

MISSION STATEMENT AND VISION

The Board of Education recognizes that to govern effectively, it must clearly define why the district exists and what it aspires to be. The Board therefore adopts the following mission statement to convey the district's purpose, and vision to set forth what the district should strive to become in the future.

Overall District Mission Statement

The mission of the Westbury Public Schools is to support students' academic, social and moral growth, to foster a lifelong commitment to learning and to encourage responsible contributions to society. We seek to create a partnership reflecting the high standards of supportive families, conscientious learners, committed staff and an involved community. These goals should maximize potential for student success.

Curriculum and Instruction Mission

The district will provide the instructional leadership and necessary resources for students to exceed the New York State standards in all subject areas. Further the district administration will continually evaluate the quality of the curriculum and instruction and make modifications to ensure that the educational process continues to meet the needs of our diverse student population. Student achievement data will be analyzed and disaggregated to form the basis for data driven decision making.

Facilities Mission

The district will properly maintain school grounds, playgrounds, and athletic fields. The district will provide adequate space, classroom, library, cafeteria, faculty and storage facilities.

Resource Allocation Mission

The district will allocate appropriate resources for teaching, student learning, sports and other activities. To continue to meet their changing needs, the district will engage the stakeholders in conversation.

Communications Mission

The district will engage in open communications with all constituencies, including district administration, school administration, school staff, students, parents and community members. The district will forge efforts to reach out to the school community through collaborative efforts with community-based organizations and by strengthening relationships with parents and the community at large.

Accountability Mission

The district will examine the educational outcomes of their students including but not limited to standardized test scores, New York State benchmark tests, student attendance, and behavior. The district will serve as the accountable agency to provide cost-effective delivery of quality educational services.

Vision

As Board Members, we are fiscally responsible, child-centered, well-informed, proactive and interactive through high standards and mutual respect for all stakeholders.

The Board's vision for the district is:

- to provide each student with fundamental academic skills and basic knowledge, develop desired moral, ethical, and cultural values, stimulate a continual learning process, and cultivate an understanding and appreciation of the rights and responsibilities of citizens.
- a safe and secure place in which our students will learn.
- that teachers and students will be held accountable to high standards, not only academically, but in conduct as well.
- that our students will realize that learning is a life-long commitment supported by dedicated staff and concerned parents.
- that district students will be prepared for success in society. This will be accomplished by exposure to technology, hands-on learning, and active involvement in the learning process.
- to provide the opportunity for faculty, staff, parents and community to develop, through communication, a sense of ownership, spirit, and pride in the schools. Not only must students be prepared academically; they must be nurtured with a sense of cultural awareness which includes an appreciation of the arts, of tolerance, of diversity, and the community.

The Board recognizes that while the vision is intended to be a long-range statement of the ideal future for the district, it still requires continual evaluation. Accordingly, the Board will review the vision statement annually in developing the district's annual goals.

Cross-ref: 0200, District Goals and Objectives
 0300, Accountability
 1000, Community Relations Goals
 2000, Board Operational Goals
 3000, Administrative Goals

Adoption date: January 17, 2007

EQUAL OPPORTUNITY

The Board of Education, its officers and employees, shall not discriminate against any student, employee or applicant on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation or disability.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 5030, Student Complaints and Grievances
9140.1, Staff Complaints and Grievances

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, §290 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a

Adoption date: January 17, 2007

POLICY



No. 0100

NON-DISCRIMINATION AND EQUAL OPPORTUNITY

WESTBURY UNION FREE SCHOOL DISTRICT BOARD OF EDUCATION

The Board of Education, its officers and employees, shall not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race, color, national origin, creed, religion, marital status, sex (including pregnancy, childbirth, or related medical condition), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Additionally, to promote the district website's accessibility to staff, students, and members of the community with disabilities, the district will maintain a website that is accessible (or contains accessible alternatives) on perceivability, operability and understandability principles. Director of Technology and Information Services is responsible for considering the following when developing or updating the district website:

- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the district's website.

The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression).

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Annual Notification

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Assistant Superintendent for Personnel has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the Assistant Superintendent for Personnel is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy 0110.

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

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 0110, Sexual Harassment
5030, Student Complaints and Grievances
5300, Code of Conduct
9140.1, Staff Complaints and Grievances

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*
Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)
Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)
Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*
Genetic Information Nondiscrimination Act of 2008 P.L. 110-233
34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25
Executive Law §§290 *et seq.* (New York State Human Rights Law)
Education Law §§10-18 (The Dignity for All Students Act)
Education Law §§313(3); 3201; 3201-a
ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist),
www.ada.gov/pcatoolkit/toolkitmain.htm

Adoption date: November 21, 2019

POLICY



No. 0100-R

EQUAL OPPORTUNITY AND NONDISCRIMINATION REGULATION

**WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION**

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

Definitions

1. *Complainant* shall mean an applicant, employee, student or vendor who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
2. *Complaint* shall mean any alleged act of discrimination which may be a violation of this policy, which may also violate federal and state civil rights laws or associated regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the ADA. The district's compliance officer is Mr. Jorge Santiago who can be reached at 516-876-5119.

The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following prompt, equitable and impartial manner:

A. Stage I--Compliance Officer

1. As soon as practicable, if possible within 30 days after the events giving rise to the allegation, the complainant shall file a complaint, preferably in writing using the district's complaint form, with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant. He shall promptly and thoroughly investigate the matter. All employees and students of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 school days of receipt of the complaint, the Compliance Officer shall make a finding in writing that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he shall propose a resolution of the complaint.
3. If the complainant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the complainant may, within 15 school days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the complainant, the Compliance Officer, student, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 school days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA, and if applicable, a proposal for equitably resolving the complaint.
4. If the complainant is not satisfied with the determination of the Superintendent or the proposed resolution, the complainant may, within 15 school days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III--Board of Education

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.
3. The Board shall render a decision in writing within 15 school days after the hearing has been concluded.

Adoption date: November 21, 2019

POLICY



No. 0110

Workplace Sexual Harassment

**WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION**

POLICY AGAINST WORKPLACE SEXUAL HARASSMENT

Introduction

The Westbury Union Free School District is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. 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. All employees, applicants for employment, Board members, student teachers, interns, non-employees (as defined below) and other persons conducting business with the District have a legal right to a workplace that is free from sexual harassment.

The District is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see Policy #0100.

Policy

This Policy applies to all employees, applicants for employment, Board members, student teachers, interns, non-employees (see definition below), and other persons conducting business with the District, regardless of immigration status, ("covered individuals") with respect to conduct by other persons, including parents, students and visitors.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the District.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the District's Policies, unlawful, and may subject the District to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the District will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject

to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

What is “Sexual Harassment?”

Sexual harassment is a form of sex discrimination and is unlawful pursuant to 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.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status when:

- the 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;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the 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 that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

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

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

Examples of Sexual Harassment

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

- Physical acts of a sexual nature including:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person’s body or poking another person’s body; and
 - Rape, sexual battery, molestation or attempts to commit these assaults.

- Unwanted sexual advances or propositions including:
 - 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
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.
- 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.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;
 - Sabotaging a person's work; and
 - Bullying, yelling or name-calling.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

Retaliation is Prohibited

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated. Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District will be implemented.

No covered individual will be subject to adverse action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Unlawful retaliation can be any action that could discourage a covered individual 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).

Retaliation is unlawful pursuant to 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, in good faith:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;
- 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
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to the Building Principal and/or a Title IX Coordinator. If the complaint involves or the individual is hesitant to report to the Building Principal or Title IX Coordinator, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education. Contact information for these individuals can be found on the District’s website.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on “Legal Protections and External Remedies.”

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The District cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to the Building Principal and/or a Title IX Coordinator. If the complaint involves or the individual is hesitant to report to the Building Principal or Title IX Coordinator, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education. Contact information for these individuals can be found on the District’s website.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else’s behalf.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on “Legal Protections and External Remedies.”

Supervisory Responsibilities

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is **required** to report that suspected sexual harassment to the Building Principal and/or a Title IX Coordinator, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Building Principal and/or Title IX Compliance Officer, the supervisor/manager must report the suspected sexual harassment to the Superintendent of Schools. If the complaint or information involves the Superintendent of Schools, the supervisor/manager must report the suspected sexual harassment to the President of the Board of Education. Contact information for these individuals can be found on the District’s website.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. 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. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. The District will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Title IX Coordinator, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Title IX Coordinator, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Title IX Coordinator, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Title IX Coordinator, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the District will take steps to obtain and preserve them.
- The Title IX Coordinator, or designee, will request and review all relevant documents, including all electronic communications.
- The Title IX Coordinator, or designee, will interview all parties involved, including any relevant witnesses.
- All records of the investigation will be maintained in a secure and confidential location.
- The Title IX Coordinator, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Title IX Coordinator, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.
- At the conclusion of the investigation, the Title IX Coordinator, or designee, will report the findings to the Superintendent of Schools. If it is found that prohibited sexual harassment

has, in fact, occurred, the Title IX Coordinator, or designee, will make a recommendation to the Superintendent of Schools and appropriate corrective action will be taken.

Corrective Action

Any person, including covered individuals of every level, who is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (*e.g.*, suspension or termination of employment). If the accused is a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the District and the non-employee or other individual.

If the accused is a student, appropriate disciplinary measures will be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Confidentiality

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the District to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

Bad Faith Claims

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that person, subject to any statutory or contractual limitations.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the District, covered individuals may also choose to pursue legal remedies including, for example, in court and/or with the below 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.

New York State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 *et seq.*, applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court. Complaints with the DHR may be filed any time within one year of the harassment. If an individual did not file at the DHR, they can sue directly in State court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the District does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The 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, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' 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, (718) 741-8400. The contact information for DHR's Nassau County Office is: 50 Clinton Street, Suite 301, Hempstead, NY 11550 (516) 539-6848, www.dhr.ny.gov. Individuals can contact the DHR at (888) 392-3644 or visit 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 the 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 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. 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.

If an employee believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

United States Department of Education Office for Civil Rights (OCR)

OCR enforces Title IX of the federal Education Amendments of 1972 (codified as 20 U.S.C. §§ 1681-1688), which prohibits discrimination on the basis of sex, pregnancy, marital or parental status in employment, recruitment, consideration or selection for employment including recruitment, hiring, promotion, compensation, grants of leaves or benefits, as well as retaliation. Individuals whose employment is covered by Title IX can file a complaint with OCR, ordinarily within 180 days of the last act of harassment/discrimination. You do not need an attorney to file a complaint with OCR and

there is no cost to file. OCR can be contacted at: 32 Old Slip, 26th Floor, New York, NY 10005-2500, (646) 428-3800.

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 or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Nassau County may file complaints of sexual harassment with the Nassau County Human Rights Commission at: 240 Old Country Rd., 6th Floor, Suite 606, Mineola, NY 11501, (516) 571-3662.

Contact the Police Department

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

Other District Policies

Employee complaints or reports of harassment (based on a status other than sex) or discrimination should be reported pursuant to Policy #0100. Student complaints or reports of harassment, including sexual harassment, discrimination, hazing or bullying should be made pursuant to Policy #0115.

Dissemination and Training

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). The District will provide this Policy to all employees and will provide this Policy to new employees upon hire.

All employees will receive sexual harassment prevention training at least annually.

We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.

Revised and Adopted: October 11, 2018

SEXUAL HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Building Principal or a Title IX Coordinator. If your complaint involves or you are hesitant to submit this form to the Building Principal or Title IX Coordinator, you should submit the form to the Superintendent of Schools. If your complaint involves or you are hesitant to submit this form to the Superintendent of Schools, you should submit this form to the President of the Board of Education. Contact information for these individuals can be found on the District's website. This form can be submitted in person or by email. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the District will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](https://www.ny.gov/programs/combating-sexual-harassment-workplace)

COMPLAINANT INFORMATION

Name: _____
Work Address: _____
Work Phone: _____
Job Title: _____ Email: _____
Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
Title: _____
Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: _____ Title: _____
Work Address: _____ Work Phone: _____

Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other

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

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ☐Yes ☐No

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

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

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

I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ *Date:* _____

POLICY



No. 0110-R

Sexual Harassment Regulation

**WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION**

SEXUAL HARASSMENT REGULATION

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

Sexual Harassment Defined

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

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

Unacceptable Conduct

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

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;

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

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

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment.

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

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

Reporting Complaints

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

Complaints should be filed with the Principal or the Title IX coordinator.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX coordinator.

In order to assist investigators, victims should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the victim's response to the harassment.

Confidentiality

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

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

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

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Policy 0110-R

The Principal or the Title IX coordinator shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than three working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
8. Parent/Student/Employee Involvement and Notification
 - a. Parents of student victims and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.

Policy 0110-R

- c. If either the victim or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
- d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
- e. The investigator shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
- f. The investigator shall notify the victim that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights. If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

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

B. District-level Procedure

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title DC coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a district investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

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

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

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

Retaliation Prohibited

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

Discipline/Penalties

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

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

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

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

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

False Complaints

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

Training

All students and employees shall be informed of this policy in student and employee handbooks and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year.

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

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

Adoption date: January 17, 2007

POLICY



No. 0115

Student Harassment and Bullying Prevention and Intervention

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

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

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

Bullying

Bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

Discrimination

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

Hazing

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

Harassment

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

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

Prevention

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

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

In order to implement this program the Board will designate at its annual organizational meeting a ***[Bullying Prevention Coordinator (BPC) or Dignity Act Coordinator.]*** The role of the **BPC** is to coordinate and enforce this policy. In addition, the Superintendent will establish a district-wide ***[Task Force on Bullying Prevention,]*** as well as ***Bullying Prevention Coordinating Committees*** in each school that will be overseen by the **BPC**. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school level committee will assist the administration in developing and implementing specific prevention

initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

Intervention

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

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

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

Provisions for students who do not feel safe at school

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

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

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the **BPC** and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The **BPC** will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Reporting and Investigation

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, **[0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment]** and the district's Code of Conduct. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe to their building principal or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware by students to their building principals or other administrator who supervises their employment. Supervisors will refer the information to appropriate district staff for investigation as designated in regulation. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

Disciplinary Consequences/Remediation

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

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

Non-Retaliation

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

Dissemination, Monitoring, Review, and Reporting

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

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

The Board will receive the annual VADIR report, for each building and for the district as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

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

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
 0110, Sexual Harassment
 4321, Programs for Students with Disabilities
 5300, Code of Conduct
 5710, Violent and Disruptive Incident Reporting
 9700, Staff Development

Ref: Dignity for All Students Act, Education Law, § 10 — 18
 Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*
 Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
 Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794
 Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*
 Executive Law §290 *et seq.* (New York State Human Rights Law)
 Education Law §§313(3), 3201, 3201-a
 Tinker v. Des Moines Independent Community School Dist., 393 US 503,
 (1969) *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)
 Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
 Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
 Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
 Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
 Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
 Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adopted: June 14, 2012

POLICY



No. 0115-E

Harassment and/or Bullying Complaint Form

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

HARASSMENT AND/OR BULLYING COMPLAINT FORM

The purpose of this form is to inform the district of an incident or series of incidents of bullying and/or harassment so we can investigate and take appropriate steps. **If you feel unsafe, or if your child feels that way, fill out this form, but we urge you to speak directly with the building principal by either visiting or calling as soon as possible so we can address your concerns.**

Student Name: _____ Student ID: _____
Grade: _____ School: _____

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

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

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

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

Signature

Date

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

Return this form to: Building Principal

Note on confidentiality:

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

Adoption date: June 26, 2014

POLICY



No. 0115-R

Student Harassment and Bullying Prevention and Intervention Regulation

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Definitions

Bullying

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

1. **Power imbalance** - occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and the target believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance." (Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

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

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications ("cyberbullying"), anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

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

[http://www.p12.nysed.gov/technology/internet safety/documents/cyberbullying.html](http://www.p12.nysed.gov/technology/internet%20safety/documents/cyberbullying.html)

Discrimination

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

Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

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

Hazing

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

Prevention

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

- Following the principles and practices of *"Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New*

York State —Adopted by the Board of Regents July 18, 201." District curriculum will emphasize developing empathy, tolerance and respect for others.

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data
- gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

Role of the Bullying Prevention Coordinator (BPC)

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Bullying Prevention Coordinator (BPC), accountable for implementation of this policy. The BPC will be responsible for coordinating and enforcing this policy and regulation in each school building, including but not limited to coordination of:

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

Reporting and Investigation

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

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

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

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

Confidentiality

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

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

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

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Bullying Prevention Coordinator shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

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

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

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

Parents of student targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct. Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

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

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

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

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

In addition, where the principal, the principal's designee or the Bullying Prevention Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

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

B. District-level Procedure

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

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

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

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

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

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

C. Board-level Procedure

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

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

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

The district shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

Retaliation Prohibited

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

Remediation/Discipline/Penalties

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

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

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;

- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

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

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

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

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

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

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

Policy Dissemination

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

All employees shall receive information about this policy and regulation at least once a year. Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

Training

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

Adoption date: June 26, 2014

HIV/AIDS

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

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

No individual shall be denied access to any program or activity sponsored by or conducted on the grounds of the district, solely on the basis of his/her status as an HIV-infected individual.

Confidentiality

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

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

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

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court

order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

Students

It is the policy of the Board that:

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

Employees

It is the policy of the Board that:

1. No employees shall be prevented from continuing in his/her employment solely on the basis of his/her HIV status; such employees are entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of his/her status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her duties.
3. All employees shall have access to the district's exposure control plan as required by the federal Office of Safety and Health Association (OSHA).
4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

HIV/AIDS Testing

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

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

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the district, and to include it in the district's student handbook, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

Cross-ref: 5420, Student Health Services

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

Adoption date: January 17, 2007

POLICY



No. 175

Board Member Protocol for Requesting Information

**WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION**

BOARD MEMBER PROTOCOL FOR REQUESTING INFORMATION

1. ALL Requests for Information by a Board Member must go through the District Clerk's Office.
2. Upon the District Clerk's receipt for requested information, the Clerk will contact the President with the specific information being requested and by whom.
3. Information previously available to the Board of Education (i.e., Past Agendas, Resolutions, Back-ups of Resolutions, Board packets. Minutes, etc.), that is easily accessible and retrievable by the District Clerk, will be made available to the originator of the request, as well as, all other Board Members.
4. If the information is time sensitive and easily accessed, retrieved and duplicated, the requested information will be emailed to all Board Members or if a Board Member does not have access to the internet, a hardcopy of the requested information can be delivered to that Board Member's home address.
5. If the information is not time sensitive, or can be sent via the weekly packet, it will be delivered through that method.
6. Requests involving information that might or should be obtained by the Freedom of Information Law (FOIL) must adhere to that process as prescribed by laws, statutes and/or district policy.
7. All other information that is not readily accessible and retrievable from the District Clerk's office will be processed as follows:
 - a. After the request is received by the Office of the District Clerk and after notifying the President, the Clerk will:
 - i. Contact the Superintendent in writing, of the Board of Education's request for information
 - ii. Upon receipt of the requested information, the Clerk will adhere to Steps 4 and 5 above
 - b. After the Clerk makes the official request to the Superintendent for the information, the Superintendent should:
 - c.
 - i. Convey to the District Clerk a time-frame of completion of the request to which the Clerk will relay to the requester and President, or
 - ii. Reason for why the request is denied, which will also be forwarded to the requester and President
8. All completed information that has been remitted to the Board will be filed for easy future access.

Adopted: January 20, 2010

DISTRICT GOALS AND OBJECTIVES

2004-2008

The Board sets the following goals and objectives for the district for the years 2004-2008:

1. Raise student achievement to meet or exceed state and national standards.
2. Support the social and emotional development of district children.
3. Provide planning and support for the effective operation of the Westbury UFSD.
4. Recruit, train, and retain exemplary staff.
5. Improve school climate to maximize learning.
6. Implement an educational technology plan to enhance teaching and learning.
7. Expand corporate and university partnerships to enhance instructional programs and post-secondary opportunities.
8. Improve parent and community outreach and involvement.
9. Develop and implement a plan to enhance the image of the Westbury UFSD.

Cross-ref: 0000, Mission Statement and Vision

Adoption date: January 17, 2007

ACCOUNTABILITY

The Board of Education acknowledges that it is directly accountable to the community it has been elected to serve, and is committed to engaging in a continuous assessment of all district conditions affecting education.

The Board recognizes that a comprehensive accountability system is necessary to improve the effectiveness of the district's schools by keeping the primary focus on student achievement and on what can and should be done to improve that achievement.

Consistent with its obligations and commitments, the Board will:

1. Request regular reports on student progress and needs, based on a variety of assessments to evaluate the quality and equity of education in the district, including instruction, services, and facilities.
2. Evaluate the Superintendent's performance in accordance with policy 0320, Evaluation of the Superintendent.
3. Evaluate the Board's performance in accordance with policy 0310, Board Self-Evaluation.
4. Evaluate progress toward the achievement of district long- and short-term goals and ensure that board policies and resources effectively support the district vision.
5. Provide appropriate staff and board training opportunities.
6. Fulfill governance responsibilities are required by state and federal law.

The Board acknowledges that publicizing the district's progress and performance is important to maintaining the community's trust and support. The Board is committed to keeping the public aware of such progress and performance on a regular basis.

Cross-ref: 0000, Mission Statement and Vision
 0200, District Goals
 0310, Board Self-Evaluation
 0320, Evaluation of the Superintendent
 1000, Community Relations Goals
 6000, Fiscal Management Goals

Adoption date: January 17, 2007

BOARD SELF-EVALUATION

The Board of Education is committed to the continuous improvement of the district and its own functioning. Accordingly, the members of the Board shall conduct an annual self-evaluation to determine the degree to which they are meeting their responsibilities as Board members and the needs of their educational community.

This self-evaluation shall be positive, frank and honest, and shall focus on evaluating the Board as a whole, not as individuals. The self-evaluation shall be based on the goals the Board sets for itself, not on goals it sets for the entire district. The results of the evaluation shall be used to establish priorities for action and specific goals and objectives to strengthen the operation of the Board.

The Board shall use a self-evaluation instrument that allows for both subjective and objective self-evaluation.

Adoption date: January 17, 2007

EVALUATION OF SCHOOL BOARD OPERATIONAL PROCEDURES EXHIBIT

Based on your perception of your current Board of Education, please respond to each question using the past year as a frame of reference. All responses will be kept confidential.

Please use the following scale to respond to the statements which are provided. If unsure of an answer, feel free to respond with a "D" for Don't Know.

Each statement should be scaled first for yourself as an individual, and then for how you perceive the statement to apply to the whole Board.

SCALE	
5: Always	2: Occasionally
4: Frequently	1: Never
3: Usually	D: Don't Know

General - Board members:

	<u>ME</u>	<u>Whole Board</u>	
_____	_____		1. Give administrators work based on personal interests.
_____	_____		2. Keep executive session matters confidential.
_____	_____		3. Understand that their legislated authority extends only to the
Board			table.
_____	_____		4. Are prepared, present, on time to Board meetings.
_____	_____		5. Visits schools regularly, with notice and/or invitation.

Comments:

SCALE

5: Always	2: Occasionally
4: Frequently	1: Never
3: Usually	D: Don't Know

Staff and Personnel Relations - Board members:

	Whole	
<u>ME</u>	<u>Board</u>	

- | | | |
|-------|-------|---|
| _____ | _____ | 6. Treat administrators with respect even if they disagree with them. |
| _____ | _____ | 7. Refrain from criticism of fellow Board members. |
| _____ | _____ | 8. Commend staff members for individual achievements. |

Comments:

Financial and Business Management - Board members:

	Whole	
<u>ME</u>	<u>Board</u>	

- | | | |
|-------|-------|---|
| _____ | _____ | 9. Regularly review pertinent information such as financing, enrollments, building utilization, program requirements. |
| _____ | _____ | 10. Balance decisions between students' needs and taxpayers ability to pay. |
| _____ | _____ | 11. Take active leadership in gaining community support for financing district needs (budget). |

Comments:

SCALE

5: Always	2: Occasionally
4: Frequently	1: Never
3: Usually	D: Don't Know

Board-Superintendent of Schools Relations

	Whole
<u>ME</u>	<u>Board</u>

- | | | |
|-------|-------|--|
| _____ | _____ | 12. Solicit feedback from the Superintendent. |
| _____ | _____ | 13. Refrain criticism of the Superintendent outside of executive sessions. |
| _____ | _____ | 14. Request information thru the Superintendent and his/her staff with the Superintendent's knowledge. |
| _____ | _____ | 15. Provide constructive criticism when appropriate. |

Comments:

President - The Board of Education President:

- | | |
|-------|---|
| _____ | 16. Asks those who bring problems to the Board to first go through proper channels. |
| _____ | 17. Keeps meetings "on track" and follows agendas. |
| _____ | 18. Allows audience participation at Board meetings but also makes it clear a reasonable amount of time is allowed. |

Comments:

SCALE

5: Always	2: Occasionally
4: Frequently	1: Never
3: Usually	D: Don't Know

Board Functioning - Board members:

- _____ 19. Provide an orientation program for new members.
- _____ 20. Have an operational Philosophy or Mission Statement which guides decision making.
- _____ 21. Avoid becoming involved in the administration of the district.

Comments:

Group Process - How we function within the Board (including Superintendent):

- _____ 22. Members feel free about voicing concerns and asking for clarification.
- _____ 23. Members are willing to acknowledge and deal with conflict.
- _____ 24. Members are able to disagree with each other in ways that do not alienate one another.

Comments:

25. How much time do you feel the Board spends on each of the following activities: (please check "Right Amount" or "Too Little" or "Too Much" for each statement).

	<u>Right Amount</u>	<u>Too Little</u>	<u>Too Much</u>	<u>Not Sure</u>
Discussing educational issues	_____	_____	_____	_____
Student disciplinary actions	_____	_____	_____	_____
Meeting/conferring with administrators	_____	_____	_____	_____
Meeting/conferring with teacher groups	_____	_____	_____	_____

26. How much influence do you believe each of the following has on the Board?

	<u>Right Amount</u>	<u>Too Little</u>	<u>Too Much</u>	<u>Not Sure</u>
Teachers' Union	_____	_____	_____	_____
Superintendent	_____	_____	_____	_____
Parents/PTA	_____	_____	_____	_____
Administrative staff	_____	_____	_____	_____
Support Staff	_____	_____	_____	_____
Community	_____	_____	_____	_____
Others: _____	_____	_____	_____	_____

27. What three things do you think this Board does well?

28. Are there any specific concerns you would like to see the Board address during their workshop? If so, please note with a brief explanation. Use the back of sheet if necessary.

Name _____ (a summary of responses will be shared, however we will not identify *who said what* - your copy will be returned directly to you. Thank you.)

Adoption date: January 17, 2007

EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student achievement, district progress and community satisfaction with the schools are all in large part affected by the superintendent's performance. The Board also recognizes the superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the superintendent is evaluated annually as required by Commissioner's regulations.

The purposes of the evaluation shall be to:

1. Gauge the district's progress toward the goals the Board has charged the superintendent to accomplish.
2. Provide a basis for assessing the strengths and weaknesses of the Board and the superintendent and to aid in the professional development of both parties.
3. Strengthen the working relationship between the Board and the superintendent.
4. Provide a basis for commending, rewarding and reinforcing good work.

The evaluation shall focus on the goals the Board sets for the superintendent each year as well as the duties and competencies specified in the superintendent's job description.

The evaluation instrument the Board uses for evaluating the superintendent shall be filed in the district office and available for review by any individual no later than September 10th of each year.

Ref: 8 NYCRR 100.2 (o)(2)(v) (Performance review of superintendent)

Adoption date: January 17, 2007

POLICY



No. 431.2

Nonresident Students Amended

WESTBURY UNION FREE SCHOOL DISTRICT BOARD OF EDUCATION

431.24 International Students with F-1 Visas

The Board of Education recognizes the cultural enrichment derived from welcoming non-immigrant foreign students into the educational program. Students with F-1 visas who are living with School District residents may be enrolled at the discretion of the Board of Education. No F-1 visa students will be admitted into grades K-8. In accordance with federal law, an F-1 foreign student who attends Westbury High School must reimburse the School District for the full unsubsidized per capita cost of providing education at the school during the student's attendance. The School District administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the School District in accordance with the Student and Exchange Visitor Information System (SEVIS).

431.25 Foreign Exchange Students

Westbury High School will host exchange students from foreign countries as follows:

- a) Only students sponsored by a Foreign Exchange Program approved by CSIET (Council of Standards on International Educational Travel) and an appropriate federal agency (for example, the U.S. Department of State) may be accepted for admission by the School District.
- b) At least six (6) months prior to the scheduled admission date of the foreign exchange student, the adult community member committed to housing an exchange student will write to the Board of Education requesting admittance of the student to the School District. With the written request will be as much relevant information as is available about the student. The visiting foreign exchange student must be of New York State school age and not have graduated from a comparable high school program in the country from which he/she resides
- c) Upon receipt of the request, the Board will review the information and at the next regular meeting of the Board of Education act upon the request.
- d) A foreign exchange student may be admitted to attend the High School for no more than one (1) academic year. Any extension of time must be requested in writing to the Board of Education.
- e) The Board of Education will not be responsible for any additional expenses that are not extended to all other students. However, the Board of Education may extend courtesies to the guest, such as passes to games and activities sponsored by the School District.
- f) Foreign exchange students with the appropriate visa status and/or other appropriate qualifications will be allowed to attend school and will be provided bus transportation to and from school free of charge. When a foreign exchange student is accepted for admission pursuant to this policy, the

letter of acceptance and/or board resolution shall include a statement that tuition shall be waived for the student.

- g) The Board of Education may terminate the approval of a foreign exchange student's acceptance when it would be in the best interests of the district to do so.
- h) The School District is not responsible for arranging the housing of the student during the residency in the School District.

Adoption date: February 7, 2019

430 Admissions

- * Every qualified resident child between the ages of five (5) and twenty-one (21) years shall be admitted to the public schools according to the policies of the Board of Education.

(Sections 3202, 3212, Education Law)

431 Entrance guidelines

- * No child may be admitted or received into any school, whether it be public, private or parochial, unless such child has been immunized against poliomyelitis, rubella, diphtheria, measles and mumps.

431.1 Resident students

- ** Children who have attained the age of 3 years 9 months on or before September 1 (4 years on or before December 1) shall be eligible for entrance into pre-kindergarten.

Children who have attained the age of 4 years 9 months on or before September 1 (5 years on or before December 1) shall be eligible for entrance into kindergarten, and children who have attained the age of 5 years 9 months on or before September 1 (6 years on or before December 1) shall be eligible for entrance into grade 1.

- * A birth certificate or other acceptable evidence of age shall be required.

431.11 Transfers

- ** Transferees from other schools must meet the age requirements listed in Policy 431.1 for kindergarten and grade 1, except that a child shall be given a trial in the next higher grade if he/she has spent a full year in a lower grade in a public or private school registered and approved by the New York State Department of Education or by the Westbury School Administration.

431.2 Nonresident students

431.21 Policy regarding acceptance

Nonresident pupils may be admitted into the schools of the district only upon the consent of the Board of Education and upon the payment of tuition at a rate to be determined by the Board of Education. Children of employees may attend Westbury Public Schools without tuition charges.

(sec. 431.24)

431.22 Tuition fees

Resident pupils, who are enrolled in the Westbury Schools and whose parents move from the district, may complete the year in the Westbury Schools upon payment of tuition. Such tuition shall be at the rate of 1/10 of the annual charge payable each month.

Children of parents who have obtained title to a home in the school district, who currently pay taxes on the home, and who intend to become residents of the district as soon as possession can be obtained, may enroll in the Westbury Schools on the following conditions:

When the head of a family who has bought a home in Westbury enrolls his/her children in the Westbury Schools, he/she shall, at the beginning of each month, deposit a month's tuition with the Business Manager who will hold the money in escrow. If moved into the Westbury home by the end of one semester after the date of purchase, the money will be refunded. If not moved into the school district, the money will be deposited in the General Fund of the school district as tuition payment and tuition shall continue to be on a monthly basis until the date of occupancy of the Westbury home.

431.23 Foster children

**

Upon enrollment of students living in foster homes, guardians of foster children shall present proof of guardianship. The proof shall be an order from the court or agency placing the child in the foster home. All children who cannot establish legal residence in the school district shall be charged tuition.

432 Interdistrict agreements

*

The Board of Education may enter into agreements with other school districts or agencies to provide educational opportunities to pupils.

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432 Interdistrict agreements

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440 Attendance

441 Compulsory attendance

Children who are bonafide residents of Westbury Union Free School District, after they attain the age of four years nine months, shall be eligible to attend the Westbury Schools. Except as otherwise permitted by law, each resident minor from six to sixteen years of age shall be required to attend full-time day instruction in the public schools, or the equivalent thereof. Children whose ages are beyond the legal school age of twenty-one may be admitted to school only by approval of the Board of Education.

(Sections 3205, 3206, 3208,
Education Law)

442 Parental responsibility

Parents, guardians and/or other persons having charge, control, or custody of a minor between the ages of six and sixteen, are responsible for regular and punctual attendance. The school administration is expected to enforce the law.

443 Absences and excuses

Every student shall observe attendance requirements in accordance with the compulsory attendance provisions of the New York State Laws and the rules and regulations of the Westbury Board of Education.

443.1 Excused absences

The State Education Law lists the following classifications as legal absences or tardiness:

- A. Sicknes of student
- B. Sicknes or death in family
- C. Impassable roads
- D. Religious observance (under the rules established by Education Law)
- E. Approved school-supervised trips
- F. Required presence in court

All other absences are classified as unlawful detention (on the part of the parent) or truancy. Tardiness from the standpoint of the law is absence.

443.2 Readmission procedure

A pupil returning to school after absence shall present a written excuse in explanation of the absence. All excuses shall become a part of the pupil's permanent record where they shall be kept for a period of not less than three years after date of absence.

Return to school after absence from a contagious or infectious illness shall be through the nurse's office and with the nurse's approval after an inspection has determined, in the nurse's opinion, that return to school will not be injurious to the student's own health or to the health of the other pupils.

444 Attendance areas

The Superintendent, with the approval of the Board of Education, shall, for the purpose of designating the schools to be attended by the students in the district, subdivide the district in such manner that all students in the district shall be assigned to, and reasonably accommodated in, one of the public schools in the district.

445 Attendance records

Proper and complete student school attendance records shall be kept by teachers and the school administration in accordance with procedures prescribed by the Commissioner of Education, and which are consistent with the negotiated agreement.

(Sections 3024, 3211 Education Law)

445.1 Course credit

The Superintendent shall require student attendance to be 90% of scheduled class hours. Absences beyond that point, whether legal or illegal, may be deemed cause for granting an incomplete. However, a principal may not deny credit solely on the basis of excessive absence. With administrative approval, teacher discretion may be exercised to develop compensatory time and work assignments.

Grading

Assignments due on the day of an illegal absence shall not be awarded zeroes or grade reductions. Only academic performance shall be sanctioned.

WESTBURY PUBLIC SCHOOLS

Westbury, New York

Board of Education Policy: *School Conduct and Discipline*

It is the Board's belief that each student should be treated as a person who can reasonably be expected to be responsible for his own behavior. The school administration will assist each student in this program of personal responsibility with a few sensible rules of conduct, focusing on safety and respect for the rights and property of others and consistently applied in the classrooms and throughout the school. Students who cannot accept this responsibility and violate school rules will be required to accept the penalties and more regulated supervision.

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the student. Therefore, before seeking outside assistance, teachers will first use all their resources to create a change of behavior in the classroom. When the teacher has made every effort to bring about positive behavioral change and has been unsuccessful, the student will be referred to the administration. Once done, the administration assumes the role of deciding what further action will be taken.

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior.

I. STUDENT DISCIPLINE CODE

A student may be suspended from school or subjected to other disciplinary action when the student:

A. Engages in conduct which is:

1. Disorderly, i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, by
 - a. fighting or engaging in violent behavior
 - b. making noise, which interferes with the learning process
 - c. using abusive or obscene language or gestures.
 - d. obstructing vehicular or pedestrian traffic; or
 - e. creating a hazardous or physically offensive condition by any act which serves no legitimate purpose, or
2. Insubordinate, i.e., failing to comply with the lawful directions of a teacher, school administrator or other school employee in charge of the student, or

B. Endangers the safety, morals, health or welfare of others by any act, including but not limited to:

1. Selling, using or possessing alcohol, drugs, or other controlled substances or drug paraphernalia
2. Selling, using or possessing weapons, fireworks, or other dangerous instruments or contraband
3. Selling, using or possessing obscene materials
4. Using profane, vulgar or abusive language (using ethnic slurs)
5. Smoking in nondesignated areas
6. Gambling
7. Hazing
8. Engaging in lewd behavior, or

C. Engages in any of the following forms of academic misconduct:

1. Lateness for, missing or leaving school or class without permission or excuse
2. Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion), or
3. Plagiarism, or

D. Engages in conduct violative of the board's rules and regulations for the maintenance of public order on school property.

E. Permissible Penalties — The range of penalties which may be imposed for violations of the student disciplinary code include the following:

1. verbal warning
2. written warning
3. written notification to parents

4. restitution
5. probation
6. formal reprimand
7. detention
8. suspension from transportation
9. suspension from athletic participation
10. suspension from social or extracurricular activities
11. suspension of other privileges
12. exclusion from a particular class
13. in-house suspension
14. involuntary transfer
15. suspension
16. superintendent hearing

Depending upon the nature of the violation, it is the board's desire that student discipline be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the board's desire that an employee or agent take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination.

F. Initiation of a Student Disciplinary Proceeding

Any teacher, administrator, other school personnel, parent or other person may report a violation of the student disciplinary code to the building principal or his or her designee. The principal or his designee will then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the Committee of the Handicapped, as he deems necessary.

After informing the student's parents and after consulting with the building principal, any teacher may assign a student to detention. Students should be provided, however, with the reason for the detention and should be allowed to discuss the facts leading to the proposed disciplinary action.

G. This policy and the board's rules and regulations for the maintenance of public order on school property will be publicized and explained by the teaching staff to all students and provided in writing to all parents on request. In order to insure the effectiveness of this student discipline code, the board of education requests the continuing assistance of parents in explaining and enforcing the code.

H. The student's right to a superintendent's hearing before a suspension from attendance in excess of five days and the right to an appeal of such a suspension to the board of education pursuant to Education Law #3214 is recognized by the board of education.

school program. Such placements shall be approved by the superintendent. No student who has been identified as handicapped or is suspected of having a handicapping condition will be placed pursuant to this policy in the alternative school program.

A student in the alternative school program may return to the regular program when he or she and the program staff agree that he or she is ready to do so.

VI. PROFESSIONAL STAFF DEVELOPMENT OPPORTUNITIES

Continuing professional growth and increasing effectiveness on the part of the entire staff are essential for the success of educational programs and the effective application of this school conduct and discipline policy. In-service programs, to familiarize the professional staff with the provisions and purposes of this policy, shall be conducted in each school of the district by the principal or other appropriate administrator at least annually. The professional staff shall be encouraged to make use of available in-service opportunities. Such opportunities shall include, within budgetary limitations, special in-service courses and workshops, summer study grants, school visitations and attendance in professional conferences and meetings.

The superintendent will have the authority to approve released time for conferences and visitations, and reimbursements for expenses, provided such activities are within budget allocations.

VII. IN-SCHOOL SUSPENSION

The board of education recognizes the importance of school attendance. Therefore, suspension or expulsion from school must be viewed as a last resort in dealing with student disciplinary infractions. The board also recognizes the need to remove unruly or disruptive students from the regular class so that learning can take place in the classrooms of the district.

The board of education directs the superintendent of schools to develop an in-school suspension program, where practical, in the secondary schools of the district. The program should provide appropriate supervision in the in-school suspension rooms and guidelines for the imposition of an in-school suspension.

IX. PRESENCE OF POLICE ON SCHOOL GROUNDS

In incidents requiring the disciplining of students, the principal may call the police only (1) if it is deemed necessary for the maintenance of safety and order or (2) if an incident involves the commission of a crime.

In these instances no student may be interrogated directly by the police unless the student's parent is present. An administrator must always accompany a student in the presence of the police.

VIII. IN-SCHOOL SUSPENSION: REGULATION

1. At the discretion of the building principal a student who would otherwise be subject to a suspension from attendance as the result of a disciplinary infraction may be placed on in-school suspension for a period not to exceed five school days.
2. Prior to the imposition of an in-school suspension the building principal shall provide the student with an opportunity to explain the facts and circumstances surrounding the alleged infraction leading to the imposition of an in-school suspension.
3. Upon imposition of an in-school suspension, the student's parent(s) shall be notified in writing of the dates of the suspension and the reasons therefore. The parent(s) shall be given an opportunity for a conference with the principal and any appropriate teachers or staff.
4. The students' teachers will be notified in writing that assignments for the period of suspension should be sent to the suspension room.
5. The student suspended shall report, at the beginning of the next school day following the imposition of a suspension, to the suspension room.
6. The student will remain in the suspension room during the full school day with appropriate breaks at mid-morning and mid-afternoon.
7. The suspension room will retain an atmosphere of quiet, conducive to study, with strict rules of behavior.
8. The suspension teacher will enforce the rules of behavior in the suspension room and will render tutorial assistance where possible. The teacher will also be alert to student behaviors or problems which may require referral to the school psychologist, guidance counselor, or other professional. The teacher will also, where appropriate, recommend steps to improve a student's behavior.
9. The suspension teacher will be a properly certified teacher.
10. No more than 15 students will be assigned to in-school suspension at any one time.

POLICY



No. 712

(Revised) Westbury Acceptable Use Policy & Internet Agreement

**WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION**

WESTBURY ACCEPTABLE USE POLICY & INTERNET AGREEMENT REVISED JUNE 2012

1. Introduction

Internet access is available to all students and teachers in the Westbury School District. We are very pleased to bring you this service and believe that the Internet offers vast, diverse, and unique resources for both students and teachers. Our goal in providing this service is to promote educational excellence in schools by facilitating resource sharing, innovation, and communication.

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers. The key concept underlying the Internet is interconnectivity; something that will allow administrators, teachers, and more importantly students to access an unparalleled array of communication and information resources. Students and teachers have access to general Internet tools including, but not limited to: electronic mail (e-mail); Listservs; UseNet News; File Transfer Protocol (FTP); Telnet; various search engines such as Yahoo, and Google; and the World Wide Web. These electronic search tools enable students and teachers to:

- Communicate with people all over the world
- Access information and news from various governmental agencies and research institutions
- Join discussion groups on a plethora of topics
- Access University Library Catalogs, the Library of Congress, etc.

With access to people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting.

On a global network it is impossible to control all materials and an industrious user may discover controversial information. We strongly believe, however, that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the district.

2. It is the adopted policy of the Westbury School District to:

- Prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- Prevent unauthorized access and other unlawful online activity;
- Prevent unauthorized online disclosure, use, or dissemination of personal identification

- Provide age-appropriate training for ALL students who use the Westbury School District Internet facilities. The training provided is designed to promote the Westbury School District's commitment to:
 - The standards and acceptable use of Internet services as set forth in this Westbury School District Policy;
 - Student safety with regard to:
 - Safety on the Internet;
 - Appropriate behavior while on online, on social networking Web sites, and in chat rooms; and
 - Cyberbullying awareness and response.
 - Compliance with the E-rate requirements of the Children's Internet Protection Act ("CIPA").

Following receipt of this training, the student will acknowledge that he/she received the training, understood it, and will follow the provisions of the District's acceptable use policies.

- Comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254 (h)]

3. **Definitions:** Key terms are as defined in the Children's Internet Protection Act.

- a. Access to Inappropriate Material:** To the extent practicable, technology protection measures are in place to block Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene and/or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures shall be disabled upon a request to do so by an adult patron or, in the case of minors, minimized for bona fide research and/or other lawful purposes.

- b. Inappropriate Network Usage:** To the extent practicable, steps have been taken to promote the safety and security of users of the **Westbury School district** online network. **All non-district** electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications are blocked and not accessible within the district.

Children do **NOT** have email accounts on the district's email system. Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes, but is not limited to: (a) unauthorized access, including so-called 'hacking' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

- c. Supervision and Monitoring:** It shall be the responsibility of ALL members of the **Westbury School District** staff to supervise and/or monitor usage of the online computer

network and access to the Internet in accordance with this policy and the Children's Internet Protection Act.

- d. **Adoption:** Adopting procedures for the disabling and/or modifying of any technology protection measures shall be the sole responsibility of the Westbury School District Board of Trustees and/or their designated representatives.
4. **Guidelines:** *Internet access is coordinated through a complex association of governmental agencies and regional state networks. In addition, the smooth operation of the network relies upon the proper conduct of end users who must adhere to the following guidelines listed under Internet terms and conditions. These guidelines are provided here so that you are aware of the responsibility you are about to acquire. In general, this requires efficient, ethical and legal utilization of the network resources. If a Westbury School District user violates any of these provisions his or her account will be terminated and future access can be denied. The signature at the end of this document is legally binding and indicates the party who signed it has read the terms and conditions carefully and understands the significance.*

The Westbury School District requires all parents/guardians, teachers, and students to execute the following release-user agreement based on the guidelines listed under the following Internet terms and conditions.

Internet - Terms and Conditions:

1. Acceptable Use –
The purpose of the Internet is to support research and education in and among academic institutions by providing access to unique resources and the opportunity for collaborative work. The use of your account must be in support of education and research and consistent with the educational objectives of the Westbury School District. Use of another organization's network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of United States or state regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, expressions of bigotry, racism, or hate, or material produced by trade secret. Use of commercial activities is generally not acceptable. Use of product advertisement or political lobbying is also prohibited.
2. Privileges –
The use of the Internet is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. Each student who receives an account will be responsible for that account and its usage. Therefore, under no circumstances should your account be shared with anyone other than the Technology Department staff. Each student will also be required to attend an orientation session with a Westbury faculty member pertaining to the proper use of the Internet. The Building Administrator will deem what is inappropriate use and their decision is final. This may result in a revocation or suspension of specific user accounts.
3. Network Etiquette –
You are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to the following:
 - Be polite. Do not get abusive in your messages to others.
 - Use appropriate language. Do not swear, use vulgarities or any other inappropriate language. Illegal activities are strictly forbidden.
 - Do not reveal your personal address or telephone number.
 - Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
 - Do not use the network in such a way that you would disrupt the use of the network by other users. All communication and information accessible via the network should be assumed to be property of the Westbury School District.
4. Security –
Security on any computer system is a high priority, especially when the system involves many users. If you feel you can identify a security problem on the Internet, you must notify a Westbury administrator or the Technology Department. Do not demonstrate the problem to other users. Attempts to log onto the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems, may be denied access to the Internet.

5. Vandalism –

Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet, or any of the above listed agencies or other networks that are connected to the Internet. This includes, but is not limited to, the uploading or creation of computer viruses.

I understand and will abide by the above ***Internet Use Agreement***. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit a violation, my access privileges may be revoked, school disciplinary actions may be taken, and/or appropriate legal action.

User Name (please print)_____

User Signature_____Date:_____

(If you are under the age of 18, a parent or guardian must also read and sign this agreement.)

PARENT OR GUARDIAN

As the parent or guardian of this student, I have read the ***Internet Use Agreement***. I understand that this access is designed for educational purposes. However, I also recognize it is impossible for the Westbury School District to restrict access to all controversial materials and I will not hold them responsible for materials my child may acquire on the network. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting. I hereby give permission to the Westbury School District to issue an account for my child and certify that the information contained on this form is correct.

Parent/Guardian's Name (please print):_____

Parent/Guardian's Signature_____Date:_____

Grade/Class_____

POLICY



No. 720 – 724.4

FINANCE AND FINANCIAL MANAGEMENT

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

720 Finance and Financial Management

721 Financial Management Responsibilities

721.1 Board of Education

Section 1716 and 1804 of the Education Law requires the Board of Education to prepare a detailed statement, in writing, of the amount of money which will be needed for the ensuing school year.

721.2 Superintendent

The Superintendent shall direct the development of the annual budget preparatory to its adoption by the Board of Education and shall be responsible to the Board of Education for maintaining expenditures within the limits prescribed by the budget as approved. The Superintendent shall administer the budget as enacted by the Board of Education, acting in accordance with legal requirements and the adopted policies, schedules, procedures, accounting techniques and other business, financial and administrative controls established by the Board of Education.

722 The Budget and Budgetary Process

722.1 The Budget Defined

The school budget is a written document which presents the Board of Education's plan for the allocation of the available financial resources into an explicit expenditure plan to sustain and improve the educational function of the school district.

The budget will be based upon the educational needs and financial ability of the district, as cooperatively identified by the Superintendent and his/her staff, the Board of Education and the community.

The budget shall be a guide for discretionary spending to achieve the objectives adopted by the Board of Education.

722.2 Statutory Provisions

It shall be the duty of the Board of Education to present at the annual meeting a detailed statement in writing of the amount of money which will be required for the ensuing year for school purposes, specifying the several purposes and the amount for each.

722.3 Planning

In preparing the budget, the educational aims and objectives as determined by policy must be translated into types of jobs and number of personnel; into books, instructional materials and equipment; into plant needs, health needs, transportation needs, the activities program; into education for adults and into all the other facets which go into the operation of the school system.

722.4 Preparation

Preparing a budget is a continuing process going on throughout the entire school year. The Superintendent of Schools, as chief executive officer of the Board of Education, is charged with the responsibility of outlining and recommending the educational program for the school district and of recommending the personnel, plant and equipment needs for carrying on the program. The Assistant Superintendent for Business and Management Services is charged with translating the educational needs into budget estimates.

722.5 Presentation

722.51 To the Board

The Superintendent shall present the tentative budget to the Board at a date which will permit sufficient time for the Board to study and modify the budget as is appropriate in consideration of the District's educational needs and financial resources.

722.52 To the Public

The Board shall present the proposed school budget to the community for a public hearing and subsequent vote on the designated election day.

The public hearing must be held no less than ten days and no more than thirty days before the vote on the budget.

The budget statement shall be completed at least seven days before the election date, and that copies shall be made available, upon request, to the taxpayers during that time.

The Board will inform the public in its election notice that interested persons may obtain copies of the budget at each school building during business hours on any school day that falls within the seven days immediately preceding the vote.

722.6 Final Adoption

Qualified electors of the district shall vote on the proposed budget at the annual election. A majority of the votes cast determines passage of the budget.

If the budget is rejected, the Board will utilize one or more of the items provided under Education Law.

722.7 Budget as a Spending Plan

722.71 Responsibility for Administering

The budget shall be considered as a controlled spending plan for the fiscal year. The Superintendent is authorized to make expenditures and commitments in accordance with and in harmony with the specific regulations of the Board and the State of New York.

722.72 Methods and Procedures

The Board of Education will be provided monthly financial statements in accordance with Commissioner's Regulations.

722.73 Transfer of Funds

The Board of Education may legally transfer funds between budget categories and may, by resolution, authorize the chief school officer to make transfers within limits as established by the Board.

723 Income

The treasurer shall receive and account for all funds. The treasurer shall deposit these funds into the specific accounts as authorized by the Board of Education.

724 Management of Funds

724.1 The objectives of the Management of Funds Policy of the District are:

1. – to minimize risk
2. – to insure that investments mature when cash is required to finance operations
3. – to insure a competitive interest rate on investments and borrowings

724.2 In accordance with these objectives the Management of Funds Policy of the District shall be as follows:

724.21

1. – The Board shall designate by official Board resolution, at least annually, the banks, trust companies and securities dealers with whom the Treasurer or other designated officials shall deposit and invest District monies or otherwise utilize as custodial agents.

Banks and trust companies so designated must be authorized to do business in New York State. Securities dealers so designated must be registered and primary U.S. Government Securities Dealers.

The Treasurer or other designated officials shall be released from any liability for loss of monies deposited or invested with designated institutions by reason of the default or insolvency of any such institution.

Any District borrowing must be authorized by official Board resolution. Monies may only be borrowed from a bank or trust company authorized to do business in New York State.

724.22

2. – The treasurer or other designated officials shall deposit and invest District monies with designated financial institutions in the following manner only:

Banks and Trust Companies

1. Time deposits, money market, checking and NOW accounts
2. Certificates of Deposit
3. Repurchase Agreements

Registered and Primary U.S. Government Securities Dealers

1. Repurchase Agreements
2. Direct obligation of the U.S. Government
3. Direct obligations of New York State

724.23

3 – All deposits and investments of District monies must be fully collateralized. The instruments of collateral and collateral procedures acceptable to the District are as follows:

Insurance of the Federal Deposit Insurance Corporation (FDIC)

Direct Obligations of:

1. The United States Government
2. Federal Agencies on which the principle and interest of such obligation is guaranteed by the U.S. Government
3. The State of New York
4. Local Governments of the State of New York

An irrevocable letter of credit issued in favor of the district by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.

Collateral securing deposits and investments must be segregated from the assets of the bank, trust company or security dealer. The collateral shall be specifically identified as being for the account of the District and the specific obligations so designated are to be confirmed to the District in writing.

724.4

4 –The Treasurer or other designated officials are authorized and required to perform the following functions in conjunction with the depositing, investing and borrowing of District monies.

Authorize wire transfers of money by phone for the account of the District only.

Solicit investment bids by phone from designated financial institutions.

Solicit sealed bids from banks and trust companies authorized to do business in New York State on all authorized borrowings.

Prepare and submit to the Board of Education an annual cash flow forecast.

Report to the Board of Education monthly – total monies received and disbursed to date, together with a statement of month end cash and investment balances.

Report to the Board of Education the results of all borrowing authorizations.

Monitor as much as practical the financial strength of the District's depositories.

Adoption date: May 14, 2020

POLICY



No. 755-758

Transportation

WESTBURY UNION FREE SCHOOL DISTRICT
BOARD OF EDUCATION

TRANSPORTATION

755 Use of equipment and services

755.1 Regular routes and services

The Assistant Superintendent for Business and Management Services *or a designee* shall plan each bus route to assure maximum efficiency in the operation of a school bus on such a route.

755.11 Regular service

As approved by the voters of the Westbury School District, children *up to grade 2* whose homes are 2/10 of a mile and children in grades 3-6 whose homes are 3/4 of a mile *from the school they attend, either within or outside of the school district boundaries*, shall be transported at public expense. *The District reserves the right to exclude pre-kindergarten students from such transportation, as provided by law.* Children in secondary grades 7-12, whose homes are one mile or more from the school they attend, either within or *outside* of the school district *boundaries*, shall be transported at public expense. Seventh and eighth graders shall be classed as secondary school pupils. Regardless of the organization pattern of a public, private, or parochial school which the student attends, within or *outside* of the school district *boundaries*, a seventh or eighth grader shall be ineligible for transportation unless his/her home is at least one mile from the school.

755.12 Distance measurement from home to school

Distance shall be measured from the street curb in front of the home to the nearest pedestrian entrance of the school building attended by the pupil. Distance measured by the Assistant Superintendent for Business and Management Services *or a designee* and approved by the determinant as to whether or not the pupil is eligible for transportation. In accordance with State Law, except for the physically disabled, neither a traffic hazard nor any other factor shall have a bearing on eligibility for transportation. Distance *and safety* only shall be the determinant.

755.13 Bus Stops

Except when only one individual is to be picked up in an area, there shall be no home pick-up. The vehicle will stop for pick-up and delivery of passengers only by area. All students in the area shall walk to the spot designated for pick-up. The Assistant Superintendent for Business and Management Services *or a designee* shall determine bus stops and shall designate the specific bus to be taken by the pupil to and from school, and the pupil shall have no authority to ride any other bus. *Families will be allowed a total of two changes in bus stops per year (not inclusive of change of home address) to accommodate child care. All requests for change of bus stop will be processed within ten (10) business days. No child is allowed to board a bus without an official pass.*

755.14 Activity Buses

Activity buses will be provided to transport, to their neighborhood schools, pupils who attend Westbury Schools and who remain for after school activities. The buses will be scheduled approximately 1 v2 hours after dismissal of the session of the regular school day, and only one specific time shall be established for the departure of the activity bus. Principals will schedule after-school activities accordingly.

Activity buses will not be provided if there are four (4) or less pupils participating in after-school activities. There must be five (5) students participating in after-school activities before transportation is provided.

755.2 School Trips

755.21 Field Trips

Field trips of significant educational and recreational value are encouraged by the Board of Education. Such trips shall be adequately planned in advance and the use of the district's transportation system shall be used whenever possible. Safety shall be a primary consideration in all facets of the planning the trip.

755.22 Athletic Trips

School buses may be used to transport athletic teams to scheduled events.

755.23 Co-curricular Trips

School buses may be used for student organization trips when such trips are authorized by the school administration.

755.24 Use of Private Vehicles

The use of private vehicles to transport students to authorized events is *prohibited*.

755.3 Special Transportation for Handicapped Students

Transportation is required for physically handicapped and mentally retarded children as required by the needs of the individual child.

The Assistant Superintendent for Business and Management Services shall be authorized to provide transportation to school for physically disabled students 50 miles from home to school, when, in the physician's opinion, the disability would prevent the student from being able to walk to school. When he/she lives on a bus route, *physically challenged and developmentally disabled as required by IED*, the disabled student shall ride the school bus except that should the disability be such as to prevent his/her riding the bus, the Assistant Superintendent for Business and Management Services shall provide special transportation for him/her on an individual basis.

A physician's certificate and approval by the Board of Education shall be required for such individual special transportation, except that with the physician's certificate, the Assistant Superintendent for Business and Management Services may provide temporary services pending the next regularly scheduled meeting of the Board of Education.

(Sections 1604, 1709, 2503, 2554, and 4404, Education Law)

755.4 Special Transportation for Non-public School Students

In the case of a child attending a non-public school, transportation, by law, shall be provided subject to the minimum distances established in section *entitled "Regular Service,"* and up to a maximum distance of 15 miles.

The Assistant Superintendent for Business and Management Services shall be responsible for developing procedures for processing requests of parents or guardians of children residing in the Westbury School District who desire transportation for their child to a non-public school within 15 miles.

Requests for transportation must be received by the transportation office by April 1 prior to the commencement of school in September of the same year. Requests received after that date ("late requests") will be granted in the following situations:

1. If a parent or guardian does not reside in the district on April 1 and files a request within 30 days after establishing residence in the district
2. If a late request will result in no additional cost to the district by virtue of
 - (a) room available on a bus which is already operating and under contract;
 - (b) a savings equal to the cost of the desired transportation is realized because of the discontinuance of the former transportation.

(Section 3635, Education Law)

755.5 Conduct on School Buses

Some students are eligible for district transportation. While the law requires the district to furnish transportation for such students, it does not relieve parent(s) or guardian(s) of the responsibility for supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day. Only after a child boards the bus does he/she become the responsibility of the district. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

Since the school bus may be regarded as an extension of the classroom, children are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others.

If a child does not conduct himself/herself properly on a bus, such instances shall be brought to the attention of the school principal by the bus driver.

Drivers *and bus monitors* shall be responsible for the safety and proper conduct of student passengers on vehicles used in school transportation. The Superintendent shall have authority to deny a pupil the right to transportation should the pupil's behavior be such as to endanger the health, safety, or reasonable comfort of the other passengers.

Subject to District Code of Conduct and State Regulations.

(Refer to Policy 452.3)

Children who become a serious disciplinary problem may have their riding privileges suspended by the Superintendent. In such cases, the parent(s) or guardian(s) of the children involved become responsible for seeing that their children get to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the school district will make appropriate arrangements to provide for the student's education. Any such suspension shall be in accordance with the provisions of the Education Law.

(Cross-ref: 5300 Code of Conduct: Prohibited Student Conduct; 5300 Code of Conduct: Disciplinary Penalties, Procedures, and Referrals. Ref Education Law 3635; Matter of Hale, 30 EDR 26 (1990))

756 The Bus Fleet

756.1 Requirements

All publicly owned school buses shall meet or exceed minimum standards and specifications and specific requirements in accordance with the regulations of the Commissioner of Education and the laws of the State of New York.

756.2 Maintenance and Inspection

It shall be the responsibility of the Superintendent to organize maintenance and repair service for school buses designed to keep each bus in first class condition; to see that inspections are made systematically; and to see that periodic objective surveys are made of bus equipment and safety practices, repairs and operating costs.

In accordance with the regulations of the Department of Transportation, all public school buses are to be inspected at least once in each six months.

757 Maximum Time that a Pupil May Spend on a Bus

Education Law does not contain a maximum length of time that a pupil may spend riding on a school bus. However, it is widely accepted that the en route time must be reasonable. The Commissioner of Education has held that numerous factors may be considered in determining whether the amount of time is reasonable. Such factors as the following, and others, may be considered: pupil age, distance between home and school, safety, efficiency, cost, available buses, number of schools on a particular trip, and the opening and closing times of schools.

Many districts attempt to limit the time en route to one hour, but there are situations because of the distances traveled, that is not possible to complete the trip within one hour. Districts are expected to provide economical and efficient transportation, and, therefore, will often transport to more than one school on a single trip.

The Commissioner of Education has held, in Judicial Decisions, that a trip of 1-1/2 hours, in particular situations, was not unreasonable.

758 Bus Evacuation Drills

The Superintendent shall have the responsibility for developing regulations and procedures for bus evacuation in case of emergency, and shall arrange with each bus driver to conduct bus evacuation drills. One such drill shall be held during the first ten days of school, the second drill shall be held between November 1 and December 1 and the third drill shall be held between March 1 and April 30.

The drills shall be held in such a manner that all bus pupils have practice in activating and using each exit from the bus, both regular and emergency.

Adopted: November 28, 2007