

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK
REGULAR MEETING
BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING
THURSDAY – SEPTEMBER 12, 2013

AGENDA

The order of business at all regular meetings shall be as follows:

1. Call to order by presiding officer
2. Pledge of Allegiance to the Flag

[7:00 P.M. - Meeting Convenes Followed by Student
Presentation(s) and/or Executive Session]

[8:00 P.M. - Public Session Resumes Beginning with Item #3]

3. Approval of minutes of previous meeting(s): Regular Meeting: August 27, 2013
4. Statement of the Board and/or Superintendent
5. Statement of West Babylon Teachers' Association Representatives
6. Statement of School Administrators' Association Representatives
7. Statement of C.S.E.A. Representatives
8. Statement of Student Association Representatives
9. Statement of PTA Council Representatives
10. Statement of Residents re: agenda items [15 minutes-limited to 3 minutes per speaker]*
11. Report of the Superintendent and/or Educational Presentation
12. Business Agenda [****Consent Agenda Items**]

A. BOARD OF EDUCATION

- ** (R) Approval of Inter-Municipal Agreement for Cooperative Transportation Services with the North Babylon Union Free School District for the 2013-2014 School Year. (Res. #BE-1)
- ** (R) Approval of Brookville Center for Children's Services, Inc. to provide Services to Developmentally Disabled West Babylon School District Resident Students during the 2013-2014 School Year. (Res. #BE-2)

B. PERSONNEL

- ** (R) 13-P-5 Professional Personnel
- ** (R) 13-C-5 Civil Service Personnel (Res. #PE-1)

C. FINANCE

- ** (R) Approval of Budget Transfers (Res. #FI-1)

D. FACILITIES

- ** (R) Acceptance of Donation (Res. #FA-1)

13. Policy Review:
 - A. Board Review-Mission and Vision Statements (Review) (File:0000)
 - B. Board Review-Sexual Harassment (Review) (File:110)
 - C. Board Review-Sexual Harassment Regulation (Review) (File:110-R)
 - D. Board Review-HIV/AIDS Policy (Review) (File:150)
 - E. Board Review-Evaluation of the Superintendent (Review) (File:320)
 - F. Board Review-School District Records (Review) (File:1120)
 - G. Board Review-School District Records-Regulation (Review) (File:1120-R)
 - H. Board Review-School District Records-Exhibit 1 (Review) (File:1120-E.1)
 - I. Board Review-School District Records-Exhibit 2 (Review) (File:1120-E.2)
 - J. Board Review-School Board Officer and Employee Code of Ethics (First Time Reading) (File:2160)
 - K. Board Review-Diploma Options for Students with Disabilities (Second Time Discussion) (File:4773)
 - L. Board Review-Student Fines, Fees and Charges (Review) (File:5680)
 - M. Board Review-Staff Requests for Accommodations under the American with Disabilities Act As Amended (ADAAA) (Second Time Discussion) (File:9350)
14. Board of Education Committee Reports
15. Old Business
16. New Business
17. Follow-Up to Residents' Statements
18. Statements of Residents re: other district items [15 minutes-limited to 3 minutes per speaker]*
19. Adjournment [This should take place by 11:00 P.M.]

*Per Board Policy 1230: The Board of Education encourages participation of residents at open Board meetings. The President of the Board shall ask for brief statements from residents and set a time limit (three minutes per resident) on such statements. To allow for public participation, a period not to exceed 15 minutes shall be set aside during the first and last part of each Board meeting. The President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented. The President shall have the right to discontinue any presentation which violates this policy. Residents wishing to speak should identify themselves, their address, any organization they may be representing at the meeting, and the topic they wish to discuss. Statements during the first part of the meeting will relate to agenda items. Statements during the second part of the meeting will relate to other district matters.

Follow-Up to Residents' Unanswered Questions

Date	Residents' Questions	Responses
August 27, 2013	-----	-----
August 13, 2013	-----	-----
July 23, 2013	-----	-----
July 9, 2013	-----	-----

WEST BABYLON UNION FREE SCHOOL DISTRICT
WEST BABYLON, NEW YORK

REGULAR MEETING

BOARD OF EDUCATION
BOARD ROOM - ADMINISTRATION BUILDING

THURSDAY – SEPTEMBER 12, 2013

RESOLUTIONS

BOARD OF EDUCATION

***#BE-1

RESOLVED: that the West Babylon Board of Education approves the inter-municipal agreement for cooperative transportation services with the North Babylon Union Free School District for the 2013-2014 school year. Both districts desire to cooperate in the provision of bus transportation services for three students for the purpose of receiving cost savings. These students are residents of the parties' respective school districts, but attend non-public schools currently serviced by both school districts.

***#BE-2

RESOLVED: that the West Babylon Board of Education approves an agreement with Brookville Center for Children's Services, Inc., the operator of a children's residential project and an intermediate care facility for the developmentally disabled to provide services to West Babylon School District resident students.

PERSONNEL

**#PE-1

RESOLVED: that the following schedules, as attached, are approved:

<u>13-P-5</u>	Professional Personnel
<u>13-C-5</u>	Civil Service Personnel

FINANCE

***FI-1

RESOLVED: that the West Babylon Board of Education retroactively approves the following budget transfers for the 2012-2013 school year:

<i>ACCOUNT CODE</i>	<i>ACCOUNT CODE DESCRIPTION & TRANSFER EXPLANATION</i>	<i>FROM</i>	<i>TO</i>
A1620.4710	B&G Heating Gas	\$ 52,000.00	
A2020.1600	Principal Clerical Salaries	\$ 2,000.00	
A2110.1400	Substitute Teachers	\$ 28,000.00	
A2850.1510	Clubs and Advisors	\$ 3,800.00	
A2850.1630	Chaperones Non-Instructional	\$ 4,400.00	
A2855.4750	Conference & Reimbursements	\$ 1,200.00	
A2855.4760	Student Competition and Entry Fees	\$ 900.00	
A1620.1610	B&G Security Salaries		\$ 12,500.00
A1620.1623	B&G Substitute Custodians		\$ 8,500.00
A1620.1670	B&G Overtime		\$ 7,000.00
A1620.1672	B&G Overtime for Community Use		\$ 24,000.00
A2020.1640	Substitute Clerical		\$ 2,000.00
A2110.1410	Home Teaching		\$ 28,000.00
A2850.1520	Intramurals		\$ 100.00
A2850.1530	Chaperones – Instructional		\$ 9,000.00
A2855.1500	Coaches Salaries		\$ 1,200.00
	Reconcile Year End Accrued Salaries		

FACILITIES

**#FI-1

RESOLVED: that the West Babylon Board of Education gratefully accepts the following donation, from Mrs. Kathleen Bertuglia, a West Babylon resident:

One (1) Musser, three-octave xylophone and several pairs of mallets
Model: M41
Serial No.: 0757

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION - THURSDAY - SEPTEMBER 12, 2013

PERSONNEL

(R) Schedules: 13-P-5 Professional Personnel
 13-C-5 Civil Service Personnel

PROFESSIONAL PERSONNEL SCHEDULE

I. Professional Personnel Schedule 13-P-5

- A. Family Medical Leaves
- B. Resignation
- C. Part-Time Appointments
- D. Additional Sections/HS
- E. Fall, 2013 Coaching
- F. Per Diem Substitutes

CIVIL SERVICE SCHEDULE

II. Civil Service Schedule 13-C-5

- A. Resignations
- B. Per Diem Substitute

SCHEDULE 13-P-5 Professional Personnel Schedule

Date of Meeting: September 12, 2013

Page 1 of 3 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
Paganica, Heather	Special Education Tchr.	TA		9/9/13 -	Family Medical Leave
Durkin, Kelly	Elementary Tchr.	SA		9/9/13 -	Family Medical Leave
Levy, Kara	School Media Specialist	SB		9/9/13 -	Family Medical Leave
Gimberlein, Alison	Speech Tchr.	SA		9/10/13 -	Family Medical Leave
Torre, Andrew	PT/Social Studies Tchr.(.4) PT/Special Ed. Tchr.(.2)	JH		9/1/13 - 6/30/14	Resignation [returned to PEL]
LaRosa, Nicole	PT/Social Studies Tchr. (.4)	JH	Step A-1-1/ \$48,396. (prorate @ 40%)	9/1/13 - 6/30/14	[cert: Social Studies 7-12]
Powers, Daniel	PT/Special Ed. Tchr. (.2)	JH	Step A-5-1/ \$58,076. (prorate @ 20%)	9/1/13 - 6/30/14	[certs: SWD 7-12 English, ELA 7-12]
Additional Sections:		HS		2013-2014	
Amaya-Valasquez, Idalia	Spanish (.2)		\$23,936.20		
Romeo, Marta	Spanish(.2)		\$20,085.20		

SCHEDULE 13-P-5 Professional Personnel Schedule

Date of Meeting: September 12, 2013

Page 2 of 3 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
<u>Coaches:</u>					
McMurray, Matthew	JV Asst.	Football	\$5,150.	Fall, 2013	[resignation]
Mando, Brian	JV Asst.	Football	\$5,150.		[repl. M. McMurray]
<u>Per Diem Substitute:</u>					
Fiorillo, Mary Anne		DW	\$90./day	2013-2014	

SCHEDULE 13-C-5 Civil Service Personnel Schedule

Date of Meeting: September 12, 2013

Page 3 of 3 pages.

NAME	POSITION	SCHOOL/ AREA	STEP/ SALARY	BEG/END APPT.	COMMENTS
McHugh-Chiappone, Michele	Paraprofessional (special ed. aide)	JH		B/22/13	Resignation
Licari, Joyceann	Paraprofessional (special ed. aide)	JH		9/4/13	Resignation
<u>Per Diem Substitute:</u> *Reilly, James		DW	\$9./hr.	2013-2014	Food Service

*Emergency Conditional Appointment

WEST BABYLON UNION FREE SCHOOL DISTRICT

REGULAR MEETING - BOARD OF EDUCATION – THURSDAY - SEPTEMBER 12, 2013

POLICY

- A. Board Review-Mission and Vision Statements (Review) (File:0000)
- B. Board Review-Sexual Harassment (Review) (File:110)
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Act as Amended (ADAAA) (Second Time Discussion) (File:9350)

DRAFT

Board Review 9/10/13
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MISSION AND VISION STATEMENTS

The Board of Education recognizes that to govern effectively, it must clearly define why the district exists and what it aspires to be.

Mission Statement

We, the West Babylon School Community, declare our commitment to provide educational experiences of quality which enable all students to learn, share, lead and compete in the global community. Our commitment is to provide a school system dedicated to the proposition that all students will become lifelong learners who take pride in their work and in their service to others.

We, therefore, endeavor to continually improve the quality of our work.

Vision Statement

We dedicate the resources of our school system to develop the capacity of our students to take personal responsibility for their learning and well-being in order that they may become productive members of society. Trustee, employee, parent and student cooperation is vital to these efforts. Thus, we encourage respectful dialogue among all those concerned.

1. We promote high academic achievement for all students.
2. We commit our energies to enable students to understand and appreciate the Constitution of the United States, Bill of Rights and the civic virtues necessary to sustain a democracy.
3. We promote among students respect for oneself and for others, a sense of personal integrity and commitment to community service, as well as a sense of fairness and honesty.

We provide protective care for our students in response to their needs for security, support and encouragement.

Cross-ref: 0200, District Goals
0300, Accountability

Replaces in whole or in part former policy AE

Adoption date: 12/08/2009

SEXUAL HARASSMENT

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

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

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

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, 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, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state law.

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

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

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

The Assistant Superintendent of Human Resources shall serve as the compliance officer vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set in the policy regulations.

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

SEXUAL HARASSMENT REGULATIONS

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

Sexual Harassment Defined

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

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

Unacceptable Conduct

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

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;

7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. any other unwelcome gender- or sexually orientated-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

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

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.

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

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

Reporting Complaints

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

Complaints should be filed with the Principal, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints).

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, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints).

In order to assist investigators, victims 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 victim'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, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints) 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, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints) 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. In cases of transportation department employees, the Transportation Supervisor may conduct a preliminary review.

As soon as possible but no later than three working days following receipt of a complaint, the Principal, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints) should begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, 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 victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.

8. **Parent/Student/Employee Involvement and Notification**
 - a. Parents of student victims 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 victim or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
 - d. The Principal, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints) (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
 - e. The investigator shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
 - f. The investigator shall notify the victim that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

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, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints) 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, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints) 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, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or

the Director of Student Services (in cases involving student to student complaints) 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, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints) as well as those appealed to the Superintendent following an initial investigation by a Principal, Assistant Principal, the Assistant Superintendent of Human Resources (in cases involving employees) or the Director of Student Services (in cases involving student to student complaints). 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 victim 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 victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

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

Retaliation Prohibited

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

Discipline/Penalties

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

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

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

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

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

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

False Complaints

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

Training

All students and employees shall be informed of this policy in student and employee handbooks and student registration materials or via mail. A poster of the policy shall also be posted in a prominent location at each school.

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

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

Replaces in whole or in part former policies GBCBA and JFJ

Promulgated: 12/08/2009

Reviewed: 9/10/13

HIV/AIDS POLICY

The Board of Education recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) and 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 his/her 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 his/her 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 solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her 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 him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §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 (DOH) approved form.

Employees

It is the policy of the Board that:

1. No employees shall be prevented from continuing in his/her employment solely on the basis of his/her 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 his/her status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her 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).
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 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 approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further re-disclosure, 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 of an incident involving the exposure one individual to a potentially infectious body fluids of another individual, particularly blood or any other fluid which 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, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

Cross-ref: 5420, Student Health Services
8123, Hygiene Precautions and Procedures

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

Replaces in whole or in part former policy JHCC

Adoption date: 12/08/2009

Evaluation of the Superintendent

An effective working relationship between the Board and the Superintendent is essential to the successful operation of the school district. The development and maintenance of such a relationship may be greatly assisted by a periodic review of the Superintendent's diverse responsibilities accompanied by an evaluation of the Superintendent's performance. Therefore, the Board shall conduct such evaluation each school year, as per the timeline below.

The purpose of the evaluation shall be to:

1. Establish and maintain good working relationships between the Board and the Superintendent.
2. Improve performance by suggesting areas of responsibility and operating techniques that may be strengthened.
3. Give encouragement and commendation for work well done.
4. Record some evidence of performance and improvement.
5. Offer a guide for the Superintendent's self-appraisal of characteristics and
6. Provide an opportunity for the Board and the Superintendent to confer formally at periodic intervals about the Superintendent's performance.
7. Offer a procedure for comprehensive and dispassionate appraisal in a setting other than during times of crisis.
8. Establish reasonable standards for continued employment.
9. Provide assistance in the development of the Superintendent's objectives for the coming year.
10. Assist the Board in arranging for the Superintendent's salary and contract.

Timeline for Evaluation of the Superintendent	
Month	Activity
July – August	Superintendent and Board meet to discuss annual district goals, review performance standards, and finalize timelines for the evaluation process.
Early September	Superintendent and Board meet to finalize agreement on district goals for the school year.
January – February	Superintendent and Board meet in order for the Superintendent to report on progress regarding goal attainment. Board has opportunity to share compliments, encouragements, or concerns regarding superintendent performance thus far. Meeting discussion is oral and not a formal evaluation. Board President distributes evaluation instruments to Board members and sets dates for return of completed forms to Board President.
Late April – Early May	Completed evaluation instruments returned to Board President. Board President and Vice-president compile scores and create consensus comments from returned evaluations. Board meets without Superintendent to discuss and finalize the consensus evaluation. Superintendent submits a self-evaluation using same instrument as Board.
Late May – Early June	Superintendent submits written report to Board delineating progress made toward completion of goals.
Late June	Board and Superintendent meet to discuss the consensus evaluation. Superintendent has opportunity to question Board comments. Board has opportunity to defend or modify comments. Final evaluation is signed by Superintendent and Board President. One copy to Superintendent and one copy to Superintendent personnel file.

Replaces (in whole or in part) former policy AFB

Adopted 12/08/2009

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. 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 ED-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 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.

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 I)

Replaces in whole or in part former policy DN and policy and regulations GBLA and GBLA-R

Adoption date: 12/08/2009

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 and Records Management Officer shall be the District Clerk. 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; 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.
 - develop and oversee a program for the orderly and efficient management of district records.

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 10 Farmingdale Road on any business day on which the district offices are open. Records may also be requested via e-mail at the following address: ajones@wbschools.org
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.

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 inform requestor of 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 proceedings;
 - 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 are computer access codes.

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.

VII. Litigation-Hold

The Superintendent will designate a "discovery" team, comprised of the School Attorney, the Coordinator of K-12 Student Data & Instructional Technology, 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, with assistance from the Coordinator of K-12 Student Data & Instructional Technology, will ensure that measures are put in place to preserve applicable records.

Promulgated: 12/08/2009

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

Note to the public: 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".

Requests should be made to:

Records Access Officer
10 Farmingdale Road
West Babylon, NY 11704
ajones@wbschools.org

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: 12/08/2009

AGENCY RESPONSE TO REQUEST FOR RECORDS

Dear Applicant for Records:

We received your request for records pursuant to the Freedom of Information Law on: _____
Date Received

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 (date) _____ at (time) _____. After inspecting the records, you may request copies of selected pages, which we will provide to you on or about (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. The information necessary to locate records or the manner in which records are filed, retrieved or generated by the agency in order for you to clarify your request is _____
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 can not 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

- 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: Amy E. Jones
Title: District Clerk/Records Access Officer
Address: 10 Farmingdale Road, West Babylon, NY 11704
E-mail Address: ajones@wbschools.org

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 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: Anthony Cacciola
Title: Superintendent
Address: 10 Farmingdale Road, West Babylon, NY 11704
E-mail Address: bburrows@wbschools.org

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 inform me 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: Amy E. Jones
Title: District Clerk/Records Access Officer
Mailing Address: 10 Farmingdale Road, West Babylon, NY 11704

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 myself.

[Signature]

Adoption date: 12/08/2009

School Board Officer & Employee Code of Ethics

File: 2160

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of conduct.

Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- “Contract” is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.
- An “interest” is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district.

No Board member, officer or employee shall have an “interest” (i.e. receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

Disclosure Requirements

All Board members, officers and employees must publicly disclose the nature and extent of any non-exempted interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), even if it is not a prohibited interest under applicable law as soon as he/she has knowledge of such prospective interest. Such disclosure must be in writing to his/her supervisor (if an employee) and the Board of Education and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under section 802 of the General Municipal Law (see 2160-E.1); however, Board members, officers and employees are encouraged to voluntarily make such disclosure.

Other Prohibited Activities

1. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$[25.00] 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 reasonably be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

2. Confidential Information: A Board member, officer or employee shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest either directly or indirectly.
3. Representation before the Board or District: A Board member, 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 the school district.
4. Investments in conflict with official duties: A Board member, 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/her official duties. Exceptions to the conflict of interest law can be found in Section 802 of the General Municipal Law (see 2160-E.1).
5. Private Employment: A Board member, officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
6. Future Employment: A Board member, officer or employee shall not, after the termination of service or employment with the district, appear before the Board in relation to any action, proceeding, or application in which he/she personally participated during the period of his/her service or employment or that was under his/her active consideration.

Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every member of the Board, every officer and employee of the school district. Each Board member, officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the jurisdiction in a place conspicuous to the district's Board members, officers and employees.

Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics 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 §§800; 801; 802; 805; 806-808
Education Law §§306; 1709; 2103; 2553; 2554; 2559; 3016
Local Finance Law §60.10
Public Officers Law §30(1)(h)
Appeal of Kelly, 45 EDR Dec. No.15253 (2005)
Application of Nett & Raby 45 EDR Dec. No. 14314 (2005)
Appeal of Taber, 42 EDR 251 (2003)
Appeal of Gill, 42 EDR 89 (2002)
Matter of Grinnell, 37 EDR 504 (1998)
Appeal of Vivlemoe, 33 EDR174 (1993)
Matter of Cox, 27 EDR 353 (1988)
Matter of Granirer, 26 EDR 393 (1987)
Op. Of Atty. Gen., [Inf.] 99-16
Op. State Comptroller, 91-26

Adopted: 12/08/2009

DIPLOMA OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to supporting all students so they are college- and career-ready upon graduation. The Committee on Special Education (CSE), which includes parents/guardians, will work with students with disabilities to attain the appropriate diploma based on their Individualized Education Plan (IEP).

Regents Diploma or Regents Diploma with Advanced Designation

Students with disabilities are encouraged to work toward the completion of requirements for a Regents diploma or Regents diploma with an advanced designation, as established by New York State and the Board.

Local Diploma

Students with disabilities may work toward completion of the requirements of a local diploma. The local diploma may be earned by meeting the standards set forth in state regulations.

IEP Diploma

Students with disabilities may work toward completion of an Individualized Education Plan (IEP) diploma in accordance with the requirements as set forth in their IEP.

Each IEP diploma shall indicate on its face that it is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current IEP as recommended by the CSE.

Skills and Achievement Commencement Credential

A student who meets the state definition of a student with severe disabilities, who has taken the State assessment for students with severe disabilities, may be issued a skills and achievement commencement credential pursuant to the requirements of Commissioner's Regulations 8 NYCRR §100.6.

Continued Right to Educational Services

If a student receiving an IEP diploma or a Skills and Achievement Commencement Credential is less than twenty-one years of age, the diploma or credential shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches the age of twenty-one or until the student has earned a high school diploma, whichever is earlier.

Cross-ref: 4321, Programs for Students with Disabilities
4770, Graduation Requirements

Ref: 8 NYCRR §§100.1; 100.5; 100.6; 100.9
Adoption date:

DRAFT

Board Review 9/10/13
5680

STUDENT FEES, FINES and CHARGES

Students are expected to exercise reasonable care in the use of school equipment and any damage done to library books, textbooks, uniforms, athletic equipment or other school equipment due to misuse or negligence must be paid for by them.

Lost or damaged textbooks will be immediately reported to the Building Principal's Office for payment. Lost or damaged uniforms or athletic equipment will be immediately reported to the Athletic Director's Office for payment.

Other school equipment which is damaged or lost should be reported to the Building Principal, who will determine if negligence or willful action on the part of the student was the cause of the damage. If so, the student will be expected to pay for such damage.

Procedures for collection of fees, fines and charges for unreturned or damaged district property:

When school property is determined to be damaged by, or has not been returned by a student responsible for the property, the department chairperson, or other person in charge of collecting the property, determines the district's replacement cost for the property.

After replacement cost has been determined, the chairperson, or other person in charge of collecting the property, generates a letter of request for payment from the parent/guardian of the student responsible for the unreturned item. A sample letter is included in this regulation.

The business office is sent a copy of the district's letter of request for payment, along with the department's budget code to be credited with the payment and the name of the vendor replacing the item. Upon receipt of payment, the business office sends the department written notification that payment has been received and deposited into the requested budget code. Upon notification of payment, the department generates a purchase order for replacement of the item.

Adopted: 5/12/09

**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 (Assistant Superintendent for Human Resources) 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 Human Resources 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,*
- *a statement of the accommodation the employee is seeking and explanation of how the accommodation will impact or benefit the disability and,*
- *consent for the district's physician to contact the employee's physician.*

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: