

NORTH ROSE-WOLCOTT CENTRAL SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING

February 23, 2023

6:00 PM

Auditorium of the Middle School

**AGENDA**

**1. Call to Order/Pledge of Allegiance**

Approval of Agenda

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the agenda of February 23, 2023.

Motion for approval by \_\_\_\_\_, seconded by \_\_\_\_\_, all in favor \_\_\_-\_\_\_.

**2. Presentations:**

- DGA Builders
- Four County School Boards Association – Stephen Miskell
- Assistant Superintendent for Instruction - Megan Paliotti
  - Mid-year Update

**3. Reports and Correspondence:**

- Policy Committee – Paul Statskey, Shelly Cahoon, Tina Reed
  - First Reading: The following policies are being submitted for a first reading.

<b>5000</b>	<b>Non-Instructional/Business</b>	
5681	School Safety Plans	Revised
5741	Drug and Alcohol Testing for School Bus Drivers	Revised
<b>6000</b>	<b>Personnel</b>	
6120	Equal Employment Opportunity	Revised
6121	Sexual Harassment of District Personnel	Revised
6140	Employee Medical Examinations	Revised

**4. Public Access to the Board:**

This time is provided for residents of the District to address the Board of Education. Persons wishing to speak must complete the sign in sheet and be recognized by the President. The speaker will be allowed three minutes to address the Board of Education.

**5. Consent Agenda:**

*A motion for approval of items as listed under the CONSENT AGENDA ITEMS is made by \_\_\_\_\_, and seconded by \_\_\_\_\_ any discussion- All in favor \_\_\_-\_\_\_.*

a. Board of Education Meeting Minutes

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the Meeting Minutes of February 9, 2023.

b. Recommendations from CSE and CPSE

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the recommendations for the Committee on Special Education dated January 25, February 1, 3, 8, 9, 2023; and instructs the Superintendent to implement the recommendations on behalf of the following individuals identified by student number:

14787	14859	12711	13058	13005	12963	12547	14857	14668
13169	13255	13009						

c. Substitute Teachers and Substitute Service Personnel

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the individuals named on the substitute lists, which are on file with the District Clerk.

d. 2023-2024 Academic School Calendar

The proposed 2023-2024 school calendar has been developed with collaboration from school administrators, the North Rose -Wolcott Teachers’ Association and Wayne - Finger Lakes BOCES.

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the Academic Calendar for the 2023-2024 school year.

e. Personnel Items:

1. Letter of Resignation –Anna Howell

Anna Howell has submitted a letter of resignation as .5 Art Teacher, contingent upon her appointment as a 1.0 Art Teacher.

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law accepts the resignation from Anna Howell effective January 31, 2023.

2. Creation of Non-Instructional Positions

**RESOLUTION**

Whereas, the North Rose-Wolcott Central School District has determined that it is necessary establish other positions according to Wayne County Civil Service Rules, and therefore;

Be it resolved, that the Board of Education hereby establishes the following classified civil service position effective February 24, 2023:

<u>Position</u>	<u>Classification</u>
1 – 1.0 Food Service Helper	non-competitive

3. Appoint Food Service Helper – Heidi Pare

Rita Lopez recommends Heidi Pare to fill a Food Service Helper position.

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the 52-week probationary appointment of Heidi Pare as a Food Service Helper conditional upon a criminal history record check according to Commissioners Regulation §80 1.11 and Part 87 as follows:

Probationary Period: February 27, 2023-February 26, 2024  
Salary: \$15.00/hr.

4. Appoint Elementary School Parent Liaison – Casey Ferguson

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of Casey Ferguson, Elementary School Parent Liaison at \$16.07/hr. for the 2022-2023 school year effective February 27, 2023.

5. Optimal Health Coordinator – Stephanie Humbert

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of Stephanie Humbert as a 1.0 Optimal Health Coordinator at a rate of pay of \$45,000 prorated for the 2022-2023 school year effective April 30, 2023.

6. Appoint Art Teacher – Anna Howell

Megan Paliotti recommends Anna Howell to fill an Art Teacher position.

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the four year probationary appointment of Anna Howell as an Art Teacher conditional upon a criminal history record check according to Commissioners Regulation §80 1.11 and Part 87 as follows:

Certification: Art - Initial

Probationary Period: February 1, 2023-January 31, 2027

Salary: Step A \$48,264

The expiration date is tentative and conditional only. In order to be eligible for and considered for tenure, the teacher must meet all requirements of the educational law and corresponding regulations.

7. Appoint Long-Term Substitute Teacher–Erin Hibbert

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the appointment of Erin Hibbert as a Long-Term Substitute Teacher, conditional upon a criminal history record check according to Commissioners Regulation §80 1.11 and Part 87 as follows:

Certification: Social Studies 7-12, Initial

Appointment Dates: Approximately March 23, 2023-June 22, 2023

Salary: \$247.27/day

8. Appoint Director of Human Resources (School Districts) – Frederick Prince

Megan Paliotti recommends Frederick Prince as Director of Human Resources (School Districts).

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the probationary appointment of Frederick Prince as Director of Human Resources (School Districts) conditional upon a criminal history record check according to Commissioners Regulation §80 1.11 and Part 87.

Probationary Period: February 14, 2023-April 10, 2023

Salary: Contract is on file with the District Clerk.

9. Co-Curricular Appointments

The following individual is being recommended to fill a co-curricular position.

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, appoints the following individual to fill a co-curricular position for the 2022-23 school year.

Name	Bldg.	Title	Step	Year	Salary
Alex Richwalder	MS	Solo Fest Advisor			\$32.50/hour -\$260 max

10. Coaching and Athletic Department Appointments

Marc Blankenberg recommends the following individuals to fill coaching positions.

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the following coaching and athletic appointments for the 2022-23 school year, conditional upon a criminal history record check according to Commissioners Regulation §80-1.11 and Part 87, and successful completion of all required First Aid/CPR and Child Abuse courses.

Name		Position	Step	Years	Salary
Michael Flaherty	Varsity	Boys Track Coach	2	6	\$4,753
Alex Richwalder	Modified	Boys Track Coach	3	9	\$3,575
Robert Yarrow	Varsity	Softball Coach	4	16	\$5,810
Michael Grasso	JV	Softball Coach	2	5	\$3,321
Michelle Lancaster	Varsity	Volunteer Softball Coach			Volunteer
Zachary Norris	Varsity	Volunteer Boys Tennis Coach			Volunteer
Ryan Haskin	Modified	Boys Tennis Coach	1	2	\$2,460
George Mitchell	Varsity	Girls Track Coach	4	33	\$5,810
Paul Petersen	Modified	Girls Track Coach	2	4	\$3,217
William McDermott	Varsity	Interim Baseball Coach	2	5	\$4,753 prorated effective approximately 3/13/23-4/15/23
Brandon Kapcinski	Varsity	Baseball Coach	3	7	\$5,282 prorated effective approximately 4/15/23
William McDermott	JV	Baseball Coach	2	5	\$3,321 prorated effective approximately 4/17/23
Brad LeFevre	Modified	Baseball Coach	1	1	\$2,383
Brian Cole	Varsity	Boys Tennis	2	6	\$3,973

11. Appoint Volunteers

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the following individuals to work as a volunteer in the district for the 2022-2023 school year.

Angela Watts  
Megan Hogan

Aaron Dennis  
Shannon Moore

Leah Stuck

Patricia Batzold

**6. Policies**

*A motion for approval of items as listed under Policies is made by \_\_\_\_\_, and seconded by \_\_\_\_\_ any discussion- All in favor \_\_\_-\_\_.*

1. Approval of Policies

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the following new and/or revised policies:

<b>5000</b>	<b>Non-Instructional/Business Operations</b>	
5660	Meal Charge and Prohibition Against Meal Shaming	Revised

5670	Records Management	Revised
5721	Idling School Buses on School Grounds	Revised
5730	School Bus Safety Program	Revised
5740	Qualifications of Bus Drivers	Revised
5683	Fire and Emergency Drills, Bomb Threats, and Bus Emergency Drills	Revised

**Board Member Requests/Comments/Discussion:**

**Good News:**

***Motion for Adjournment:***

*There being no further business or discussion, a motion is requested adjourn the regular meeting.*

***Motion for approval by \_\_\_\_, seconded by \_\_\_\_, with motion approved \_\_-\_\_. Time adjourned: \_\_:\_\_ p.m***

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan(s) will be designed to prevent or minimize the effects of ~~serious~~ violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and ~~updated as needed~~ adopted by the Board by September 1 of each school year.

~~Specifically, †The Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plans may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-wide school safety plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year. Additionally, the District-wide school safety plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.~~

Building-level emergency response plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-level emergency response plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

~~Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.~~

**District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations.

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide school safety team will include, but not be limited to, representatives of the Board, ~~\*student~~, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors. \*At the discretion of the Board, a student may be allowed to participate on the District-wide school safety team.

*\* Allowing a student member to participate on the safety team is now optional, not required. Please customize accordingly. A student may participate provided that no confidential information is shared with that student.*

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**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

The District-wide school safety plan will include, but not be limited to:

- a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which includes suicide;
- b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence;
- c) Appropriate prevention and intervention strategies, such as:
  1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
  2. Nonviolent conflict resolution training programs;
  3. Peer mediation programs and youth courts; and
  4. Extended day and other school safety programs;
- d) Policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;
- e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;
- f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B State and Local Natural and Man-Made Disaster Preparedness;
- g) The identification of District resources which may be available for use during an emergency;
- h) A description of procedures to coordinate the use of District resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the staff members assigned to provide assistance during emergencies;
- i) Policies and procedures for contacting parents, guardians, or persons in parental relation to District students in the event of a violent incident or an early dismissal;

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**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

- j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual District student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;
- k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;
- l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel including bus drivers and monitors, parents and other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;
- m) Policies and procedures for annual multi-hazard school safety training for staff and students, provided that the District must certify to the Commissioner that all staff have undergone annual training by September 15 on the building-level emergency response plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;
- n) Procedures for the review and conduct of drills and other exercises to test components of the emergency response plan, including the use of tabletop exercises, in coordination with local and county emergency responders and preparedness officials;
- o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;
- p) Strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;
- q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;
- r) A system for informing all educational agencies within the District of a disaster; and

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**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

- s) The designation of the Superintendent or designee, as the District Chief Emergency Officer whose duties will include, but not be limited to:
1. Coordinating the communication between school staff, law enforcement, and other first responders;
  2. Leading the efforts of the District-wide school safety team in the completion and yearly update of the District-wide school safety plan and the coordination of the District-wide school safety plan with the building-level emergency response plan(s);
  3. Ensuring staff understanding of the District-wide school safety plan;
  4. Ensuring the completion and yearly update of building-level emergency response plans for each school building;
  5. Assisting in the selection of security related technology and development of procedures for the use of the technology;
  6. Coordinating appropriate safety, security, and emergency training for District and school staff, including required training in the emergency response plan;
  7. Ensuring the conduct of required evacuation and lock-down drills in all District buildings as required by law; and
  8. Ensuring the completion and yearly update of building-level emergency response plan(s) by the dates designated by the Commissioner.
- t) Protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c.

~~—The plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves (e.g., suicide).~~

**Building-Level Emergency Response Plan**

Building-level emergency response plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

~~The b~~Building-level emergency response plan(s) will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team

appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level **emergency response** team will include, but not be limited to, representatives

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**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

**Training Requirement**

—The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

**Filing/Disclosure Requirements**

—The District will file a copy of its District-wide school safety plan and any amendments with the Commissioner of Education no later than 30 days after its adoption. A copy of each building-level emergency response plan and any amendments will be filed with the appropriate local law enforcement agency and with the state police within 30 days of its adoption. Building-level emergency response plans will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

~~Homeland Security Presidential Directives—HSPD-5, HSPD-8~~

~~Homeland Security Act of 2002, 6 USC § 101~~

~~Education Law §§ 807, 2801-a~~

~~Public Officers Law Article 6~~

~~Labor Law § 27-c~~

~~8 NYCRR § 155.17~~

Adopted: 1992

Revised: 4/8/01; 1/9/07; 10/28/08; 12/12/17; 11/12/19;

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS**

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

The District has designated the following individual to answer driver questions about this policy and related materials: Transportation Supervisor.

**Drug and Alcohol Testing Program**

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will either establish and manage its own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, its drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety-sensitive employees and are subject to the following drug and/or alcohol testing:

- a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.
- c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.
- d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.
- e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.

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**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

- f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver, ensuring and the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of ~~commercial driver's license~~ CDL endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

**Prohibitions and Consequences for School Bus Drivers**

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive ~~activities~~ functions for not less than 24 hours, but no punitive action will be taken by the employer;
- b) Using alcohol while performing safety-sensitive functions;
- c) Performing safety-sensitive functions within four hours after using alcohol;
- d) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
- e) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;
- f) Refusing to submit to a pre-employment drug test;

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**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or
- h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

Additionally, under New York State law, all school bus drivers are prohibited from:

- a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;
- b) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or
- c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

- a) Violates any of the above listed provisions of New York State law; or
- b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

Any violation of this policy, ~~and/or~~ District procedures, and/or applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties including, but not limited to, fines, suspension, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies' policies, collective bargaining agreements, and applicable law.

Drivers who are found to have engaged in prohibited conduct under federal law and regulation will be removed immediately from safety-sensitive functions and will not be allowed to return to perform safety-sensitive functions until they:

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**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

- a) Are evaluated by a SAP;
- b) Complete any requirements for rehabilitation as set by the employer and the SAP; and
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

**The Drug and Alcohol Clearinghouse**

The Drug and Alcohol Clearinghouse ("Clearinghouse") is a secure online database that provides real-time information about CDL and commercial learner's permit holder's drug and alcohol program violations. The District will comply with all federal law and regulation regarding the Clearinghouse.

In accordance with 49 CFR Part 382, the following personal information will be collected, maintained, and reported to the Clearinghouse:

- a) A verified positive, adulterated, or substituted drug test result;
- b) An alcohol confirmation test with a concentration of 0.04 or higher;
- c) A refusal to submit to any required test;
- d) An employer's report of actual knowledge of:
  1. On duty alcohol use;
  2. Pre-duty alcohol use;
  3. Alcohol use following an accident; and
  4. Drug use;
- e) A SAP's report of the successful completion of the return-to-duty process;
- f) A negative return-to-duty test; and
- g) An employer's report of completion of follow-up testing.

**Employee Notification**

The Superintendent or designee will ensure that each school bus driver receives a copy of **District policy**, educational materials that explain the requirements of drug and alcohol testing law and regulation, and any **policies**, regulations and/or procedures developed by the District with respect to

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**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)**

meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each school bus driver, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will further ensure that each school bus driver receives educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether reasonable suspicion exists to test a driver for prohibited conduct involving drugs and/or alcohol.

**Records Management and Retention**

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation.

49 USC §§ 31136 and 31306  
49 CFR Parts 40, 382, and 383  
Vehicle and Traffic Law §§ 142, 509-g, 509-l

Adopted: 12/12/95  
Revised: 10/28/08; 7/3/18; 12/10/19;



## Personnel

**SUBJECT: — EQUAL EMPLOYMENT OPPORTUNITY**

— The District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, creed, national origin, religion, sex (including gender identity or the status of being transgender), disability, or age, military status, predisposing genetic characteristics, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

**Investigation of Complaints and Grievances**

— The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

— The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer (CRCO). In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.

— When appropriate, follow-up inquiries will be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination have not suffered retaliation.

Age Discrimination in Employment Act, 29 USC § 621  
Americans with Disabilities Act, 42 USC § 12101, et seq.  
Genetic Information Non-Discrimination Act of 2008 (GINA), Public Law 110-233  
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794, et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d, et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e, et seq.  
Title IX of the Education Amendments of 1972, 20 USC § 1681, et seq.  
Civil Rights Law § 40-e  
9 NYCRR § 466.13

NOTE: — Refer also to Policies #3420 — Non-Discrimination and Anti Harassment in the District  
— #6121 — Sexual Harassment of District Personnel  
— #6122 — Employee Grievances

Revised: 6/24/97; 11/12/03; 1/9/07; 10/28/08; 4/7/09; 4/9/13; 1/9/18; 3/24/20

## Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of employment discrimination. The District will promptly respond to reports of employment discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)).

**Reporting Allegations of Employment Discrimination**

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the District's CRCO or any other District employee including, but not limited to, a supervisor or building principal.

All District employees who witness or receive an oral or written report of employment discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

(Continued)

Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)****Grievance Process for Complaints of Employment Discrimination**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of employment discrimination and will promptly take appropriate action to protect individuals from further discrimination.

Various District policies and documents address employment discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff to determine which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that employment discrimination has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of employment discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Where appropriate, follow-up inquiries will be made to ensure that the discrimination has not resumed and that those involved in the investigation have not suffered retaliation.

8 USC § 1324b

29 USC § 206

42 USC § 1981

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC § 621 et seq.

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC § 2000ff et seq.

(Continued)

## Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**

National Labor Relations Act (NLRA), 29 USC § 151 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.  
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC § 4301 et seq.  
28 CFR Part 35  
29 CFR Chapter I – National Labor Relations Board  
29 CFR Chapter XIV – Equal Employment Opportunity Commission  
34 CFR Parts 100, 104, and 106  
45 CFR Part 86  
Civil Rights Law §§ 40, 40-a, 40-c, 47-a, 47-b, and 48-a  
Civil Service Law §§ 75-b and 115  
Correction Law § 752  
Labor Law §§ 194-a, 201-d, 201-g, 203-e, 206-c, and 215  
New York State Human Rights Law, Executive Law § 290 et seq.  
Military Law §§ 242, 243, and 318  
9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #3420 -- [Non-Discrimination and Anti-Harassment in the District](#)  
#3421 -- [Title IX and Sex Discrimination](#)  
#6121 -- [Sexual Harassment in the Workplace](#)  
#6122 -- [Employee Grievances](#)

Personnel

**SUBJECT: — SEXUAL HARASSMENT OF DISTRICT PERSONNEL**

**Purpose and Application**

The District is committed to maintaining a workplace free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace.

This policy is one component of the District's commitment to a discrimination free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the District. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

This District policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the District. In the remainder of this document, the term "employees" refers to this collective group. A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination). All complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 — Non Discrimination and Anti Harassment in the District.

**Retaliation Prohibition:** No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the District who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or with the District's Civil Rights Compliance Officer (CRCO). In the event that the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated an additional individual to serve in that capacity, or to the Superintendent.

(Continued)

Personnel

**SUBJECT: ~~SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)~~**

~~Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including, but not limited to, the designation of the CRCO, knowingly making false accusations, and possible corrective actions can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.~~

~~All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.~~

~~Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.~~

~~The District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.~~

~~All employees are encouraged to report any harassment or behaviors that violate this policy. The District will provide all employees a complaint form for employees to report harassment and file complaints.~~

~~Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the District's Civil Rights Compliance Officer (CRCO). In the event that the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated an additional individual to serve in that capacity, or to the Superintendent.~~

~~This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an off-site work location) and be provided to employees upon hiring.~~

**What is "Sexual Harassment"?**

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

(Continued)

Personnel

**SUBJECT: — SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

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

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

**Examples of Sexual Harassment**

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

- a) — Physical acts of a sexual nature, such as:
  - 1. — Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - 2. — Rape, sexual battery, molestation or attempts to commit these assaults.
- b) — Unwanted sexual advances or propositions, such as:
  - 1. — Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;

(Continued)

Personnel

**SUBJECT: — SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

2. — Subtle or obvious pressure for unwelcome sexual activities.
- c) — Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) — Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) — Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) — Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  1. — Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  2. — Sabotaging an individual's work;
  3. — Bullying, yelling, name calling.

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

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

**Retaliation**

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

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Personnel

**SUBJECT: — SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) — Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b) — Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) — Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment; reported that another employee has been sexually harassed; or
- d) — Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**Reporting Sexual Harassment**

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

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

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

**Supervisory Responsibilities**

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

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Personnel

**SUBJECT: — SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

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

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

**Complaint and Investigation of Sexual Harassment**

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

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

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

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

- a) — Upon receipt of complaint, CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- b) — If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- c) — Request and review all relevant documents, including all electronic communications.
- d) — Interview all parties involved, including any relevant witnesses.
- e) — Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  1. — A list of all documents reviewed, along with a detailed summary of relevant documents;

(Continued)

Personnel

**SUBJECT: — SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

2. — A list of names of those interviewed, along with a detailed summary of their statements;
  3. — A timeline of events;
  4. — A summary of prior relevant incidents, reported or unreported; and
  5. — The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- f) — Keep the written documentation and associated documents in a secure and confidential location.
  - g) — Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
  - h) — Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at [Employer Name], employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

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

**State Human Rights Law (HRL)**

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

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

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Personnel

**SUBJECT: — SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

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

**Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC Section 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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Personnel

**SUBJECT:—SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

**Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Civil Rights Act of 1991, 42 USC § 1981(a)

29 CFR § 1604.11(a)

Civil Service Law § 75-B

Labor Law §§ 209-g and 296-d

General Obligations Law § 5-336

CPLR §§ 5003-b and 7515

Local Finance Law § 139-l

Public Officers Law § 17-a

Executive Law §§ 296 and 297

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.

34 CFR § 100 et seq.

Adopted: 1992

Revised: 1/9/07; 10/28/08; 1/9/18; 3/12/19

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sexual harassment in the workplace. The District will promptly respond to reports of sexual harassment in the workplace, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).

**Scope and Application**

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

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## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to sexual harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved and where the alleged sexual harassment occurred. These documents must be read in conjunction with this policy. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; and Policy #3421 -- Title IX and Sex Discrimination.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

**What Constitutes Sexual Harassment**

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

Under New York State Human Rights Law, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

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

- a) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- b) Such conduct is made either explicitly or implicitly a term or condition of employment; or

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
  - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
  - 2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b) Unwanted sexual advances or propositions, such as:
  - 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
  - 2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

(Continued)



## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
  - 1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - 2. Sabotaging an individual's work; and
  - 3. Bullying, yelling, or name-calling.

**Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

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

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making an oral or informal complaint of harassment to a supervisor, building principal, other administrator, or the CRCO;

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**Reporting Allegations of Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; and Policy #3421 -- Title IX and Sex Discrimination.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained in this policy.

**Supervisory Responsibilities**

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

**Investigating Complaints of Sexual Harassment**

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

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

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

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate.

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

- b) All complaints of sexual harassment will be investigated regardless of the form in which those complaints are made. For oral complaints, the individual will be encouraged to complete the complaint form, which is available on the District website, in writing. If he or she refuses, a complaint form based on the oral report will be prepared. The complainant will be provided a copy of the completed complaint form.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.
- e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f) Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:
  - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - 2. A list of names of those interviewed, along with a detailed summary of their statements;
  - 3. A timeline of events;
  - 4. A summary of prior relevant incidents, reported or unreported; and
  - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in this policy.

Additionally, other District policies and documents address sexual harassment. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; and Policy #3421 -- Title IX and Sex Discrimination. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

If an investigation reveals that sexual harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

**Annual Training**

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;
- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

**Notification**

The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.

At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as his or her primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)****Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

**State Human Rights Law (HRL)**

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

Complaints with DHR may be filed any time within one year (three years beginning August 12, 2020) of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend the time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring the District to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

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

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC Section 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments Act of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.  
29 CFR § 1604.11(a)  
34 CFR Subtitle B, Chapter I  
Civil Service Law § 75-b  
New York State Human Rights Law, Executive Law § 290 et seq.  
Labor Law § 201-g

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#6122 -- Employee Grievances  
#7551 -- Sexual Harassment of Students

Adopted: 1992  
Revised: 1/9/07; 10/28/08; 1/9/18; 3/12/19;



**SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS****Pre-employment Medical Examinations**

~~In accordance with the Americans with Disabilities Act, as amended, †~~The District will not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District will not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability. However, the District may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

**Examinations During Employment**

The Board reserves the right to request a medical examination at any time during employment, at District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

~~Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician or nurse practitioner and the Superintendent, the procedure is deemed necessary.~~

All bus drivers and substitute bus drivers must have yearly physical examinations. Each bus driver initially employed by the District will have a physical examination within the **four eight** weeks prior to the beginning of service. In no case will the interval between physical examinations exceed a 13-month period.

~~The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician will take precedence over all other medical advice.~~

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**Examinations and Inquiries**Acceptable

The District **will may** conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job-related functions.

Prohibited

The District will not require a medical examination and will not make inquiries as to whether the employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

(Continued)

**SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)**

~~Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325)~~

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

~~45 CFR Parts 160 and 164~~

28 CFR §§ 41.55 and 42.513

29 CFR §§ 1630.13 and 1630.14

34 CFR § 104.14

Civil Service Law § 72

Education Law §§ 913 and 3624

Vehicle and Traffic Law §§ 509-b, 509-d, and 509-g

8 NYCRR §§ 136.3 and 156.3(2)

~~10 NYCRR Part 14~~

15 NYCRR Part 6

Adopted: 1992

Revised: 1/9/07; 12/12/17; 7/3/18;

NORTH ROSE-WOLCOTT CENTRAL SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING MINUTES

February 9, 2023

6:00 PM

Auditorium of the Middle School

**PRESENT:**

**BOE Members:** Lucinda Collier, John Boogaard, Shelly Cahoon, Linda Eygnor, Paul Statskey, Tina Reed, Jasen Sloan

**Superintendent:** Michael Pullen

**District Clerk:** Tina St. John

Approximately 22 students, staff and guests.

**1. Call to Order/Pledge of Allegiance**

President, Lucinda Collier called the meeting to order at 6:00p.m.

**Approval of Agenda:**

Motion for approval was made by John Boogaard and seconded by Tina Reed with the motion approved 7-0.

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the agenda of February 9, 2023.

**2. Presentations:**

- Student Presentation – NRWE Students
  - 4<sup>th</sup> graders Joey Barnes and Vincenzo Bianco were the student presenters.
- North Rose-Wolcott Elementary School – Christie Graves, Joseph Canori
  - NRWE presented the winter update of the School Improvement Plan and answered questions.
- Budget Presentation – Gary Barno
- Superintendent Update – Michael Pullen
  - Mr. Pullen thanked the Wolcott Fire Department and the NRW Maintenance staff for their response and clean up efforts during the valve failure.
  - Mr. Pullen congratulated wrestlers AJ Anthony and Noah Wazinski on their win at the sectionals. Good luck at the State Qualifiers.
  - Mr. Pullen congratulated Vivian Bishop as Alpine Ski League Champion.

**3. Reports and Correspondence:** Committee chairperson or liaison provided an update.

- Board of Education Building Liaisons
  - Elementary School – Linda Eygnor
  - Middle School – Paul Statskey
  - High School – Tina Reed
- Four County Update – Linda Eygnor
- Handbook Committee – Lucinda Collier, Tina Reed, Jasen Sloan – nothing to report
- Audit Committee – John Boogaard, Shelly Cahoon, Linda Eygnor – nothing to report
- Building & Grounds/Capital Project/Energy Committee – Jasen Sloan, Shelly Cahoon, Paul Statskey – nothing to report
- District Safety Committee – Jasen Sloan
- Alternative Learning Center – Jasen Sloan
- Policy Committee – Paul Statskey, Shelly Cahoon, Tina Reed
  - First Reading: The following policies are being submitted for a first reading.

<b>5000</b>	<b>Non-Instructional/Business Operations</b>	
5660	Meal Charge and Prohibition Against Meal Shaming	Revised
5670	Records Management	Revised

5721	Idling School Buses on School Grounds	Revised
5730	School Bus Safety Program	Revised
5740	Qualifications of Bus Drivers	Revised
5683	Fire and Emergency Drills, Bomb Threats, and Bus Emergency Drills	Revised

**4. Public Access to the Board:**

- No one addressed the Board of Education

**5. Consent Agenda:**

A motion for approval of the following items as listed under the CONSENT AGENDA is made by Paul Statksey and seconded by Jasen Sloan with the motion approved 7-0.

a. Board of Education Meeting Minutes

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the Meeting Minutes of January 26, 2023.

b. Recommendations from CSE and CPSE

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the recommendations for the Committee on Special Education dated January 11, 13, 17, 18, 27, and 31, 2023; and instructs the Superintendent to implement the recommendations on behalf of the following individuals identified by student number:

12561	14661	12272	12275	14664	14725	13449	12328	14836
14466	14455	14840	13014	13083	13143	14843		

c. Substitute Teachers and Substitute Service Personnel

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the individuals named on the substitute lists, which are on file with the District Clerk.

d. Award Audit Services – Mengel Metzger Barr & Co

**RESOLUTION**

**WHEREAS**, the North Rose-Wolcott Central School District (the “District”) has participated in the Wayne Finger lakes BOCES RFP for audit services known as “WFLRFP 2023-27 Independent Audit Services”, and

**WHEREAS**, the District has two (2) received proposals for audit services beginning July 1, 2023 from prominent CPA firms, and

**WHEREAS**, a District selection committee has been formed for reviewing, evaluating, and making a recommendation to award the proposal for audit services beginning July 1, 2023 and

**BE IT RESOLVED** to award the WFLRFP 23-27 Proposal for Legal Services, upon the recommendation of the Superintendent, to Mengel Metzger Barr & Co.

e. Amendment to 2022-23 Budget

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approve the budget amendment in the amount of \$29,644.41 from insurance proceeds and amend the 2022-2023 budget by an increase of \$29,644.41 to the Repairs and Towing code A-5510-400-06-2800.

f. Personnel Items:

1. Letter of Resignation –Joe Canori

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law accepts the resignation from Joe Canori as Administrative Intern effective February 17, 2023.

2. Letter of Resignation –Sarah Lynn

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law accepts the resignation from Sarah Lynn as School Monitor effective February 17, 2023.

3. Appoint Bus Driver-Tracy Johnson

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the 52-week probationary appointment of Tracy Johnson as a Bus Driver conditional upon a criminal history record check according to Commissioners Regulation §80 1.11 and Part 87 as follows:

Probationary Period: February 13, 2023-February 12, 2024

Salary: \$23.00/hr.

4. Appoint Cook – Megan Jock

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the 52 week probationary appointment of Megan Jock as a Cook conditional upon a criminal history record check according to Commissioners Regulation §80 1.11 and Part 87 as follows:

Probationary Period: February 13, 2023-February 12, 2024

Salary: \$15.75/hr.

5. Appoint Food Service Helper – Keri McQuown

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the 52 -week probationary appointment of Keri McQuown as a Food Service Helper conditional upon a criminal history record check according to Commissioners Regulation §80 1.11 and Part 87 as follows:

Probationary Period: February 13, 2023-February 12, 2024

Salary: \$15.00/hr.

6. Permanent Appointment –Kristin Flowers

**RESOLUTION**

Be it resolved, that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the permanent appointment of Kristin Flowers as School Monitor effective January 11, 2023.

7. Program Appointments

The following individuals are being recommended to work in enrichment programs that are funded by

grants.

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law, approves the following individuals to work various enrichment programs during the 2022-2023 school year conditional upon a criminal history record check according to Commissioners Regulation §80-1.11 and Part 87.

Staff	Position	\$/Hr.
Cathy LaValley	Grant Program Teacher	\$33.50/hr.
Chere Poole	Grant Program Teacher Aide	\$17.87/hr.

8. Nomination of BOCES Board Member

**RESOLUTION**

Be it resolved that the Board of Education of the North Rose Wolcott Central School District nominate Linda Eygnor to be a candidate for election to membership on the Board of Education of the Wayne-Finger Lakes BOCES, commencing on July 1, 2023, for a term of two or three years ending June 30, 2025 (for the 2-year term) and June 30, 2026 (for the 3-year terms).

9. Appoint Volunteers

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the following individuals to work as a volunteer in the district for the 2022-2023 school year.

Carrie Brown

Tera Ludlum

**6. Policies**

A motion for approval of the following items as listed under Policies is made by Shelly Cahoon and seconded by Linda Eygnor with the motion approved 6-0.

1. Approval of Policies

**RESOLUTION**

Be it resolved that the Board of Education, upon recommendation of the Superintendent of Schools and pursuant to Education Law approves the following new and/or revised policies:

3000	Community Relations	
3220	Public Participation at Board Meetings	Delete

**Board Member Requests/Comments/Discussion:**

- Board of Education Workshop on Monday, February 13, 2023

**Good News:**

- Board Members shared good news

**Informational Items:**

- Claims Auditor Reports

Adjournment:

A motion was requested to adjourn the regular meeting.

Motion for approval was made by Shelly Cahoon and seconded by John Boogaard with motion approved 7-0.

Time adjourned: 6:54p.m.

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Tina St. John, Clerk of the Board of Education

UNOFFICIAL

# NORTH ROSE-WOLCOTT CSD 2023-2024 Academic Calendar

July 2023						
Su	Mo	Tu	We	Th	Fr	Sa
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January 2024						
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August 2023						
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February 2024						
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May 2024						
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June 2024						
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Notes & Holidays	
<b>JULY</b>	
Independence Day Observed	July 4, 2023
<b>AUGUST</b>	
Regents Exams	August 16-17, 2023
Professional Development Days	August 29-31, 2023
<b>SEPTEMBER</b>	
Labor Day Holiday	September 4, 2023
School Opens for Students	September 5, 2023
<b>OCTOBER</b>	
Professional Development Day	October 6, 2023
Columbus Day	October 9, 2023
<b>NOVEMBER</b>	
Veterans' Day	November 10, 2023
Thanksgiving Recess	November 22-24, 2023
<b>DECEMBER</b>	
Winter Holiday Break	December 22-29, 2023
<b>JANUARY</b>	
Winter Holiday Break	January 1, 2024
School Reopens for Students	January 2, 2024
Martin Luther King, Jr. Day	January 15, 2024
Regents Exams	January 23-26, 2024
<b>FEBRUARY</b>	
Presidents' Week Recess	February 19-23, 2024
<b>MARCH</b>	
Professional Development Day	March 15, 2024
Spring Recess	March 29, 2024
<b>APRIL</b>	
Spring Recess	April 1-8, 2024
Gr. 3-8 NYS ELA EXAM Computer-based	April 8-May 17, 2024
<b>MAY</b>	
Gr. 3-8 NYS Math EXAM Computer-based	April 8-May 17, 2024
Memorial Day	May 24 & 27, 2024
<b>JUNE</b>	
Regents Exams	June 4, 14, 18, 20-25, 2024
Juneteenth	June 19, 2024
Rating Days	June 17 & 26, 2024
Graduation	June 21, 2024

182 Student Days/ 187 Teacher Days

Legend:

[ ] Holiday Recess      < > Professional Development Day

^Regents/State Exams

Board of Education Approved:  
Revised:



**SUBJECT: MEAL CHARGE AND PROHIBITION AGAINST MEAL SHAMING****Purpose**

The goal of the North Rose-Wolcott School District Food Service Program is to provide student access to nutritious or low-cost meals each school day and to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent or guardian does not have unpaid meal fees.

However, unpaid charges place a large financial burden on our school. The purpose of this policy is to ensure compliance with federal requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the North Rose-Wolcott School District Food Service Program in a way that does not stigmatize, **distress** or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack meals only. The District provides this policy as a courtesy to those students in the event that they forget or lose their money. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

**Policy****Access to Meals**

~~Free Meal Benefit – Free eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day that is eligible for reimbursement. A la carte items or other similar items must be paid/prepaid.~~

~~Reduced Meal Benefit – Reduced eligible students will be allowed to receive a breakfast of their choice for \$.25 and lunch of their choice for \$.25 each day. The charged meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. A la carte items or other similar items must be paid/prepaid.~~

~~Full Pay Students – Students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. A la carte items or other similar items must be paid/prepaid.~~

- a) Free meal benefit eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.
- b) Reduced meal benefit eligible students will be allowed to receive a breakfast of their choice for ~~\$0.00~~ *free* and lunch of their choice for ~~\$0.00~~ *free* each day. A la carte items or other similar items must be paid/prepaid.

- c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

**Ongoing Staff Training**

- a) Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the State Education Department (SED) ~~NYSED~~ Webinar or the school's training program.
- b) Staff training includes ongoing eligibility certification for free or reduced-price meals.

(Continued)

**SUBJECT: MEAL CHARGE AND PROHIBITION AGAINST MEAL SHAMING (Cont'd.)****Parent Notification**

Parents or guardians will be notified that a student's meal card or account balance is exhausted and has accrued meal charges within five days of the charge and then every week thereafter.

**Parent Outreach**

- a) Staff will communicate with parents or guardians with five or more meal charges to determine eligibility for free or reduced price meals.
- b) Staff will make two documented attempts to reach out to parents or guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.
- c) Staff will contact the parent or guardian to offer assistance with completion of meal application to determine if there are other issues within the household causing the child to have insufficient funds, offering any other assistance that is appropriate.

**Minimizing Student Distress**

- a) Staff will not publicly identify or stigmatize any student on the line or discuss any outstanding meal debt in the presence of any other students.
- b) Students who incur meal charges will not be required to wear a wristband or handstamp, or to do chores or work to pay for meals.
- c) Staff will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous meal charges.
- d) Staff will not take any action directed at a pupil to collect unpaid school meal fees.
- e) Staff will deal directly with parents or guardians regarding unpaid school meal fees.

**Ongoing Eligibility Certification**

- a) Staff will conduct direct certification with the New York Student Identification System (NYSSIS) or using NYSED Roster Upload monthly to maximize free eligibility. [NYSED provides updated direct certification data monthly.](#)
- b) Staff will provide parents or guardians with free and reduced price application and instructions at the beginning of each school year in school enrollment packet.
- c) If the District uses an electronic meal application, it will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.

(Continued)

**SUBJECT: MEAL CHARGE AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)**

- d) The District will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.
- e) The District will use administrative prerogative judiciously, only after using exhaustive efforts to obtain a completed application from the parent or guardian. The District will complete the application using only available information on family size and income that falls within approvable guidelines.
- f) The District will coordinate with the foster, homeless, migrant, runaway coordinators at least monthly to certify eligible students. [School liaisons required for homeless, foster, and migrant students will coordinate with the nutrition department to make sure these students receive free school meals, in accordance with federal law.](#)

**Prepaid Accounts**

Students/Parents/Guardians may pay for meals in advance via: <http://www.myschoolbucks.com/ver2/login/getmain?requestAction=home> or with a check payable to North Rose-Wolcott Central School District. Cash or money orders are also accepted. Further details are available on our webpage at [www.nrwcs.org](http://www.nrwcs.org). Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student **may/will** be carried over to the next school year.

To obtain a refund for withdrawn, and graduating students; a written or emailed request for a refund of any money remaining in their account must be submitted. Students who are graduating at the end of the year will be given the option to transfer to a sibling's account with a written request.

Unclaimed Funds must be requested within one school year. Unclaimed funds will then become the property of the North Rose-Wolcott School District Food Service Program.

42 USC § 1758  
7 CFR §§ 210.12 and 245.5  
Education Law § 908  
8 NYCRR § 114.5

Adopted: 1992  
Revised: 11/12/03; 6/27/06; 1/9/07; 10/28/08; 11/18/14; 6/13/17; 7/3/18;

**SUBJECT: RECORDS MANAGEMENT**

A Records Management Officer will be designated by the Superintendent, subject to the approval of, and appointment by, the Board. The Records Management Officer will coordinate an orderly and efficient management program. This program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will further be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent or designee may comprise the Advisory Board.

**Retention and Disposition of Records**

The Superintendent or designee will retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1.

Special Approvals for Disposition of Records

Records not listed on a records retention and disposition schedule will not be disposed of without the approval of the Commissioner of Education. Similarly, records that have been damaged by natural or manmade disasters, to the extent that the information contained in those records is substantially destroyed, or the records constitute a human health or safety risk also require the Commissioner's approval before disposition.

**Replacing Original Records with Microforms or Electronic Images**

Digital images of public records may be stored on electronic media, and these electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the District will follow the procedures prescribed by the Commissioner of Education.

**Retention and Preservation of Electronic Records**

The District will ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met.

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District's orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee, among others.

### **Retention and Disposition of Records**

The District will retain records and dispose of them in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) or as otherwise approved by the Commissioner of Education. Further, if any law specifically provides a retention period longer than that established by this schedule, the retention period established by the law will govern.

### **Replacing Original Records with Microforms or Electronic Images**

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

### **Retention and Preservation of Electronic Records**

The District will ensure that records retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law ~~§ 57.19~~ Article 57-a  
8 NYCRR Part 185

Revised: 10/28/08; 12/12/17;

**SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS**

The ~~Board~~ District recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. The District will ensure that each driver of a school bus or other vehicle owned, leased, or contracted for by the District turns off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while the vehicle is parked or standing on school grounds or in front of or adjacent to any school. Rather than waiting for all buses to arrive before loading or unloading, individual buses will be promptly loaded and unloaded to minimize idling.

**Exceptions**

Unless otherwise required by state or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; ~~or~~
- b) To maintain an appropriate temperature for passenger comfort and/or safety; or
- c) In emergency evacuations and/or where necessary to operate wheelchair lifts.

**Private Vendor Transportation Contracts**

All contracts for pupil transportation services between the District and a private vendor will include a provision requiring the vendor's compliance with the provisions of reducing idling in accordance with Commissioner's regulations.

Education Law § 3637  
Vehicle and Traffic Law § 142  
8 NYCRR § 156.3(h)

Adopted: 11/14/06  
Revised: 2/10/09; 12/12/17;

**SUBJECT: SCHOOL BUS SAFETY PROGRAM**

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses shall be observed by drivers, students and school personnel.

**Use of Portable Electronic Devices Prohibited**

For purposes of this policy, and in accordance with applicable law, the terms below will be defined as follows:

- a) "Portable electronic device" means any mobile telephone (hand-held or "hands-free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, ~~or~~ portable computing device, or any other electronic device when used to input, write, send, receive, or read text for present or future communication.
- b) "Using" means holding a portable electronic device while viewing, taking or transmitting images, playing games, or for the purpose of present or future communication: performing a command or request to access a world wide web page, composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving email, text messages, instant messages, or other electronic data.
- c) "In operation" means that the bus engine is running, whether in motion or not.

The use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation.

All school bus drivers' personal portable electronic devices are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Portable electronic devices, including cell phones, may be used in case of emergency.

**Safety Rules and Inspections**

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. ~~There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.~~

All buses and other vehicles owned and operated by the District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

(Continued)



**SUBJECT: SCHOOL BUS SAFETY PROGRAM (Cont'd.)**

Every bus driver is required to report promptly to the Transportation Supervisor any school bus accident, regardless of the severity, involving death, injury, or property damage.

Education Law § 3623

Vehicle and Traffic Law §§ 509-a(7), 509-~~h~~(1-b), 1174~~(a)~~, ~~1174(b)~~, and, 1225-c, and 1125-d

8 NYCRR § 156.3

17 NYCRR §§ 720.2, 721.1, and 721.2

NOTE: Refer also to Policies #5683 -- Fire and Emergency Drills, Bomb Threats, and Bus  
Emergency Drills  
#5741 -- Drug and Alcohol Testing for School Bus Drivers

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

- a) Is at least 21 years of age;
- b) Has been issued ~~a currently valid operator's or commercial~~ an appropriate driver's license which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered in accordance with Commissioner of Education and Commissioner of Motor Vehicles regulations. In no case will the interval between physical examinations exceed a 13-month period;
- d) Is not disqualified to drive a motor vehicle under ~~Vehicle and Traffic Law Sections 509-e and 509-ee and any other provisions of Article 19~~ Any provision of law or regulation;
- e) Has on file at least three statements from three different persons who are not related by either blood or marriage to the driver or applicant pertaining to the moral character and to the reliability of the driver or applicant;
- f) Has completed, or is scheduled to complete, required New York State Education Department safety programs ~~as required by law~~;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;
- h) Has taken and passed a physical performance test approved by the Commissioner of Education at least once every two years and/or following ~~an absence from service of a period of being unavailable for service for 60 or more consecutive days from his or her~~ their scheduled work duties. In no case will the interval between physical performance tests exceed 25 months; and
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

**Special Requirements for New Bus Drivers**

Before employing a new bus driver, the Superintendent or his/her designee shall:

- a) Require such person to pass a physical examination within ~~four~~ eight weeks prior to the beginning of service;
- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three years;

(Continued)

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

- c) Investigate the person's employment record during the preceding three years;
- d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check;
- e) Request the Department of Motor Vehicles to initiate a driving record abstract check;
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's regulations, before they transport students.

**Occasional Drivers**

Under Commissioner's regulations, an occasional driver is defined as a certified teacher who is employed by a school district or Board of Cooperative Educational Services (BOCES) ~~who is not primarily employed as a~~ whose employment does not include serving as either a regular or substitute school bus driver ~~or substitute bus driver on either a full-time or part-time basis~~. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)

49 USC § 521(b)

~~49 CFR Parts 40, 382, 391, 392, and 395~~

Education Law § 3624

Vehicle and Traffic Law §§ ~~509-e, 509-ee, and~~ Article 19-A

8 NYCRR § 156.3

15 NYCRR Part 6 and § 3.2

NOTE: Refer also to Policy #5741 -- Drug and Alcohol Testing For School Bus Drivers

Adopted: 1992

Revised: 2/24/98; 1/9/07; 10/28/08; 4/9/13;

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS  
EMERGENCY DRILLS****Fire and Emergency Drills**

The administration of each school building will instruct and train students on appropriate emergency responses, through fire and emergency drills, in the event of a sudden emergency.

Fire and emergency drills will be held at least 12 times in each school year; eight of these will be completed by December 31. Eight of all drills will be evacuation drills, four will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits. The other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

**Summer School**

At least two additional drills will be held during summer school in buildings where summer school is held, and one of these drills will be held during the first week of summer school.

**After-School Programs, Events, or Performances**

The building principal or designee will require those in charge of after-school programs, events, or performances attended by any individuals unfamiliar with that school building, to announce at the beginning of these programs the procedures to be followed in the event of an emergency.

**Bomb Threats****School Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

(Continued)

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS  
EMERGENCY DRILLS (Cont'd.)**Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Implementation

The Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide School Safety Plan and the Building-Level Emergency Response Plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the District-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

**Bus Emergency Drills**

The administration will conduct a minimum of three emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

Students who ordinarily walk to school will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency ~~door~~ exits, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's regulations, including, but not limited to, the following:

- a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) Advancing at least ~~ten~~ 15 feet in front of the bus before crossing the highway after disembarking; ~~and~~

(Continued)

**SUBJECT: FIRE AND EMERGENCY DRILLS, BOMB THREATS, AND BUS  
EMERGENCY DRILLS (Cont'd.)**

- c) Specific hazards encountered during snow, ice, rain, and other inclement weather, including, but not necessarily limited to, poor driver visibility, reduced vehicular control, and reduced hearing; and
- ed) Orderly conduct as bus passengers.

The administration of the drills will be in accordance with the New York State Education Department's Bus Safety Drill Guide and Compliance Form.

**Instruction on Use of Seat Belts**

When students are transported on school buses ~~equipped with seat safety belts~~, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable **adjustment and** placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law §§ 807, 2801-a, ~~and 3623~~, and 3635-a  
Penal Law §§ ~~240.55, 240.60, and 240.62~~ Article 240  
8 NYCRR §§ 100.2(c), 155.17, and 156.3(~~f~~), ~~156.3(g)~~, and 156.3(~~h~~)(2)

**NOTE:** Refer also to Policy #5681 -- School Safety Plans

Revised: 6/24/97; 11/12/03; 1/9/07; 10/28/08; 2/27/18;