



## **Policy Committee Meeting**

Thursday, October 10, 2024  
One Larkin Center, Board Room, 4<sup>th</sup> Floor  
Yonkers, New York 10701  
5:00 p.m.

### **I. Welcome & Updates**

### **II. Draft Policies for Review:**

<b>Section</b>	<b>Policy</b>
0115	Student Harassment and Bullying Prevention and Intervention
0115 R	Student Harassment and Bullying Prevention and Intervention Regulation
0150	HIV/AIDS policy
8130	School Safety Plans and Teams

### **III. Adjournment**

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

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

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

### Definitions

1. **Bullying.** Under the amended Dignity for All Students Act, bullying has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment, or access to facilities available to all others, to an individual or group of people because of the group, class, or category to which that person belongs (as enumerated under the definition of 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 cyberbullying, that:

- has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being;
- reasonably causes or would reasonably be expected to cause a student to fear for their physical safety;
- reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- 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" includes verbal and non-verbal actions.

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

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

### Prevention

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 toward prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating bullying prevention programming into instruction. Through District-wide professional development and instruction, staff members and students will be sensitized to the warning signs of bullying and their responsibility to be actively involved in the prevention of bullying before overt acts occur.

Curricular materials that raise awareness and sensitivity to discrimination and/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, at least one employee in every school shall be designated as a Dignity Act Coordinator (DAC). The Board shall approve the designation of each DAC and one of the DAC's will be designated as the District-wide coordinator. The role of each DAC is to oversee and enforce this policy in the school/building to which they are assigned. The additional responsibilities of the District-wide DAC are described in the accompanying regulation to this policy.

In addition, the Superintendent of Schools has established a District-wide Shared Decision Making Committee, as well as Shared Decision Making Committees in each school that will be overseen by the District-wide DAC. Committees will include representation from staff, administration, students, and parents. The District-wide and school-level committees will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying, and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the District.

### Intervention

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

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

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

### Provisions for Students Who Do Not Feel Safe at School

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

The District recognizes there is a need to balance accommodations that 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 safety concerns have been adequately addressed and 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 cannot 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 DAC and/or building principal within one school day and to fill out the District reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints must be documented, tracked, and handled in accordance with the regulations accompanying this policy, the District's Code of Conduct, and any other applicable Board policy (e.g., 0100, Equal Opportunity Nondiscrimination, or 0110, Sexual Harassment), as well as any procedures and/or protocols established by the Superintendent. The building principal or the designee(s) thereof will submit monthly reports to the school's designated Associate Superintendent based on complaints filed. Based on the reports received, the Districts Associate Superintendents shall provide a regular report on data and trends related to harassment, bullying, and/or discrimination for their designated schools to the Superintendent.

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

An equitable and thorough investigation will be carried out by the DAC, building principal, or building principal's designee(s) in accordance with the accompanying regulation to this policy. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either party 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 School Safety and Educational Climate (SSEC) Summary Data Collection Form, the state-required report relevant to bullying, violent and disruptive incidents, and the school climate, for each building and for the District as a whole. Based on a review of the data, the Board may consider further action including, but not limited to, modification of this policy and/or additional training.

#### Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, the Board recognizes that acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced, and age-appropriate will be taken by the administration in accordance with the District's Code of Conduct. 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 necessary. 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. The District will provide training opportunities for all staff including, but not limited to, bus drivers, cafeteria and hall monitors, and all staff who have contact with students. The DACs will be trained in accordance with State requirements and will continue their professional development to successfully support this policy and program.

#### Dissemination, Monitoring and Review

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

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

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

Cross-ref: 0100, Equal Opportunity and Nondiscrimination  
 0110, Sexual Harassment  
 0111, Sex Discrimination and Sex-Based Harassment Under Title IX  
 4321, Programs for Students with Disabilities  
 5300, Code of Conduct  
 5710, School Safety and Educational Climate (SSEC)\_Reporting  
 9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §10 – 18  
 Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
 Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
 Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*  
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*; 34 CFR Part 106  
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794  
 Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
 Executive Law §290 *et seq.* (New York State Human Rights Law)  
 Education Law §§313(3), 3201, 3201-a  
 8 NYCRR §§100.2(c), (l), (jj), (kk); 119.6  
*Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503 (1969)  
*Mahanoy Area School District v. B.L.*, 594 U.S. 180, 141 S. Ct. 2038 (2021)  
*Pollnow v. Glennon*, 594 F.Supp. 220, 224 *aff'd* 757 F.2d 496  
*Zeno v. Pine Plains* 702 F.3d 655 (2<sup>nd</sup> Cir. 2012)  
*Cuff v. Valley Central School District* F.3d 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

Adoption date: July 15, 2015

Revised:

## 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 cyberbullying, which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences

### Definitions

#### 1. Bullying

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

- *Power imbalance*: occurs when a bully uses their physical or social power over a target.
- *Intent to harm*: the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- *Threat of further aggression*: the bully and the target believe the bullying will continue.
- *Terror*: when 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 (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles (such as but not limited to braids, locks, and twists)),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

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

### Hazing

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

### Prevention

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

- 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), and analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school-wide and classroom rules about bullying consistent with the District’s code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus, and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.

The Superintendent has established a Shared Decision Making Committee, which is chaired by the District-wide DAC. The committee will include representation from staff, administration, students, and parents. The committee will assist with the development and implementation of the prevention and intervention program, which may include the strategies listed above. Building-level committees will be appointed by the building principal and will include representation from staff, administration, students, and parents associated with that building.

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

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression),

and sex, as the Dignity Act Coordinator (DAC) for each school, accountable for implementation of this policy. In addition, one individual 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/building to which they are assigned including, but not limited to, coordination of:

- the work of the building-level committees;
- professional development for staff members,
- 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 DAC as soon as possible after the incident so that it may be effectively investigated and resolved. The District will also make a bullying complaint form available on its website to facilitate reporting. The District will collect relevant data from written and verbal complaints to allow for systematic reporting.

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

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

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

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

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

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

### Confidentiality

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

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

- the request may limit the District's ability to respond to the complaint;
- District policy and federal law prohibit retaliation against complainants and witnesses;
- the District will attempt to prevent any retaliation; and
- 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

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

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the DAC 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 (3) school days following receipt of a complaint, the principal, the principal's designee or the DAC will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).

- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify them that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure their safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
  - A “permanent” hall pass that allows the student to visit a designated adult at any time;
  - Access to private bathroom facilities;
  - Access to private locker room facilities;
  - An escort during passing periods;
  - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
  - An opportunity for independent study at home with District-provided tutor until the case is resolved;
  - Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;
  - Assignment of a bus monitor.

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

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

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

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

Appropriate disciplinary action will be recommended and imposed in accordance with District policy, the Code of Conduct, the applicable collective bargaining agreement, and/or state

law, as applicable. The District will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator will report back to both the target and the accused, within ten (10) school 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 DAC 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 thirty (30) days.

#### *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 (3) school days following receipt of the complaint by the Superintendent or Board President.

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

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

No later than thirty (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 thirty (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 thirty (30) days.

#### *Board-level Procedure*

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

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

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

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

#### Retaliation Prohibited

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

#### Remediation/Discipline/Penalties

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

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

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

Environmental remediation may include, but is not limited to:

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

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

- Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.
- Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.
- Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.
- Vendors: Penalties may range from a warning up to and including loss of District business.
- Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

### Policy Dissemination

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

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

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

### Training

Training needs in support of this bullying prevention and intervention program will be reflected in the District's annual professional development plan, new teacher orientation, in curriculum, and will be considered in the budget process. The DAC(s), administrative employees, and other staff, such as counselors or social workers who have specific responsibilities for

investigating and/or resolving complaints of bullying will receive yearly training to support implementation of this policy, regulation, and on related legal developments.

Adoption Date:

DRAFT

## HIV/AIDS POLICY

The Board of Education recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) the virus that can potentially result in the development of Acquired Immune Deficiency Syndrome (AIDS). The Board recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board further recognizes the privacy rights of students diagnosed with HIV infection or AIDS and their right to a free appropriate public education; the rights of HIV infected employees to privacy and reasonable accommodations; the rights of all non-infected individuals to a safe environment free of any significant risks to their health; and the rights of all students to instruction regarding the nature, transmission, prevention, and treatment of HIV infection, pursuant to the Commissioner's Regulation, Part 135.3.

No individual shall be denied access to any program or activity sponsored by or conducted on the grounds of the District solely on the basis of their status as an HIV-infected individual.

### Students

It is the policy of the Board that:

1. A student's education shall not be interrupted or curtailed solely on the basis of their HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.
2. No student shall be referred to the Committee on Special Education (CSE) solely on the basis of their HIV status. A student who is infected with HIV shall be referred to the CSE only when the student's disability interferes with their ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations.
3. If a student who is HIV-infected requires special accommodations to enable them to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by Part 504 of the Rehabilitation Act.
4. No disclosure of HIV related information involving a student shall be made without first obtaining the informed consent of the parent, guardian, or student on the Department of Health Authorization of Release of Health Information and Confidential HIV Related Information form.

### Employees

It is the policy of the Board that:

1. No employees shall be prevented from continuing their employment solely on the basis of their HIV status. Such employees are 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 such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of their status as an HIV infected or a person with AIDS. Such action

shall only be taken when, even with the provision of reasonable accommodations, the individual is unable to perform their duties.

3. All employees shall have access to the District's exposure control plan as required by the federal Office of Safety and Health Association (OSHA). S
4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

### Confidentiality

Any information obtained regarding the HIV status of an individual connected to the school shall not be released to third parties, except to those persons who are:

1. named on an Authorization for Release of Confidential HIV Related Information form;
2. named in a special HIV court order; or
3. as indicated in Public Health Law § 2782, when necessary to provide health care to the individual (i.e., to the school physician and the school nurse).

Any employee who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action in accordance with the applicable law and/or collective bargaining agreement.

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health Authorization of Release of Health Information and Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

### HIV/AIDS Testing

No school official shall require a student or employee to undergo an HIV antibody test or other HIV-related test. In accordance with OSHA regulations, in the event that an individual is exposed to the potentially infectious body fluids of another individual, particularly blood or any other fluid that contains visible blood, an HIV test may be requested but NOT required. The request and refusal must be documented.

However, school officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law 903 and 913, when other illness is suspected (e.g., tuberculosis), as long as no HIV antibody test or other HIV-related test is administered without the individual's informed consent as required by Public Health Law §27-F.

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the District, and to include it in the District's student handbook. Additionally, the District will provide HIV/AIDS instruction as a part of comprehensive health education. The Board shall establish an advisory council, which

shall be responsible for making recommendations on content, implementation, and evaluation of the AIDS instructional program.

Cross-ref: 4315.1, AIDS Instruction  
5420, Student Health Services

Ref: 29 USC §794 et seq. (Rehabilitation Act of 1973)  
20 USC §1400 et seq. (Individuals with Disabilities Education Act)  
42 U.S.C. §12132, et seq. (Americans with Disabilities Act)  
34 CFR Part 104  
29 CFR Part 1910.1030  
Executive Law §296 (Human Rights Law)  
Education Law §§903; 913;  
Public Health Law, Article 27-F  
8 NYCRR §§29.1(g); 135.3; 136.3  
An Implementation Package for HIV/AIDS Policy in New York State School Districts,  
NYS HIV/AIDS Prevention Education Program, June 17, 1998

Adoption date: July 20, 2011

Revised:

## SCHOOL SAFETY PLANS AND TEAMS

Emergencies and violent incidents in schools are critical issues that must be addressed in an expeditious and effective manner. The Board of Education recognizes its responsibility to adopt and keep current a comprehensive District-wide school safety plan and building-level emergency response plan(s) which address violence prevention, crisis intervention, emergency response, and management.

Taken together, the District-wide and building level plans provide a comprehensive approach to addressing school safety and violence prevention, and provide the structure where all individuals can fully understand their roles and responsibilities for promoting the safety of the entire school community. The plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies, declared state disaster emergencies involving a communicable disease or local public health emergency declaration and other emergencies, and to facilitate the District's coordination with local and county resources. The plans will also address risk reduction/prevention, response, and recovery with respect to a variety of types of emergencies and violent incidents in District schools, and will address school closures and continuity of operations.

In accordance with state law and regulation, the District will have the following safety teams and plans to deal with violence prevention, crisis intervention, and emergency response and management:

### Comprehensive District-Wide School Safety Team and Plan

The Board will annually appoint a District-wide school safety team that includes, but is not limited to, representation from the following constituencies: the Board, teachers, administrators, and parent organizations, school safety personnel, and other school personnel. This team is responsible for the development and annual review of the comprehensive District-wide school safety plan and must consider the installation of a panic alarm system. The plan will cover all school buildings and will address violence prevention (taking into consideration a range of programs and approaches that are designed to create a positive school climate and culture), crisis intervention, emergency response, and management including communication protocols at the District level. It will include all those elements required by law and regulation, including protocols for responding to declared state disaster emergencies involving a communicable disease that are substantially consistent with the provisions of Labor Law §27-c and an emergency remote instruction plan.

If deemed appropriate, the Board may also appoint a student representative to the District-wide school safety team. However, no confidential building-level emergency response plans will be shared with the student member, nor will the student member be present during discussion of any confidential building-level emergency response plans or confidential portions of the District-wide emergency response strategy.

The Superintendent of Schools or designee thereof will be the District's Chief Emergency Officer, and will coordinate communication between school staff and law enforcement and first responders. The Chief Emergency Officer will ensure that all staff understand the District-wide school safety plan and receive training on the building-level emergency response plan, violence

prevention, and mental health, and will also ensure that District-wide and building-level plans are completed, reviewed annually, and updated as needed by the designated dates. The Chief Emergency Officer will ensure that the District-wide plan is coordinated with the building-level plans, and will ensure that required evacuation and lock-down drills are conducted.

#### Building-Level Emergency Response Plans and Teams

Each Building Principal is responsible for annually appointing a building-level emergency response team that includes, but is not limited to, representation from teachers, administrators, parent organizations, school safety personnel, other school personnel, law enforcement officials, fire officials, and other emergency response agencies. The emergency response team is responsible for the development and review of a building-level emergency response plan for each District building. The plan(s) will address response to emergency situations, such as those requiring evacuation, sheltering, and lock-down at the building level and will include all components required by law and regulation, including measures necessary to comply with Labor Law § 27-c to respond to public health emergencies involving a communicable disease. These confidential plans will include evacuation routes, shelter sites, medical needs, transportation, and emergency notification of parents and guardians.

Building-level emergency response plans will include protocols in response to carbon monoxide alarms or detection. Alarm or detection of carbon monoxide will result in the appropriate actions as described by the emergency response plan.

Building-level emergency response plans must designate:

- an emergency response team for incidents that includes appropriate school personnel, law enforcement officials, fire officials, and representatives from local, regional, and/or state emergency response agencies to assist the school community in responding to a violent incident or emergency; and
- a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors, and other related personnel to assist the community in coping with the aftermath of a serious violent incident or emergency.

During emergencies, staff are authorized to temporarily cover classroom door vision panels when it is likely to protect staff and students. For example, covering vision panels may prevent an intruder from determining if a classroom is occupied, thereby discouraging attempts to gain access. During emergencies, staff are also authorized to temporarily block doors to slow the access of intruders. Building-level emergency response plans must address the temporary covering of door vision panels and the temporary blocking of doors during emergencies.

The Building Principal is responsible for conducting at least one test every school year of the emergency response procedures under this plan including procedures for sheltering and early dismissal.

To maintain security and in accordance with law, the building-level emergency response plan(s) are confidential and not subject to disclosure under the Freedom of Information Law or any other law.

### Multi-Disciplinary Behavioral Threat Assessment Teams

Each Building Principal, in consultation with the Superintendent and the Executive Director of Safety and Security, will annually designate a multi-disciplinary behavioral threat assessment team to provide ongoing support and information in order to identify and assess individuals who may be potential threats to safety, with the intent of minimizing acts of violence in the school community. The multi-disciplinary behavioral threat assessment team will be composed of, but not limited to, building administrators and student support staff. Additionally, when deemed appropriate, the following personnel from both within the school and the larger community will be included: legal counsel, the medical director and/or school nurse, local mental health and social service providers, law enforcement, security personnel, and facilities and maintenance personnel. The team will meet regularly. The team will be mindful of the need for discretion and observance of confidentiality requirements.

Students will be encouraged to bring their concerns to any District employee. If a District employee becomes aware of a threat to the school community, they must inform the Building Principal, who will convene the multi-disciplinary behavioral threat assessment team. The Building Principal may request the participation of the following additional individuals who may have specific knowledge of the potential perpetrator: supervisors, teachers, students, and parents. The Building Principal is responsible for keeping the Superintendent and the Executive Director of Safety and Security informed about the activities of the multi-disciplinary behavioral threat assessment team. Multi-disciplinary behavioral threat assessment team members will receive appropriate training.

### Annual Review and Reporting

All plans will be annually reviewed and updated, if necessary, by the appropriate team by June 30. In conducting the review, the teams will consider any changes in organization, local conditions, and other factors including an evaluation of the results of the annual test of the emergency response procedures, which may necessitate updating of plans. If the plan requires no changes, then it will remain in effect. If the District-wide plan requires change, then the updated plan will be submitted to the Board of Education in time to allow 30-days of public comment and to hold a public hearing, which provides for the participation of school personnel, students, and other interested parties prior to Board adoption. All plans must be adopted by the Board of Education by September 1.

The Superintendent of Schools is responsible for submitting the District-level school safety plan and any amendments to the plan to the Commissioner within 30 days after its adoption, but no later than October 1 of each year. The District will post the District-wide plan on the District's website. Each Building Principal is responsible for submitting the building-level emergency response plan for the building, and any amendments to the plan, to the appropriate local law enforcement agency and the state police within 30 days after its adoption, but no later than October 1 of each year.

Cross-ref: 0115, Bullying and Harassment Prevention and Intervention  
5300, Code of Conduct  
9700, Staff Development

Ref: Education Law §2801-a  
Executive Law §2B  
Labor Law §27-c  
8 NYCRR §155.17  
*School Safety Plans Guidance*, New York State Education Department, June 2010

Adoption date: July 20, 2011

Revised:

DRAFT