

**BOARD OF EDUCATION  
AGENDA  
November 13, 2018  
Elementary School LGR**

5:30 p.m. Call to Order/Executive Session (ES Library)  
7:30 p.m. General Session Business Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

II. ROLL CALL OF BOARD MEMBERS

III. RECOGNITION

IV. MINUTES

**The Board approves the minutes of the following meetings:**

Regular Meeting held October 9, 2018

Work Session Meeting held October 23, 2018

Special Meeting held October 30, 2018

V. PUBLIC COMMENT (*limited to 15 minutes - priority given to Agenda related items*)

VI. REPORTS

A. Student Representative

B. Superintendent of Schools

*-Secondary Program Modifications – Jessica Schmettan and Christine Austen*

C. Board President

D. Committees

E. Other

VII. BOARD CONSENT AGENDA

**As recommended by the Superintendent of Schools, the Board approves the following resolutions appearing on the November 13, 2018 consent agenda:**

A. Personnel - resolutions numbered 1-10

B. Finance - resolutions numbered 1-7

C. Facilities and Operations

D. Education - resolutions numbered 1-2

VIII. OLD BUSINESS

A. Policy

1. Policy 8505, Charging School Meals and Prohibition Against Shaming - presented for a second reading and adoption

IX. NEW BUSINESS

A. Policy

1. Policy 2340, Notice of Board Meetings – presented for a first reading and adoption
2. Policy 0110, Sexual Harassment – presented for a first reading and adoption

X. PUBLIC COMMENT

XI. ADJOURNMENT

**A. Personnel**

1. Resignation – Teaching Assistant

The Board accepts the resignation of Michele Aponte, as a Teaching Assistant, effective November 12, 2018.

2. Resignation – Teacher

The Board accepts the resignation of Nicole Pennino-Costa, as a Teacher of LOTE, effective October 18, 2018.

3. Resignation – Interim Teacher

The Board accepts the resignation of Christine Prinz, as a .6 FTE interim teacher of Science, effective November 2, 2018.

4. Appointment – Teaching Assistant

The Board approves the appointment of Ryan McCormick, as a Teaching Assistant/Lifeguard, on a probationary basis, effective on or about November 14, 2018, in accordance with the negotiated agreement with the Port Jefferson Paraprofessionals Association.

5. Lifeguards

The Board approves the following lifeguard appointments for the 2018-2019 school year Community Swim at Edna Louise Spear Elementary School pool, contingent upon First Aid, CPR and Lifeguard certifications:

Head Lifeguard – Nicole Demsen at the rate of \$21 per hour  
Lifeguard – Andrew Johs at the rate of \$13 per hour  
Lifeguard – Jonathan Moshe at the rate of \$13 per hour

6. Substitutes

The Board approves the following substitute appointments for the 2018-2019 school year:

Teacher	Victoria Johnston Boecherer
	Sarah Liberti
Teacher Aide	Teresa Ayala
	James Sinclair
Teaching Assistant	Robin Marcel
	Louise Valentino
Nurse	Maureen Scarnati
	Kaitlyn Hussey, pending fingerprint clearance by NYSED

7. Facility Use Monitors

The Board approves the following Facility Use Monitor appointments for service as needed, at the rate of \$20.00 per hour, for the remainder of the 2018-2019 school year:

Ryan Parmegiani                      Thomas Serabian

8. Coaching Positions

The Board approves the appointment of the following coaches for the 2018-2019 school year, in accordance with the negotiated agreement with the Port Jefferson Teachers Association, contingent upon possession of Temporary Coaching License, First Aid and CPR Certifications:

MS/JV/V Baseball Volunteer Coach	Paul Scalcione
MS/JV/V Baseball Volunteer Coach	Anthony Filippi
Modified Girls Basketball Head Coach	Rochelle Provenzano
Modified Girls Softball Head Coach	Kristen Bagley
Varsity/JV/MS Boys Lacrosse Volunteer Coach	Omar Karasu

9. Tenure – Special Education Teacher

The Board grants tenure to Christina Marino, as a teacher of Special Education, effective December 16, 2018.

10. Memorandum of Agreement – Facility & Technology Supervisors

The Board approves the Memorandum of Agreement, dated November 13, 2018, between the negotiating representatives of the Port Jefferson Union Free School District and the Port Jefferson Facility and Technology Supervisor’s Association and authorizes the Superintendent of Schools and/or the Board President to execute a new Collective Bargaining Agreement incorporating the terms of said agreement.

**B. Finance**

1. Financial Reports

The Board approves the following financial reports:

Claims Audit Report - Month of September  
Cash Flow Analysis - Month of September  
New Budget Transfers  
September Warrants & Treasurer Reports

<u>Fund Name</u>	<u>Warrant #</u>
General Fund	11-13, 15-16
School Lunch Fund	No Warrants
Federal Fund	2-3
Capital Fund	4, 6
Trust & Agency	1
Payroll	7-8
Scholarship Fund	No Warrants
EPC Escrow	No Warrants

Trial Balance - July 2018 - September 30, 2018  
Revenue Budget Status - July 2018-June 2019  
Appropriation Status Report - July 2018-June 2019  
Budget Transfers - Month of September  
Approved Fundraisers  
Extra Classroom Activity Report – July-September 2018

2. Scholarship Donation

The Board gratefully accepts the donation from Rolf and Louise Welch in the amount of \$210.00 to the Andrew Golub Scholarship Fund.

3. Donation

The Board gratefully accepts the donation from the Port Jefferson Royal Educational Foundation to the Port Jefferson School District in the amount of \$731.86.

4. Donation

The Board gratefully accepts the donation from the Port Jefferson 2017-18 5<sup>th</sup> Grade Committee to the Port Jefferson School District in the amount of \$5,000.00 to offset the cost of the Frost Valley 6<sup>th</sup> grade field trip.

5. Budget Development Calendar

The Board approves the attached 2019-2020 Budget Development Calendar.

6. Internal Controls/Risk Assessment Report

The Board accepts both the Internal Controls Report and the Risk Assessment, from the district's internal auditors, Nawrocki Smith, LLP, pertaining to the District Treasurer Duties and the Document Retention Cycle; and further, the Deputy Superintendent is authorized to submit the corrective action plan to the New York State Comptroller's Office.

7. Audited Financial Statements

The Board approves the following resolution: The Port Jefferson Union Free School District accepts the audited 2017-2018 Financial Statements from the external auditor, R.S. Abrams, for the fiscal year ended June 30, 2018; and further, the Deputy Superintendent is authorized to submit the corrective action plan to the New York State Comptroller's Office.

**C. Facilities & Operations**

**D. Education**

**1. Committees on Special Education**

The Board approves the recommendations of the Committees on Special Education for meetings held: September 7, 21, 24, 25, 28, October 1, 3, 4, 15, 17, 18, 19, 2018.

**2. Professional Development**

The Board approves the agreement between Education Alive/It Takes A Village Wellness and the Port Jefferson Union Free School District for wellness professional development with middle school and elementary teachers for the 2018-2019 school year.

**Required Action**

Financial Reports Due to SED (ST-3, Forms A, FT, FB)  
 Financial Statement (FS) & External Audit report submitted to SED and Comptrollers Office  
 Single Audit of Federal Funds  
 Reponse to External Audit Findings (Corrective Action Plan)  
 Collection of Basic Education Data System (BEDS)  
 Non-resident tuition and health services bills

**Due Date**  
 Oct 1, 2018  
 November , 2018  
 N/A  
 90 days after receipt of FS  
 October 2018  
 TBD

**Proposed Budget Calendar**

<b>Subject</b>	<b>Date</b>
Finance Committee Reviews Budget Process & Calendar	November 2018
Principals, Directors, will submit	December 21, 2018
BOE Receives Rollover Budget	January 4, 2019
Superintendent and Deputy Superintendent review Budget Draft #1	January 4, 2019
BOE review and discussion of Budget Draft #1	January 8, 2019
BOE review and discussion of Budget Draft #2	February 12, 2019
Report Levy Cap to NYS Comptrollers Office	March 1, 2019
BOE review and discussion of Budget Draft #3	March 12, 2019
Public Budget Presentation Meeting	March 12, 2019
Legal notice of date, time, and place of budget hearing and budget vote. Must advertise 4 times within 7 weeks with the first legal notice publication occurring at least 45 days before the budget vote. Notice should appear in 2 general circulation newspapers.	March 29, 2019
Board receives FINAL Budget Draft	April 5, 2019
Board's final review and adoption of proposed budget	April 9, 2019
District wide Budget Informational Meeting - Administration 7:30 pm	TBD
Popular Budget to Printer	April 10, 2019
Board votes on BOCES board candidates and BOCES administrative budget	TBD
Property Tax Report Card must be submitted to SED by the end of the next business day following the adoption of the budget but no later than 24 days prior to the budget vote.	April 10, 2019
Salary Disclosure submitted to S.E.D	April 26, 2019
Property Tax Report Card Submitted to local newspapers	April 26, 2019
Budget statement and required attachments must be made available upon request at each school building at least 7 business days before the budget hearing and at least 14 days before the budget vote.	May 1, 2019
Latest date for Popular Budget (Brochure) to be mailed home to residents	May 3, 2019
Board Budget Hearing 7:30 p.m.	May 14, 2019
Budget Notice to be Mailed	May 14, 2019
<b>BUDGET VOTE</b>	<b>May 21, 2019</b>

**“CHARGING” SCHOOL MEALS AND PROHIBITION AGAINST SHAMING**

The goal of the Port Jefferson School District is to provide student access to nutritious no- or low-cost meals each school day. The Board of Education recognizes that on occasion, students may not have enough funds for a meal. To ensure that students do not go hungry, the Board will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy. In addition to procedures for allowing meal “charges” the intent of this policy is to establish procedures to address unpaid meal charges throughout the district in a way that does not stigmatize, distress or embarrass students and aims to safeguard the pupil whose parent/guardian has unpaid school meal fees so the student is not shamed or treated differently than a pupil whose parent/guardian does not have unpaid meal fees.

Unpaid charges are a financial burden to the District and taxpayers and can negatively affect the school program. The purpose of this policy is to insure compliance with federal and state requirements for the USDA Child Nutrition Program and, to provide oversight and accountability for the collection of outstanding student meal balances. Unpaid meal charges shall be considered “delinquent” as per the District’s accounting practices. The District shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year.

To comply with State guidelines and maintain a system for accounting for charged meals, regarding both full and reduced-price meals, the Board shall:

- 1) Allow charged meals to be the same reimbursable meals offered to all students, excluding extras, a la carte items, snacks (“competitive foods”) and adult meals. Non reimbursable food is expressly prohibited from being charged on account.
- 2) Prohibit the action of denying a student the ability to purchase a reimbursable meal of their choice if they have money to pay for a meal that day.
- 3) Allow the use of computer generated point of sale system, which identifies and records all meals as well as collects repayments. Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid these monies are not to be considered “a la carte” transactions.
- 4) Allow free eligible students to receive a reimbursable lunch meal of their choice each day. If meal charges are incurred prior to a student becoming eligible for free meals, the parent/guardian is responsible for the charges. Students eligible for a free meal shall not be denied a reimbursable meal, even if they have accrued a negative balance, unless the student’s parent or guardian has specifically provided written permission to the school to withhold a meal.
- 5) Allow reduced price eligible students to receive a reimbursable lunch meal of their choice each day for \$.25. If meal charges are incurred, the charge meals offered to student will be the 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. Reduced price charges must be repaid. If meal charges are incurred prior to a student becoming

eligible for reduced price meals the parent/guardian is responsible for the regular code of the meals charged.

- 6) Allow full pay students to pay for meals at the District published paid meal rate each day. The charge meals offered to students will be the same 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.
- 7) Allow the District within reason to limit or deny students purchases of a-la-carte items when they have five or more unpaid meal charges.
- 8) Allow parents to submit a written request to deny their student the ability to charge meals.

Parents will be notified in writing of the students charge balance on a regular basis. The District will carefully consider all options regarding collection of charges and work with Building Administration, Superintendent or designee, and Social Services regarding these concerns.

#### Ongoing Staff Training:

Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the NYSSSED Webinar or the schools' training program. Staff training includes ongoing eligibility certification for free or reduced price meals.

#### Parent Notification:

Parents/guardians will be notified that a student's account balance is exhausted and has accrued meal charges within one week through phone call, e-mail or mail. The District will attempt to communicate with parents/guardians in their native language, if necessary.

#### Parent Outreach:

The District will communicate with parents/guardians who have children that owe five or more meal charges to determine eligibility for free or reduced price meals through phone call, email or mail.

School staff will make two documented attempts to reach out to those parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment or start of year packet.

School staff will contact the parent/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.

If a parent regularly fails to provide meal money and does not qualify for free or reduced price meals, the District may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.



### Minimizing Student Distress:

Schools will not publicly identify or stigmatize any student on the meal line or discuss any outstanding meal debt in the presence of any other students.

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.

Schools will not throw away a reimbursable meal after it has been served because of the student's inability to pay for the meal or because of previous meal charges.

The District will not take any action directed at a pupil to collect unpaid school meal fees.

The District will deal directly with parents/guardians regarding unpaid school meal fees, if students inquire about account balances food service personnel will provide information limited to positive balances regarding current purchases and a-la-carte options or restrictions based on parental restrictions and funds available.

### Ongoing Eligibility Certification:

School staff will conduct direct certification with NYSSIS or using NYSED Roster Upload to maximize free eligibility NYSED provides updated direct certification data monthly.

School staff will provide parents/guardians with the free and reduced price application and instructions at the beginning of each school year, in school enrollment packet, and will post the application/instructions on the district website.

In the event that electronic meal applications are utilized, the school will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.

The District will provide at least two additional free and reduced price applications throughout the school year to families identified as owing five or more meal charges.

The District will use administrative prerogative judiciously, only after using exhausted efforts to obtain a completed application from the parent/guardian only with available information on family size and income that falls within approvable guidelines.

The District will assign school liaisons as are required for homeless, foster and migrant students and they will coordinate with the nutrition department to make sure such students receive free school meals, in accordance with federal law.

The District will provide free and reduced price students a carryover of eligibility into the new school year or 30 days or until a new determination is made (whichever is first).

### School Meal Payments and Refunds:

Students/Parents/Guardians may pay for meals in advance. Cash and checks are accepted at the cash registers in the cafeterias and in the main office of each school. Accounts may also be funded with a credit card through [www.myschoolbucks.com](http://www.myschoolbucks.com). Schools will encourage parents to maintain funds in student accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

Refunds of remaining account balances for withdrawn and graduated students may be provided only when a written or e-mailed request is submitted. For students who are graduating at the end of the year, the district provides the option to transfer remaining funds to a sibling's account, with a written or e-mail request. When the graduating senior is the only student in the district a letter or e-mail requesting a refund must be submitted by the parent/guardian. Unclaimed funds must be requested within one school year. Unclaimed funds will then become the property of the Port Jefferson School District Food Service Program.

**Ref:** 42 USC §1779 (Child Nutrition Act of 1966)  
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)  
2 CFR §200.426 (accounting for debt in federal programs)  
7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)  
Healthy, Hunger-Free Kids Act (Public Law 111-296), §143  
15 USC §1692a (debt collector defined)  
Education Law §908  
USDA Report to Congress, *Review of Local Policies on Meal Charges and Provision of Alternate Meals*, June 2016, [www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf](http://www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf)  
*Unpaid Meal Charges: Local Meal Charge Policies*, USDA FNS Memo SP 46-2016 (07/08/16), [www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies](http://www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies)  
*Unpaid Meal Charges: Guidance and Q&A*, USDA FNS Memo SP 57-2016 (09/16/16), <https://fns-prod.azureedge.net/sites/default/files/cn/SP57-2016os.pdf>  
*Unpaid Meal Charges: Guidance and Q&A*, USDA FNS Memo SP 23-2017 (03/23/17), <https://fns-prod.azureedge.net/sites/default/files/cn/SP23-2017os.pdf>  
*Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments*, USDA FNS Memo SP 47-2016 (07/08/16), [www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf](http://www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf)  
*Overcoming the Unpaid Meal Challenge - Proven Strategies from Our Nation's The District*, USDA FNS Guidance Document (May 2017), <https://fns-prod.azureedge.net/sites/default/files/cn/SP29-2017a1.pdf>  
*New York State Legislation - Prohibition Against Meal Shaming*, NYSED Memo (5/1/18), <http://www.cn.nysed.gov/content/prohibition-against-meal-shaming>  
*Meal Charge Plan Template*, NYSED (5/1/18), <http://www.cn.nysed.gov/content/meal-charge-and-prohibition-against-meal-shaming-policy-template>

Presented for:

1<sup>st</sup> reading – 6/12/18

2<sup>nd</sup> reading with revisions & adoption – 11/13/18

**CURRENT POLICY:**

2340

**NOTICE OF BOARD MEETINGS**

~~The Board of Education believes that public notice of its activities is essential to ongoing, proactive cooperation between the Board and the community it serves.~~

~~To this end, and in accordance with state law, notice of meetings shall be sent to all members of the Board of Education, Superintendent of Schools, administrative staff, District Treasurer, the student representative to the Board, and to the newspapers of the district. The time, date and place of regular Board meetings is established at the Reorganizational Meeting. If a meeting is scheduled at least a week in advance, notice must be given to the public by posting in one or more designated public places not less than 72 hours prior to the meeting, with exceptions for special Board meetings.~~

~~When a meeting is scheduled less than a week in advance the Board shall provide public notice to the extent practicable. Said notice shall be conspicuously posted in one or more designated public locations.~~

~~Ref: —~~

~~Open Meetings Law, Public Officers Law §§100 et seq.~~

~~Education Law §§1606; 1708; 2504; 2563~~

**UPDATED POLICY:**

2340

**NOTICE OF BOARD MEETINGS**

For all regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community, including posting notice of the time and place of meetings on the district website.

If a meeting is scheduled at least a week in advance, notice will be given or electronically transmitted to the public and news media at least 72 hours prior to the meeting. A special meeting may be called upon 24-hour notice to Board members.

When a meeting is scheduled less than a week in advance the Board shall provide or electronically transmit public notice to the extent practicable. Said notice shall be conspicuously posted in one or more designated public locations, including the district's website.

If a meeting will be streamed live over the internet, notice will indicate the internet address of the website streaming the meeting.

Ref:

Open Meetings Law, Public Officers Law §§100 et seq.

Education Law §§1606; 1708; 2504; 2563

Presented for:

1<sup>st</sup> reading & adoption – 11/13/18

## SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students, employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain "non-employees" (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and "non-employees" can work productively.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status. Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Sexual or gender-based harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

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

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

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights, including when employees and "non-employees" travel on district business, or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation.

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

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

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

If, after appropriate investigation, the district finds that a student, an employee, "non-employee" or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all district contracts and agreements.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such

prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

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

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

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

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*  
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*  
Executive Law §296-d (prohibition of sexual harassment of non-employees)  
Labor Law §201-g (required sexual harassment policy and training)  
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)  
General Obligations Law §5-336 (nondisclosure agreements optional)  
*Davis v. Monroe County Board of Education*, 526 U.S. 629, 652 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*  
Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*  
Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Presented for:

1<sup>st</sup> reading – 6/12/12

2<sup>nd</sup> reading & adoption – 7/2/12

Update presented for:

1<sup>st</sup> reading & adoption – 11/13/18