who work within 6 feet of patients known to be, or suspected of being, infected and those performing aerosol-generating procedures, need to use respirators per National Institute for Occupational Safety and Health (NIOSH) standards. These staff would be required to be in a respiratory protection program and follow the requirements to wear a respirator.



Information for Specific Viruses, Pathogens, or Infectious Diseases that are currently present or are an ongoing threat currently on a specific site will be included within Appendix A of this document.

Information requiring the use of facemasks for COVID-19 is located in Appendix A of this document.

### **Annual Review**

This plan should be reviewed annually and be updated as needed. Annual reviews and updates will be recorded in Appendix C of this document.

## **Appendix A**

### **COVID-19 Specific Guidelines**

COVID-19 Specific Guidelines Begin on the Following Page

## OSHA Worker Exposure Risk to COVID-19

The Occupational Risk Pyramid depicts the four exposure risk levels in the shape of a pyramid to represent probable distribution of risk. *Most job functions within the district will fall in the **medium** exposure risk level for COVID-19.*

(<https://www.osha.gov/Publications/OSHA3993.pdf>)

### Occupational Risk Pyramid



- **Very high** exposure risk jobs with a high potential for exposure to known or suspected sources of infectious diseases during specific medical, postmortem, or laboratory procedures. Staff in this category include:
  - Healthcare and morgue staff performing aerosol-generating procedures on or collecting/handling specimens from potentially infectious patients or bodies of people known to have, or suspected of having, an infectious disease at the time of death.
- **High** exposure risk jobs with a high potential for exposure to known or suspected sources of an infectious disease. Staff in this category include:
  - Healthcare delivery, healthcare support, medical transport, and mortuary staff exposed to known or suspected infectious disease patients or bodies of people known to have, or suspected of having, infectious disease at the time of death.
- **Medium** exposure risk jobs that require frequent/close contact with people who may be infected, but who are not known or suspected patients. Staff in this category include:
  - Those who may have contact with the general public (e.g., schools,

high-population-density work environments, some high-volume retail settings), including individuals returning from locations with widespread infectious disease transmission.

- **Lower** exposure risk (caution) jobs are those that do not require contact with people known to be, or suspected of being, infected nor frequent close contact with (i.e., within 6 feet of) the general public.
  - Staff in this category have minimal occupational contact with the public and other coworkers.

### **Individual Factors Affecting Risk Levels for COVID-19**

Staff may also have individual factors that will impact risk levels depending on the infectious disease. These factors include, but are not limited to the following for COVID-19:

- Older age (65 years and older)
- Presence of chronic medical conditions, including immunocompromising conditions such as:
  - Chronic lung disease or moderate to severe asthma
  - Serious heart conditions
  - Individuals in cancer treatment, having recent transplants
  - HIV or aids
  - Prolonged use of corticosteroids
  - Severe obesity
  - Diabetes
  - Chronic kidney disease and undergoing dialysis
  - Liver disease
- Pregnancy
- Certain personal lifestyle choices (i.e. drug use)

Source:

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html>

### **Current Executive Orders and Directives**

Please visit the following website to view all current executive orders and directives issued by the NYS Governor's office: <https://www.governor.ny.gov/executiveorders>

### **COVID-19 Related Travel Restrictions**

For COVID-19 related travel advisories for New York State, regularly check the following website for updated information:

<https://coronavirus.health.ny.gov/covid-19-travel-advisory>

## Centers for Disease Control and Prevention

### Steps to Help Prevent the Spread of COVID-19 if you are Sick

# Steps to help prevent the spread of COVID-19 if you are sick

**FOLLOW THE STEPS BELOW:** If you are sick with COVID-19 or think you might have it, follow the steps below to help protect other people in your home and community.

#### Stay home except to get medical care

- **Stay home:** People who are mildly ill with COVID-19 are able to recover at home. Do not leave, except to get medical care. Do not visit public areas.
- **Stay in touch with your doctor.** Call before you get medical care. Be sure to get care if you feel worse or you think it is an emergency.
- **Avoid public transportation:** Avoid using public transportation, ride-sharing, or taxis.



#### Separate yourself from other people in your home, this is known as home isolation

- **Stay away from others:** As much as possible, you should stay in a specific "sick room" and away from other people in your home. Use a separate bathroom, if available.
- **Limit contact with pets & animals:** You should restrict contact with pets and other animals, just like you would around other people.
  - Although there have not been reports of pets or other animals becoming sick with COVID-19, it is still recommended that people with the virus limit contact with animals until more information is known.
  - When possible, have another member of your household care for your animals while you are sick with COVID-19. If you must care for your pet or be around animals while you are sick, wash your hands before and after you interact with them. See COVID-19 and Animals for more information.



#### Call ahead before visiting your doctor

- **Call ahead:** If you have a medical appointment, call your doctor's office or emergency department, and tell them you have or may have COVID-19. This will help the office protect themselves and other patients.



#### Wear a facemask if you are sick

- **If you are sick:** You should wear a facemask when you are around other people and before you enter a healthcare provider's office.
- **If you are caring for others:** If the person who is sick is not able to wear a facemask (for example, because it causes trouble breathing), then people who live in the home should stay in a different room. When caregivers enter the room of the sick person, they should wear a facemask. Visitors, other than caregivers, are not recommended.



#### Cover your coughs and sneezes

- **Cover:** Cover your mouth and nose with a tissue when you cough or sneeze.
- **Dispose:** Throw used tissues in a lined trash can.
- **Wash hands:** Immediately wash your hands with soap and water for at least 20 seconds. If soap and water are not available, clean your hands with an alcohol-based hand sanitizer that contains at least 60% alcohol.



#### Clean your hands often

- **Wash hands:** Wash your hands often with soap and water for at least 20 seconds. This is especially important after blowing your nose, coughing, or sneezing; going to the bathroom; and before eating or preparing food.
- **Hand sanitizer:** If soap and water are not available, use an alcohol-based hand sanitizer with at least 60% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry.
- **Soap and water:** Soap and water are the best option, especially if hands are visibly dirty.
- **Avoid touching:** Avoid touching your eyes, nose, and mouth with unwashed hands.



#### Avoid sharing personal household items

- **Do not share:** Do not share dishes, drinking glasses, cups, eating utensils, towels, or bedding with other people in your home.



[cdc.gov/COVID19](https://cdc.gov/COVID19)



- **Wash thoroughly after use:** After using these items, wash them thoroughly with soap and water or put in the dishwasher.

### Clean all “high-touch” surfaces everyday

Clean high-touch surfaces in your isolation area (“sick room” and bathroom) every day; let a caregiver clean and disinfect high-touch surfaces in other areas of the home.



- **Clean and disinfect:** Routinely clean high-touch surfaces in your “sick room” and bathroom. Let someone else clean and disinfect surfaces in common areas, but not your bedroom and bathroom.
  - If a caregiver or other person needs to clean and disinfect a sick person’s bedroom or bathroom, they should do so on an as-needed basis. The caregiver/other person should wear a mask and wait as long as possible after the sick person has used the bathroom.
- High-touch surfaces include phones, remote controls, counters, tabletops, doorknobs, bathroom fixtures, toilets, keyboards, tablets, and bedside tables.
- **Clean and disinfect areas that may have blood, stool, or body fluids on them.**
- **Household cleaners and disinfectants:** Clean the area or item with soap and water or another detergent if it is dirty. Then, use a household disinfectant.
  - Be sure to follow the instructions on the label to ensure safe and effective use of the product. Many products recommend keeping the surface wet for several minutes to ensure germs are killed. Many also recommend precautions such as wearing gloves and making sure you have good ventilation during use of the product.
  - Most EPA-registered household disinfectants should be effective. A full list of disinfectants can be found [here](#).

### Monitor your symptoms

- **Seek medical attention, but call first:** Seek medical care right away if your illness is worsening (for example, if you have difficulty breathing).
  - **Call your doctor before going in:** Before going to the doctor’s office or emergency room, call ahead and tell them your symptoms. They will tell you what to do.
- **Wear a facemask:** If possible, put on a facemask before you enter the building. If you can’t put on a facemask, try to keep a safe distance from other people (at least 6 feet away). This will help protect the people in the office or waiting room.
- **Follow care instructions from your healthcare provider and local health department:** Your local health authorities will give instructions on checking your symptoms and reporting information.



If you develop **emergency warning signs** for COVID-19 get **medical attention immediately**.

Emergency warning signs include\*:

- Difficulty breathing or shortness of breath
- Persistent pain or pressure in the chest
- New confusion or inability to arouse
- Bluish lips or face

\*This list is not all inclusive. Please consult your medical provider for any other symptoms that are severe or concerning.

**Call 911 if you have a medical emergency:** If you have a medical emergency and need to call 911, notify the operator that you have or think you might have, COVID-19. If possible, put on a facemask before medical help arrives.

### How to discontinue home isolation

- People **with COVID-19 who have stayed home (home isolated)** can stop home isolation under the following conditions:
  - **If you will not have a test** to determine if you are still contagious, you can leave home after these three things have happened:
    - You have had no fever for at least 72 hours (that is three full days of no fever without the use of medicine that reduces fevers)
    - AND
    - other symptoms have improved (for example, when your cough or shortness of breath have improved)
    - AND
    - at least 7 days have passed since your symptoms first appeared
  - **If you will be tested** to determine if you are still contagious, you can leave home after these three things have happened:
    - You no longer have a fever (without the use of medicine that reduces fevers)
    - AND
    - other symptoms have improved (for example, when your cough or shortness of breath have improved)
    - AND
    - you received two negative tests in a row, 24 hours apart. Your doctor will follow CDC guidelines.



**In all cases, follow the guidance of your healthcare provider and local health department.** The decision to stop home isolation should be made in consultation with your healthcare provider and state and local health departments. Local decisions depend on local circumstances.

More information is available [here](#).

Additional information for healthcare providers: [Interim Healthcare Infection Prevention and Control Recommendations for Persons Under Investigation for 2019 Novel Coronavirus](#).

Source: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/sick-with-2019-nCoV-fact-sheet.pdf>

## New York State Department of Health

### Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public during the COVID-19 Outbreak



Department  
of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

#### Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak

April 14, 2020

##### Background:

In December 2019, a new respiratory disease called the novel coronavirus (COVID-19) was detected. COVID-19 is caused by a virus (SARS-CoV-2) that is part of a large family of viruses called coronaviruses. Recently, community-wide transmission of COVID-19 has occurred in the United States, including New York where the number of both confirmed and suspected cases is increasing. To reduce the community-wide transmission of COVID-19, Governor Andrew M. Cuomo has taken aggressive action through [Executive Order 202](#), as amended, to combat the spread of this infectious disease, reducing the density of people in areas of common congregation by closing the in-person operations of non-essential businesses and prohibiting all non-essential gatherings of individuals of any size for any reason.

##### Executive Order:

[Executive Order 202.16](#), issued on April 12, 2020, provides the following directive:

*For all essential businesses or entities, any employees who are present in the workplace shall be provided and shall wear face coverings when in direct contact with customers or members of the public. Businesses must provide, at their expense, such face coverings for their employees. This provision may be enforced by local governments or local law enforcement as if it were an order pursuant to section 12 or 12-b of the Public Health Law. This requirement shall be effective Wednesday, April 15 at 8 p.m.*

##### Guidance:

Essential businesses, as well as state and local government agencies and authorities, must procure, fashion, or otherwise obtain face coverings and provide such coverings to employees who directly interact with the public during the course of their work at no-cost to the employee.

- Businesses are deemed essential by the Empire State Development Corporation (ESD), pursuant to the authority provided in Executive Order 202.6. Please visit the ESD [website](#) for specific information on essential businesses. For the purpose of this guidance, essential businesses shall also provide face coverings to contractors, including independent contractors.
- Face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N-95 respirators, and face shields. Please visit the Centers for Disease Control and Prevention's "Coronavirus Disease 2019 (COVID-19)" [website](#) for [information](#) on cloth face covers and other types of personal protective equipment (PPE), as well as instructions on use and cleaning.



- Direct interaction with the public shall be determined by the employer, but, at a minimum, shall include any employee who is routinely within close contact (i.e. six feet or less) with members of the public, including but not limited to customers or clients.
- Employees are allowed to use their own face coverings, but shall not be mandated to do so by their employer. *Further, this guidance shall not prevent employees from wearing more protective coverings (e.g. surgical masks, N-95 respirators, or face shields) if the individual is already in possession of such PPE, or if the employer otherwise requires employees to wear more protective PPE due to the nature of their work (e.g. healthcare).*
- Employees are required to wear face coverings when in direct contact with members of the public, except where doing so would inhibit or otherwise impair the employee's health. *Employers are prohibited from requesting or requiring medical or other documentation from an employee who declines to wear a face covering due to a medical or other health condition that prevents such usage.*
- Employees who are unable to wear face coverings and are susceptible to COVID-19 based on the "Matilda's Law" criteria (i.e. individuals who are 70 years of age or older, individuals with compromised immune systems, and individuals with underlying illnesses) should consult with their employer to consider reasonable accommodations, including but not limited to different PPE, alternate work location, or alternate work assignment with fewer interactions with the public. Employers should work with their employees to see if they can be accommodated to ensure the employee can continue to deliver essential services in the safest manner possible.
- If an employer is unable to procure, fashion, or otherwise obtain face coverings for their employees, they may consult with their local office of emergency management to determine if extra supplies exist within the municipality for this purpose and, if so, they may submit a request for face coverings. Please note that quantities are extremely limited and are prioritized for health care workers and first responders. *Not being able to source face coverings does not relieve an employer's obligation to provide such face coverings to their employees.*
- Nothing in this guidance shall supercede the respiratory protection equipment requirements set forth by the United States Department of Labor's Occupational Safety and Health Administration (OSHA).

**Additional Information:**

New York State Coronavirus (COVID-19) Website

<https://coronavirus.health.ny.gov/>

United States Centers for Disease Control and Prevention Coronavirus (COVID-19) Website

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>



**New York State Department of Health  
Interim Cleaning and Disinfection Guidance  
for Primary and Secondary Schools for COVID-19**



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

---

**Interim Cleaning and Disinfection Guidance for  
Primary and Secondary Schools for COVID-19**

---

**Background:**

In December 2019, a new respiratory disease called Coronavirus Disease 2019 (COVID-19) was detected in China. COVID-19 is caused by a virus (SARS-CoV-2) that is part of a large family of viruses called coronaviruses. To help prevent spread of COVID-19, schools should continue to educate students, faculty and staff about proper hand and respiratory hygiene.

**Hand hygiene:**

- Regular hand washing with soap and water for at least 20 seconds should be done:
  - Before eating;
  - After sneezing, coughing, or nose blowing;
  - After using the restroom;
  - Before handling food;
  - After touching or cleaning surfaces that may be contaminated; and
  - After using shared equipment like computer keyboards and mice.

If soap and water are not available, use an alcohol-based hand sanitizer. School medical directors should approve and permit the use of alcohol-based hand sanitizers in their facilities without individual's physician orders as alcohol-based hand sanitizers are considered over-the-counter drugs. Student use of alcohol-based hand sanitizers should always be supervised by adults. Parents/guardians can inform the school that they do not want their child to use alcohol-based hand sanitizers by sending a written notice to the school.

**Respiratory hygiene:**

- Covering coughs and sneezes with tissues or the corner of elbow; and
- Disposing of soiled tissues immediately after use.

**What steps should schools  
in NYS take for COVID-19?**

**Now:**

Schools should continue performing routine cleaning. Specific high-risk locations warrant cleaning and disinfection at least daily.

**If an individual with laboratory  
confirmed COVID-19 was  
symptomatic in a school-setting:**

Cleaning and disinfection throughout the school.

**Routine Cleaning:**

Soiled and frequently touched surfaces can be reservoirs for pathogens, resulting in a continued transmission to people. Therefore, for pathogenic microorganisms that can transmit disease through indirect contact (transmission through contaminated surfaces), extra attention must be paid to surfaces that are touched most often by different individuals. **As part of standard infection control practices in school settings, routine cleaning should be continued.**

In New York State, all primary and secondary schools are required to use green cleaning products. For additional information on the laws regarding the use of green cleaning products, see the [Policies, Guidelines and Report](#) section of NY's Green Cleaning Program website. Routine cleaning of school settings include:

- Cleaning high contact surfaces that are touched by many different people, such as light switches, handrails and doorknobs/handles.
- Dust- and wet-mopping or auto-scrubbing floors.
- Vacuuming of entryways and high traffic areas.
- Removing trash.
- Cleaning restrooms.
- Wiping heat and air conditioner vents.
- Spot cleaning walls.
- Spot cleaning carpets.
- Dusting horizontal surfaces and light fixtures.
- Cleaning spills.

**Specific high-risk locations within a school warrant cleaning and disinfection before a confirmed case of COVID-19 occurs in the school.**

Examples of these locations include:

Health Office

- Clean and disinfect health cots regularly (after each student use)
- Cover treatment tables and use pillow protectors
- Discard or launder coverings after each use

Lunchrooms

- Clean and disinfect lunch tables regularly (at least once daily)

Athletic Rooms

- Establish a regular cleaning schedule for shared environmental surfaces such as wrestling mats or strength-training equipment
- Disinfect mats and other high-use equipment at least daily

Other Frequently Touched Surfaces

- Clean and disinfect frequently touched surfaces at least once daily after students have left for the day

**Cleaning and Disinfection:**

Cleaning removes germs, dirt and impurities from surfaces or objects, while disinfecting kills germs on surfaces or objects. **If a laboratory confirmed case of COVID-19 was symptomatic while in the school setting, custodial staff should perform cleaning and disinfection of frequently touched areas throughout the school.**

**Step 1: Cleaning:** Always clean surfaces prior to use of disinfectants in order to reduce soil and remove germs. Dirt and other materials on surfaces can reduce the effectiveness of disinfectants. For combination products that can both clean and disinfect, always follow the instructions on the specific product label to ensure effective use. In New York State, all primary and secondary schools, state agencies, and state authorities are required to use green cleaning products. For additional information on the laws regarding the use of green cleaning products, see the [Policies, Guidelines and Report](#) section of NY's Green Cleaning Program website.

**Step 2: Disinfection:** Cleaning of soiled areas must be completed prior to disinfection to ensure the effectiveness of the disinfectant product. **NYS Green Cleaning Program does not address the use of disinfection products.**

**Disinfection products may be used in school settings as needed at any time.**

If EPA- and DEC\*-registered products specifically labeled for SARS-CoV-2 are not available, disinfect surfaces using a disinfectant labeled to be effective against rhinovirus and/or human coronavirus. If such products are unavailable, it is also acceptable to use a fresh 2% chlorine bleach solution (approximately 1 tablespoon of bleach in 1 quart of water). Prepare the bleach solution daily or as needed. EPA- and DEC\*- registered disinfectants specifically labeled as effective against SARS-CoV-2 may become commercially available at a future time and once available, those products should be used for targeted disinfection of frequently touched surfaces.

**Examples of frequently touched areas in schools:**

- Classroom desks and chairs;
- Lunchroom tables and chairs;
- Door handles and push plates;
- Handrails;
- Kitchen and bathroom faucets;
- Light switches;
- Handles on equipment (e.g., athletic equipment);
- Buttons on vending machines and elevators;
- Shared telephones;
- Shared desktops;
- Shared computer keyboards and mice; and
- Bus seats and handrails.

**Note:** Computer keyboards are difficult to clean due to the spaces between keys and the sensitivity of its hardware to liquids. When shared, they may contribute to indirect transmission. Locations with community use computers should provide posted signs regarding proper hand hygiene before and after using the computers to minimize disease transmission. Also, consider using keyboard covers to protect the hardware against spills and facilitate cleaning.



- Label directions must be followed when using disinfectants to ensure the target viruses are effectively killed. This includes adequate contact times (i.e., the amount of time a disinfectant should remain on surfaces to be effective), which may vary between five and ten minutes after application. Disinfectants that come in a wipe form will also list effective contact times on their label.
- For disinfectants that come in concentrated forms, staff should carefully follow instructions for making the diluted concentration needed to effectively kill the target virus. This information can be found on the product label.

Disinfecting is the responsibility of school custodial staff. They are trained to use disinfectants in a safe and effective manner. Staff are reminded to ensure procedures for safe and effective use of all products are followed. Staff do not need to wear respiratory protection (e.g., masks) while cleaning. Safety instructions are listed on product labels and include the personal protective equipment (e.g., gloves) that should be used. Place all used gloves in a bag that can be tied closed before disposing of them with other waste. Wash hands with soap and water for at least 20 seconds immediately after removing gloves or use an alcohol-based hand sanitizer if soap and water are not available. Soap and water should be used if hands are visibly soiled.

\*NYSDEC registration will not be listed on disinfection product labels. Information about disinfection product registration with NYSDEC can be found at: <http://www.dec.ny.gov/nyspad/products>. If you have any questions about NYSDEC pesticide registration, please call the NYSDEC Bureau of Pesticide Management at 518-402-8748.

**More information:**

New York State Department of Health's COVID-19 Webpage:  
<https://www.health.ny.gov/diseases/communicable/coronavirus/>

Centers for Disease Control and Prevention Webpage:  
<https://www.cdc.gov/coronavirus/2019-ncov/>

New York State Green Cleaning Program:  
<https://greencleaning.ny.gov/>

Enhanced Green Cleaning Guidance To Reduce The Spread Of Communicable Disease:  
[https://greencleaning.ny.gov/DownloadCenter/Files/EnhancedGreenCleaningTrainingManual5\\_17\\_10.pdf](https://greencleaning.ny.gov/DownloadCenter/Files/EnhancedGreenCleaningTrainingManual5_17_10.pdf)

Source:

[https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning\\_guidance\\_schools.pdf](https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning_guidance_schools.pdf)

## Appendix B

### Approved Cleaning, Sanitizing, and Disinfectant Products

Below is a comprehensive list of approved cleaning, sanitizing, and disinfectant products that are currently in use at Brunswick Central School District.

Product Name	Manufacturer
GenEon Sanitizer/Cleaner	GenEon Technologies
BROADBAND Q256 14	Pro Link
Quat Pro 16	Pro Link
Glass and Surface Cleaner	Pro Link
Trans Oxy – Oxygenated Cleaner	Pro Link
Neutral Cleaner 3	Pro link

**\*Note:** Products shall be used in accordance with the manufacturers label and directions

## Appendix C

### Annual Review/Updates

Date	Reviewed by	Changes and/or Revisions
4/21/2020	Tim LeVan	Original Document
2/3/2021	Angelina Maloney	Revised Document

## Appendix II

### Brunswick Central School District

### COVID-19 School Reopening Facilities Cleaning & Disinfection Protocol

The following is Brunswick Central School District's cleaning and disinfection protocol for reopening during the COVID-19 pandemic. This protocol meets the requirements of the New York State Education Department (NYSED) and New York State Department of Health (NYSDOH) as well as all applicable Federal, State, and local authorities.

- Requirements:
  - Adhere to current federal, state and local guidance regarding COVID-19 at all times.
  - Indoor cleaning and disinfection:
    - Clean and disinfect each space at least daily
      - Maintain daily logs that include the date, time, and scope of cleaning and disinfection. Cleaners and custodians will use this to track their daily/nightly cleaning and disinfection schedules.
    - Clean and disinfect high touch surfaces frequently based upon levels of use:
      - Tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, tablets, toilets and restrooms, faucets and sinks, etc.
      - Clean and disinfect shared equipment between each use by staff and/or students:
      - Desks, computers, copiers, office equipment, PE equipment, art supplies, etc.
  - School Health Offices
    - Required cleaning and disinfection after each use:
      - Cots, bathrooms, etc.
      - Health office equipment (blood pressure cuffs, otoscopes, stethoscopes, etc.) must be cleaned per manufacturer's directions
  - OT/PT Cleaning and Disinfection:
    - All equipment used is required to be cleaned and disinfected between each use.
  - Outdoor cleaning:
    - Outdoor areas require normal routine cleaning of high touch surfaces and do not require disinfection per Centers for Disease Control (CDC)
    - High touch surfaces:
      - Grab bars, railings, hand holds, rings, chains on swings, etc.
      - High touch surfaces will be cleaned as needed based upon levels of use

- Procedures:
  - Cleaning:
    - Follow manufacturers recommendations for proper cleaning.
      - Cleaning procedures will be kept on hand in the buildings and grounds office.
  - Disinfecting:
    - Follow manufacturers recommendations for proper disinfecting.
      - Disinfecting procedures will be kept on hand in the buildings and grounds office.
- District approved disinfectants available for daily use:
  - EPA Approved Disinfectants:
    - The buildings and grounds department maintains a current listing of approved disinfectants.
  - EPA approved alternate disinfectants:
    - Bleach (1/3 cup to gallon mixture of bleach to water, Per NYSED and CDC guidance)
    - 70% or higher alcohol solutions, if available.
- Determining approved disinfecting products:
  - Refer to EPA List N for disinfectants for use against COVID-19
  - If a product is not on the list the CDC states “If you can’t find a product on this list to use against SARS-CoV-2, look at a different product's label to confirm it has an EPA registration number and that human coronavirus is listed as a target pathogen.”
    - Source:
 

<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>



## Appendix III

### Record of Updates/Revisions

Date	Reviewed by	Updates and/or Revisions