

## Bylaws

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS****Absentee Ballots**

The Board authorizes the District Clerk or a Board designee to provide absentee ballots to qualified District voters. Absentee ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason they will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk or Board designee at least seven days before the election/vote if the ballot is to be mailed to the voter, or the day before the election/vote if the ballot is to be delivered personally to the voter.

An absentee ballot will also be mailed to every qualified District voter otherwise eligible for an absentee ballot who sends a signed letter requesting an absentee ballot which states the address of the voter to the District Clerk or Board designee. The signed letter must be received by the District Clerk or Board designee not earlier than the thirtieth day before the election/vote and at least seven days before the election/vote. Enclosed with the absentee ballot will be an application form for the absentee ballot. The absentee ballot will not be counted unless a valid application form is enclosed with the ballot.

A qualified District voter is eligible to vote by absentee ballot if they are unable to appear to vote in person on the day of the District election/vote because they:

- a) Are or will be a patient in a hospital, or are unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;
- b) Have duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the District election/vote;
- c) Will be on vacation outside of the county or city of residence on the day of the District election/vote;
- d) Will be absent from their voting residence due to detention in jail awaiting action by a grand jury or awaiting trial or is confined in prison after conviction for an offense other than a felony; or

(Continued)

## Bylaws

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**

- e) Will be absent from the District on the day of the District election/vote by reason of accompanying spouse, parent, or child who is or would be, if they were a qualified voter, entitled to apply for the right to vote by absentee ballot.

Statements on the application for an absentee ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

Qualified District voters who are unable to personally appear at the polling place because of a permanent illness or physical disability and whose registration record has been marked "permanently disabled" pursuant to law are entitled to receive an absentee ballot without application if they have previously applied for an absentee ballot.

A list of all persons to whom absentee ballots have been issued will be maintained in the Office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot. The written challenge will be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote.

**Military Ballots**

The Board authorizes the District Clerk or a Board designee to provide military ballots to military voters to be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A military voter is:

- a) A qualified voter of New York State who:
  - 1. Is in actual military service and, by reason of that military service, is absent from the District on the day of registration or election; or
  - 2. Is discharged from that military service within 30 days of an election; or
- b) A spouse, parent, child, or dependent of the previously described voter, accompanying or being with that voter, if a qualified voter of New York State and a resident of the District.

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## Bylaws

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**

A military voter may designate a preference to receive a military ballot application or a military ballot by mail, fax, or email. This designation will remain in effect until revoked or changed by the military voter. If a military voter does not designate a preference, a military ballot application or a military ballot will be provided to the military voter by mail.

Military ballots will be distributed as soon as practicable, but no later than 25 days before the election/vote.

Three days before the first day for distribution of military ballots, the names of all candidates duly nominated for public office and the amendments, referenda, propositions, and questions to be voted for on the ballots will be determined. If, at a later date, the nomination of any candidate named on a military ballot is found invalid, the ballot will still be valid, but no vote for the invalid candidate will be counted in the election/vote.

A voter's military ballot must be received by the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed at which point the military ballot will be processed in the same manner as absentee ballots.

All military ballot applications and military ballots must be returned by mail or in person.

**Early Mail Ballots**

The Board authorizes the District Clerk or a Board designee to provide early mail ballots to qualified District voters. Early mail ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an early mail ballot. The voter must complete the application. The application must be received by the District Clerk or Board designee at least seven days before the election vote if the ballot is to be mailed to the voter, or the day before the election/vote, if the ballot is to be delivered personally to the voter.

An early mail ballot will also be mailed to every qualified District voter otherwise eligible for an early mail ballot who sends a signed letter requesting an early mail ballot which states the address of the voter to the District Clerk or Board designee. The signed letter must be received by the District Clerk or Board designee not earlier than the thirtieth day before the election/vote and at least seven days before the election/vote. Enclosed with the early mail ballot will be an application form for the early mail ballot. The early mail ballot will not be counted unless a valid application form is enclosed with the ballot.

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**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**

Any qualified District voter is eligible to vote by early mail ballot.

Statements on the application for an early mail ballot must be signed and dated by the voter.

A voter's early mail ballot must reach the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

A list of all persons to whom early mail have been issued will be maintained in the Office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. A challenge to an early mail ballot may not be made on the basis that the voter should have applied for an absentee ballot. The written challenge will be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote.

Education Law Sections 2014, 2018-a, 2018-b, 2018-d, 2018-e, 2018-f, and 2613  
8 NYCRR Part 122

Adoption Date

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS****Absentee Ballots**

*\* Option 1 - If the District utilizes poll lists (i.e., does not provide for personal registration of voters), retain all language in option 1. Delete all language in option 2 which is for districts that provide for the personal registration of voters. Retain the section on military ballots.*

The Board authorizes the District Clerk or a Board designee to provide absentee ballots to qualified District voters. Absentee ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason ~~he or she~~ they will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk or Board designee at least seven days before the election/vote if the ballot is to be mailed to the voter, or the day before the election/vote if the ballot is to be delivered personally to the voter.

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A qualified District voter is eligible to vote by absentee ballot if ~~he or she is~~ they are unable to appear to vote in person on the day of the District election/vote because ~~he or she~~ they:

- a) ~~Is~~Are or will be a patient in a hospital, or ~~is~~are unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;
- b) ~~Has~~Have duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the District election/vote;
- c) Will be on vacation outside of the county or city of residence on the day of the District election/vote;
- d) Will be absent from their voting residence due to detention in jail awaiting action by a grand jury or awaiting trial; or is confined in prison after conviction for an offense other than a felony; or

*\*Customize to District*

(Continued)

## Bylaws

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**

- e) Will be absent from the District on the day of the District election/vote by reason of accompanying spouse, parent, or child who is or would be, if ~~he or she~~ they were a qualified voter, entitled to apply for the right to vote by absentee ballot.

Statements on the application for an absentee ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the Office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that ~~his or her~~ their vote may be canvassed.

Qualified District voters who are unable to personally appear at the polling place because of a permanent illness or physical disability and whose registration record has been marked "permanently disabled" pursuant to law are entitled to receive an absentee ballot without application if they have previously applied for an absentee ballot.

A list of all persons to whom absentee ballots have been issued will be maintained in the Office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot. The written challenge will be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote. ~~In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on this list by making their reasons known to the election inspector before the close of the polls.~~

*\*Option 2 - If the District provides for the personal registration of voters, retain all language in option 2. Delete all language in option 1 which is for districts that utilize poll lists. Retain the section on military ballots.*

The Board authorizes the District Clerk to provide absentee ballots to qualified District voters. Absentee ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason ~~he or she~~ they will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk no earlier than the thirtieth day before the election/vote. The application must be received by the District Clerk at least seven days before the election/vote if the ballot is to be mailed to the voter or the day before the election/vote if the applicant or ~~his or her~~ their agent delivers the application to the District Clerk in person.

*\*Customize to District*

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## Bylaws

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**

A qualified District voter is eligible to vote by absentee ballot if ~~he or she~~ they will be:

- a) Absent from the county of ~~his or her~~ their residence;
- b) Unable to appear at the polling place because of illness or physical disability, or duties related to the primary care of one or more individuals who are ill or physically disabled, or because ~~he or she~~ they will be or is a patient in a hospital;
- c) An inmate or patient of a veteran's administration hospital; or
- d) Absent from ~~his or her~~ their voting residence because ~~he or she is~~ they are detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that ~~he or she is~~ they are qualified to vote in the election district of ~~his or her~~ their residence.

Statements on the application for an absentee ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the Office of the District Clerk not later than 5 p.m. on the day of the election/vote in order that ~~his or her~~ their vote may be canvassed.

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**Military Ballots**

The Board authorizes the District Clerk\* or a Board designee to provide military ballots to military voters to be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

*\*Customize to District -- Retain phrase "or Board designee" only if District utilizes poll lists vs. personal registration of voters.*

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## Bylaws

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**

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  2. Is discharged from that military service within 30 days of an election; or
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A military voter may designate a preference to receive a military ballot application or a military ballot by mail, fax, or email. This designation will remain in effect until revoked or changed by the military voter. If a military voter does not designate a preference, a military ballot application or a military ballot will be provided to the military voter by mail.

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A voter's military ballot must be received by the Office of the District Clerk\*\* or Board designee not later than 5 p.m. on the day of the election/vote in order that ~~his or her~~ their vote may be canvassed at which point the military ballot will be processed in the same manner as absentee ballots.

All military ballot applications and military ballots must be returned by mail or in person.

*\*Customize to District -- For small city school districts, military ballots need to be sent no later than 14 days before the election.*

*\*\*Customize to District -- Retain phrase "or Board designee" only if District utilizes poll lists vs. personal registration of voters.*

(Continued)



## Bylaws

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)****Early Mail Ballots**

*\* Option 1 - If the District utilizes poll lists (i.e., does not provide for personal registration of voters), retain all language in option 1. Delete all language in option 2 which is for districts that provide for the personal registration of voters.*

The Board authorizes the District Clerk or a Board designee to provide early mail ballots to qualified District voters. Early mail ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

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*\*Customize to District*

(Continued)

**SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)**

*\*Option 2 - If the District provides for the personal registration of voters, retain all language in option 2. Delete all language in option 1 which is for districts that utilize poll lists.*

The Board authorizes the District Clerk to provide early mail ballots to qualified District voters. Early mail ballots will be used for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda.

A District voter must request in advance an application for an early mail ballot. The voter must complete the application. The application must be received by the District Clerk no earlier than the thirtieth day before the election/vote. The application must be received by the District Clerk at least seven days before the election/vote if the ballot is to be mailed to the voter or the day before the election/vote if the applicant or their agent delivers the application to the District Clerk in person.

Any qualified District voter is eligible to vote by early mail ballot.

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A voter's early mail ballot must reach the Office of the District Clerk not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

A list of all persons to whom early mail ballots have been issued will be maintained in the Office of the District Clerk and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. A challenge to an early mail ballot may not be made on the basis that the voter should have applied for an absentee ballot. The written challenge will be transmitted by the District Clerk to the election inspectors on the day of the District election/vote.

Education Law Sections 2014, 2018-a, 2018-b, 2018-d, 2018-e, 2018-f, and 2613  
8 NYCRR Part 122

*\*Customize to District*  
Adoption Date

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

In accordance with applicable federal and state laws and regulations, the District does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the District prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class or category including, but not limited to:

- a) Age;
- b) Race;
- c) Creed;
- d) Religion;
- e) Color;
- f) National origin;
- g) Citizenship or immigration status;
- h) Sexual orientation;
- i) Gender identity or expression;
- j) Military status;
- k) Sex;
- l) Disability;
- m) Predisposing genetic characteristics;

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

- n) Familial status;
- o) Marital status; and
- p) Status as a victim of domestic violence.

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

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

**Scope and Application**

This policy outlines the District's general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:

- a) Students;
- b) Employees;
- c) Applicants for employment;
- d) Paid or unpaid interns;
- e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f) Volunteers; and
- g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.

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

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

**What Constitutes Discrimination and Harassment**

Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the District; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide for individuals in determining what may constitute discrimination and/or harassment. These examples should not be construed to add or limit the rights that individuals and entities possess as a matter of law.

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of their membership in a protected class; denying an individual access to facilities or educational benefits on the basis of their membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Generally stated, harassment consists of subjecting an individual, on the basis of their membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures.

This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Under New York State Human Rights Law (NYSHRL), discrimination or harassment does not need to be severe or pervasive to be illegal. It can be any discriminatory or harassing behavior that rises above petty slights or trivial inconveniences. Every instance of discrimination or harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether discriminatory or harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

**Civil Rights Compliance Officer**

The District has designated the following District employee(s) to serve as its CRCO(s):

- Robert Finster, Superintendent  
Harrisville Central School, 14371 Pirate Lane, Harrisville, New York 13648  
315-543-2707, ext. 7  
[rfinster@hcsk12.org](mailto:rfinster@hcsk12.org)
- Eric Luther, MS/HS Principal  
Harrisville Central School, 14371 Pirate Lane, Harrisville, New York 13648  
315-543-2707, ext. 6  
[eluther@hcsk12.org](mailto:eluther@hcsk12.org)

The CRCO(s) will coordinate the District's efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.

Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

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**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

**Reporting Allegations of Discrimination and/or Harassment**

Anyone who experiences, witnesses, or becomes aware of potential instances of discrimination or harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Individuals should not feel discouraged from reporting discrimination or harassment because they do not believe it is bad enough or conversely because they do not want to see someone punished for less severe behavior.

Reports of discrimination and/or harassment may be made verbally or in writing. A written complaint form is posted on the District's website if an individual would like to use it, but the complaint form is not required. Individuals who are reporting discrimination and/or harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

Reports may be made to a CRCO in person, by using the contact information for a CRCO, or by any other means that results in a CRCO receiving the person's verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for a CRCO.

Reports of discrimination and/or harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.

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

In addition to complying with the reporting requirements in this policy, District employees must comply with any other applicable reporting requirements contained in District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

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**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)****Supervisory Responsibilities**

Supervisors, building principals, other administrators, and the CRCOs are responsible for helping to maintain a discrimination and harassment-free educational and work environment.

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

Supervisors, building principals, and other administrators should not be passive and wait for an individual to make a claim of discrimination or harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in discriminatory or harassing behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected discrimination or harassment or allowing discrimination or harassment to continue after they know about it.

While supervisors, building principals, and other administrators have a responsibility to report discrimination and harassment, they must be mindful of the impact that discrimination and/or harassment and a subsequent investigation has on victims. Being identified as a possible victim of discrimination or harassment and questioned about discrimination or harassment can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced discrimination or harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

**Grievance Process for Complaints of Discrimination and/or Harassment**

All complaints or information about discrimination or harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination or harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a discrimination or harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

The CRCO will generally oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

District employees may be required to cooperate as needed in an investigation of suspected discrimination or harassment. The District recognizes that participating in a discrimination or harassment investigation can be uncomfortable and has the potential to retraumatize an individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

Various District policies and documents address discrimination and harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

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

**Knowingly Makes False Accusations**

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination and/or harassment will face appropriate disciplinary action.

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

The District prohibits all retaliation. Any individual that reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint is protected from retaliation. No one should fear reporting discrimination or harassment if they believe it has occurred. Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Any District employee who retaliates against anyone involved in a discrimination or harassment investigation will face disciplinary action, up to and including termination.

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

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

**Confidentiality**

To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.

**Training**

In order to promote familiarity with issues pertaining to discrimination and harassment in the District, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to employees and students. As may be necessary, special training will be provided for individuals involved in the handling of discrimination and/or harassment complaints.

**Notification**

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or legal guardians, employees, and other relevant individuals of the District's established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The District's website will reflect current and complete contact information for the CRCO(s).

A copy of this policy and its corresponding regulations and/or procedures will be available upon request and will be posted and/or published in appropriate locations and/or District publications.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)****Additional Provisions**

Regulations and/or procedures will be developed for reporting, investigating, and remediating allegations of discrimination and/or harassment.

8 USC Section 1324b  
29 USC Section 206  
42 USC Section 1981  
Age Discrimination Act of 1975, 42 USC Section 6101 et seq.  
Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.  
Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.  
Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.  
Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.  
Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.  
28 CFR Part 35  
29 CFR Chapter I – National Labor Relations Board  
29 CFR Chapter XIV – Equal Employment Opportunity Commission  
34 CFR Parts 100, 104, 106, 110, and 270  
45 CFR Part 86  
Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a  
Civil Service Law Sections 75-b and 115  
Correction Law Section 752  
Education Law Sections 10-18, 313, 313-a, 2801, 3201, and 3201-a  
Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, 215, and 740  
New York State Human Rights Law, Executive Law Section 290 et seq.  
Military Law Sections 242, 243, and 318  
8 NYCRR Section 100.2  
9 NYCRR Section 466 et seq.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination  
#6120 -- Equal Employment Opportunity  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
#8130 -- Equal Educational Opportunities  
#8220 -- Career and Technical (Occupational) Education  
District *Code of Conduct*

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

In accordance with applicable federal and state laws and regulations, the District does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the District prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class or category including, but not limited to:

- a) Age;
- ab) Race;
- c) Creed;
- ed) Religion;
- be) Color;
- ef) National origin;
- g) Citizenship or immigration status;
- fh) Sexual orientation;
- gi) Gender identity or expression;
- hj) Military status;
- ik) Sex;
- ~~j) Age; and~~
- el) Disability;
- m) Predisposing genetic characteristics;

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

- n) Familial status;
- ko) Marital status; and
- p) Status as a victim of domestic violence.

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

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

**Scope and Application**

This policy outlines the District's general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:

- a) Students;
- b) Employees;
- c) Applicants for employment;
- d) Paid or unpaid interns;
- e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f) Volunteers; and
- g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)



**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.

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

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

**What Constitutes Discrimination and Harassment**

Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the District; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide for individuals in determining what may constitute discrimination and/or harassment. These examples should not be construed to add or limit the rights that individuals and entities possess as a matter of law.

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of ~~his or her~~ **their** membership in a protected class; denying an individual access to facilities or educational benefits on the basis of ~~his or her~~ **their** membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Generally stated, harassment consists of subjecting an individual, on the basis of ~~his or her~~ **their** membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures.

This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities. ~~Petty slights or trivial inconveniences generally do not constitute harassing conduct.~~

Under New York State Human Rights Law (NYSHRL), discrimination or harassment does not need to be severe or pervasive to be illegal. It can be any discriminatory or harassing behavior that rises above petty slights or trivial inconveniences. Every instance of discrimination or harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether discriminatory or harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

**Civil Rights Compliance Officer**

\*The District has designated the following District employee(s) to serve as its CRCO(s):

*[For each CRCO, the District should list the following: name or title, office address, telephone number, and email address.]*

The CRCO(s) will coordinate the District's efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.

Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

*\*Customize to District -- Policy Services recommends that districts appoint at least two CRCOs in case there is an issue of conflict of interest, bias, or continuity of coverage.*

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)****Reporting Allegations of Discrimination and/or Harassment**

~~Any person may report discrimination and/or harassment regardless of whether they are the alleged victim or not.~~ Anyone who experiences, witnesses, or becomes aware of potential instances of discrimination or harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Individuals should not feel discouraged from reporting discrimination or harassment because they do not believe it is bad enough or conversely because they do not want to see someone punished for less severe behavior.

Reports of discrimination and/or harassment may be made verbally or in writing. A written complaint form is posted on the District's website if an individual would like to use it, but the complaint form is not required. Individuals who are reporting discrimination and/or harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

Reports may be made to a CRCO in person, by using the contact information for the a CRCO, or by any other means that results in the a CRCO receiving the person's oral-verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the a CRCO.

Reports of discrimination and/or harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment will-must be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

~~All District employees who witness or receive an oral or written report of discrimination and/or harassment must immediately inform the CRCO.~~ Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.

~~In addition to complying with this policy, District employees must comply with any other applicable District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's Code of Conduct. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).~~

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

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

In addition to complying with the reporting requirements in this policy, District employees must comply with any other applicable reporting requirements contained in District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

**Supervisory Responsibilities**

Supervisors, building principals, other administrators, and the CRCOs are responsible for helping to maintain a discrimination and harassment-free educational and work environment.

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

Supervisors, building principals, and other administrators should not be passive and wait for an individual to make a claim of discrimination or harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in discriminatory or harassing behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected discrimination or harassment or allowing discrimination or harassment to continue after they know about it.

While supervisors, building principals, and other administrators have a responsibility to report discrimination and harassment, they must be mindful of the impact that discrimination and/or harassment and a subsequent investigation has on victims. Being identified as a possible victim of discrimination or harassment and questioned about discrimination or harassment can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced discrimination or harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

(Continued)



**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

**Grievance Process for Complaints of Discrimination and/or Harassment**

All complaints or information about discrimination or harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination or harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a discrimination or harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

~~—The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and/or harassment based on any legally protected class and will promptly take appropriate action to protect individuals from further discrimination and/or harassment.~~

The CRCO will generally oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

District employees may be required to cooperate as needed in an investigation of suspected discrimination or harassment. The District recognizes that participating in a discrimination or harassment investigation can be uncomfortable and has the potential to retraumatize an individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

Various District policies and documents address discrimination and harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

If an investigation reveals that discrimination and/or harassment based on a legally protected class has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable ~~federal and state~~ laws and regulations, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)****Knowingly Makes False Accusations**

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination and/or harassment will face appropriate disciplinary action.

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

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

The District prohibits all retaliation. Any individual that reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint is protected from retaliation. No one should fear reporting discrimination or harassment if they believe it has occurred. Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Any District employee who retaliates against anyone involved in a discrimination or harassment investigation will face disciplinary action, up to and including termination.

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

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

**Confidentiality**

To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)****Training**

In order to promote familiarity with issues pertaining to discrimination and harassment in the District, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to employees and students. As may be necessary, special training will be provided for individuals involved in the handling of discrimination and/or harassment complaints.

**Notification**

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or legal guardians, employees, and other relevant individuals of the District's established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The District's website will reflect current and complete contact information for the CRCO(s).

A copy of this policy and its corresponding regulations and/or procedures will be available upon request and will be posted and/or published in appropriate locations and/or District publications.

**Additional Provisions**

Regulations and/or procedures will be developed for reporting, investigating, and remedying allegations of discrimination and/or harassment.

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.

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

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

Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.

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

~~National Labor Relations Act (NLRA), 29 USC Section 151 et seq.~~

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

Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.

Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.

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

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

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.

(Continued)



**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

28 CFR Part 35

29 CFR Chapter I – National Labor Relations Board

29 CFR Chapter XIV – Equal Employment Opportunity Commission

34 CFR Parts 100, 104, 106, 110, and 270

45 CFR Part 86

Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a

Civil Service Law Sections 75-b and 115

Correction Law Section 752

Education Law Sections 10-18, 313, 313-a, 2801, 3201, and 3201-a

Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, ~~and 215~~, and 740

New York State Human Rights Law, Executive Law Section 290 et seq.

Military Law Sections 242, 243, and 318

8 NYCRR Section 100.2

9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination  
#6120 -- Equal Employment Opportunity  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
#8130 -- Equal Educational Opportunities  
#8220 -- Career and Technical (Occupational) Education  
District *Code of Conduct*

Adoption Date

**SUBJECT: ADMINISTRATION OF THE BUDGET**

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget. This includes, but is not limited to:

- a) Acquainting District employees with the final provisions of the program budget and guiding them in planning to operate efficiently and economically within these provisions.
- b) Providing direction to the District in maintaining those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary.
- c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets.

Unless otherwise provided by law, no claim against the District will be paid unless such claims have been audited and approved by the Board/Claims Auditor.

**Budget Transfers**

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds between and within functional unit appropriations for teachers' salaries and ordinary contingent expenses. Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

Education Law Sections 1604(35), 1709(20-a), 1711, 1718, 1724, 1950(4)(k), 2508, 2523-2526, and 2554(2-a)  
8 NYCRR Sections 170.12(c) and 170.2(l)

Adoption Date

**SUBJECT: ADMINISTRATION OF THE BUDGET**

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget. This includes, but is not limited to:

- a) Acquainting District employees with the final provisions of the program budget and guiding them in planning to operate efficiently and economically within these provisions.
- b) Providing direction to the District in maintaining those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary.
- c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets.

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**Budget Transfers**

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds between and within functional unit appropriations for teachers' salaries and ordinary contingent expenses. Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

**Statement of the Total Funding Allocation**

~~When required by law, the District will annually submit to the Commissioner of Education and the Director of the Budget a detailed statement of the total funding allocation for each school in the District for the upcoming school budget year. This statement will be in a form developed by the Director of the Budget, in consultation with the Commissioner of Education. This statement will be made publicly available and posted on the District website.~~

Education Law Sections 1604(35), 1709(20-a), 1711, 1718, 1724, 1950(4)(k), 2508, 2523-2526, and 2554(2-a);  
and 3614

8 NYCRR Sections 170.12(c) and 170.2(l)

*\*Customize to District -- Board approval is required in districts that have not adopted a resolution establishing the Office of Claims Auditor and appointed a Claims Auditor.*

Adoption Date

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE****Overview**

The District is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the District will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of District facilities.

**Construction and Remodeling of School Facilities**

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, the Manual of Planning Standards, and the Commissioner's regulations. The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of District facilities will be submitted to the Commissioner consistent with applicable law and regulation.

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and applicable law and regulation. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

**Carbon Monoxide Detection**

All District facilities will have carbon monoxide alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

**Asbestos Inspections**

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly written notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)****Lead Testing**

The District will triennially test potable water for lead contamination from all outlets as required by law and regulation. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet and it will remediate the lead level of the outlet before allowing its use. The District will make all required notifications and issue all mandated reports to the public, local health department, and NYSED. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

**Comprehensive Long-Range Plan**

The District will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

- a) The educational philosophy of the District, with resulting administrative organization and program requirements;
- b) Present and projected student enrollments;
- c) Space use and state-rated student capacity of existing facilities;
- d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

- e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- f) The provision of additional facilities.

**Comprehensive Public School Building Safety Program**

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated, or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations.

The Comprehensive Public School Safety Program will consist of the following components:

**a) Building Condition Surveys**

Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

**b) Visual Inspections**

Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

**c) Five-Year Capital Facilities Plan**

The District will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the District will use the safety rating of each occupied school building. The plan must be consistent with all District planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
  - (a) Current or proposed new construction ranked in priority order;

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

- (b) Current or proposed additions to school facilities ranked in priority order;
  - (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
  - (d) Major repairs ranked in priority order;
  - (e) Major system replacement and repairs, and maintenance ranked in priority order; and
  - (f) Energy consumption.
2. A District-wide building inventory that includes, but is not limited to:
- (a) The number and type of facilities owned, operated, or leased by the District;
  - (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
  - (c) The energy sources for the buildings;
  - (d) Probable useful life of each building and its major subsystems;
  - (e) Need for major system replacement and repairs, and maintenance;
  - (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and
  - (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.
- d) Monitoring System

The District will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from District officials, staff, bargaining units, and parents.

(Continued)



Non-Instructional/Business  
Operations**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.
5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.
6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:
  - (a) Provide for a written response to all written complaints. The written response will describe:
    - 1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
    - 2) The results of any investigations, inspections, or tests which address the complaint;
    - 3) The actions, if any, taken to solve the problem; and
    - 4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.
  - (b) A copy of the response will be forwarded to the health and safety committee.
  - (c) Copies of all correspondence will be kept in a permanent project file.
  - (d) These records will be made available to the public upon request.
7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

15 USC Sections 2641-2656

40 CFR Part 763, Subpart E

Education Law Sections 408, 409, 409-d, 3602, and 3641

Executive Law Section 378

Public Health Law Section 1110

8 NYCRR Sections 155.1, 155.2, 155.3, and 155.4

10 NYCRR Sections 4-1.1 et seq. and 67-4.1 et seq.

19 NYCRR Sections 1219-1240

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE****~~Operation and Maintenance~~**

~~— The Board, through the Superintendent and his or her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program will include periodic preventive maintenance activities, long range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.~~

**Overview**

The District is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the District will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of District facilities.

**Construction and Remodeling of School Facilities**

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, [the State Energy Conservation Construction Code](#), the Manual of Planning Standards, and the Commissioner's regulations. ~~Relevant documentation regarding all new buildings must be formally submitted to the State Education Department (SED) no matter the size or cost.~~ The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of ~~District facilities of the District~~ will be submitted to the Commissioner consistent with applicable law [and regulation](#).

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code, [the State Energy Conservation Construction Code](#), and [applicable law and Commissioner's regulations](#). The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

**~~Carbon Monoxide Detection Requirements~~**

~~— All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and~~

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

~~field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.~~

~~The District may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms or detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.~~

All District facilities will have carbon monoxide alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

**Inspections**

~~The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board informed of the results of these inspections in a timely fashion.~~

**Asbestos Inspections**

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly **written** notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

**Lead Testing**

The District will **triennially** test potable water for lead contamination from all outlets as required by law **and regulation**. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet ~~for drinking and cooking purposes~~, and it will remediate **the lead level** of the outlet before allowing ~~these~~ **its** uses. The District will make all required notifications and issue all mandated reports to the public, local health department, ~~or and the~~ **NYSED**. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)****\*Legionella Testing**

‡To help protect staff, students, and visitors from contracting Legionnaires' disease from Legionella bacteria, the District will register any cooling towers it owns with the New York State Department of Health (NYSDOH), providing the information in any form that the NYSDOH requires. The District will also adhere to the inspection, annual certification, and maintenance program and planning requirements mandated by the NYSDOH. Further, the District will maintain records regarding all inspection results, corrective action, cleaning and disinfection, tests, and certifications for at least three years. The District will keep a copy of its required maintenance program and plan on the premises where the cooling tower is located.

**Comprehensive Long-Range Plan**

The District will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

- a) The educational philosophy of the District, with resulting administrative organization and program requirements;
- b) Present and projected student enrollments;
- c) Space use and state-rated student capacity of existing facilities;
- d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;
- e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and
- f) The provision of additional facilities.

*\*Customize to District -- Add if the District owns any cooling towers, evaporative condensers, or fluid coolers, or other wet cooling devices that are capable of aerosolizing water and that are part of, or contain, a recirculated water system and are incorporated into a building's cooling, industrial process, refrigeration or energy production system.*

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)****Comprehensive Public School Building Safety Program ~~(RESCUE)~~**

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated, or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. ~~For this reason, the District will develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's regulations.~~

~~The program will be reevaluated and made current at least annually, and will include, at a minimum, the following:~~

- ~~a) — A five year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and state rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.~~
- ~~b) — A District wide building inventory, which will include information pertaining to each building including, but not limited to:
  - ~~1. — Type of building, age of building, size of building;~~
  - ~~2. — Rated capacity, current enrollment;~~
  - ~~3. — List of energy sources and major systems (lighting, plumbing, electrical, heating); and~~
  - ~~4. — Summary of triennial Asbestos Inspection reports.~~~~
- ~~e) — A building condition survey will be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.~~
- ~~d) — A District wide monitoring system which includes:
  - ~~1. — Establishing a Health and Safety Committee;~~
  - ~~2. — Development of detailed plans and a review process of all inspections;~~~~

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

- ~~3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.~~
- ~~e) Procedures to ensure the safety of the building occupants while a construction or renovation project is taking place. These procedures will include:~~
  - ~~1. Notification to parents, staff, and the community at least two months in advance of a construction project of \$10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, notice will be provided as far in advance of the start of construction as is practicable;~~
  - ~~2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo-identification badges;~~
  - ~~3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and~~
  - ~~4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.~~

The Comprehensive Public School Safety Program will consist of the following components:

a) Building Condition Surveys

Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

b) Visual Inspections

Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

(Continued)



**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

## c) Five-Year Capital Facilities Plan

The District will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the District will use the safety rating of each occupied school building. The plan must be consistent with all District planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:
  - (a) Current or proposed new construction ranked in priority order;
  - (b) Current or proposed additions to school facilities ranked in priority order;
  - (c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;
  - (d) Major repairs ranked in priority order;
  - (e) Major system replacement and repairs, and maintenance ranked in priority order; and
  - (f) Energy consumption.
2. A District-wide building inventory that includes, but is not limited to:
  - (a) The number and type of facilities owned, operated, or leased by the District;
  - (b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;
  - (c) The energy sources for the buildings;
  - (d) Probable useful life of each building and its major subsystems;
  - (e) Need for major system replacement and repairs, and maintenance;
  - (f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and

(Continued)



**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

- (g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

d) Monitoring System

The District will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from District officials, staff, bargaining units, and parents.
2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.
3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.
4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.
5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.
6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:
  - (a) Provide for a written response to all written complaints. The written response will describe:
    - 1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;
    - 2) The results of any investigations, inspections, or tests which address the complaint;
    - 3) The actions, if any, taken to solve the problem; and

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)**

- 4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.
  - (b) A copy of the response will be forwarded to the health and safety committee.
  - (c) Copies of all correspondence will be kept in a permanent project file.
  - (d) These records will be made available to the public upon request.
7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.
8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

~~Asbestos Inspection: 40 CFR Part 763, Subpart E~~  
~~15 USC Sections 2641-2656~~  
~~Carbon Monoxide Detection: 19 NYCRR Section 1228.4~~  
~~Fire Inspection: Education Law 807-a~~  
~~-8 NYCRR Section 155.4~~  
~~Health and Safety Committee: 8 NYCRR Section 155.4(d)(1)~~  
~~Lead Testing: 10 NYCRR Section 67-4.1, et seq.~~  
~~Legionella Protection: 10 NYCRR Section 4-1.1, et seq.~~  
~~Plans and Specifications: Education Law Sections 408, 408-a and 409~~  
~~-8 NYCRR Sections 155.1 and 155.2~~  
~~-19 NYCRR Sections 1221-1240~~  
~~Structural Safety Inspections: Education Law Sections 409-d, 409-e, 3602 and 3641(4)~~  
~~-8 NYCRR Sections 155.1, 155.3, and 155.4(b)(1)~~  
 15 USC Sections 2641-2656  
 40 CFR Part 763, Subpart E  
 Education Law Sections 408, 409, 409-d, 3602, and 3641  
 Executive Law Section 378  
 Public Health Law Section 1110  
 8 NYCRR Sections 155.1, 155.2, 155.3, and 155.4  
 10 NYCRR Sections 4-1.1 et seq. and 67-4.1 et seq.  
 19 NYCRR Sections 1219-1240

Adoption Date

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT****Overview**

The District is committed to the safety and security of its employees. Workplace violence presents a serious threat to the safety of employees, students, parents, and visitors. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against District employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken. All employees are responsible for: creating an environment of mutual respect for each other, as well as students, parents, and visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

This workplace violence prevention policy was developed in consultation with all authorized employee representatives and is designed to meet the requirements of New York State Labor Law and highlights some of the elements that are found within the District's Workplace Violence Prevention Program (WVPP).

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.
- e) "Serious violation" means the failure to:
  1. Develop and implement a workplace violence prevention program;

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

2. Address situations which could result in serious physical harm.
  - f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
  - g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

**What is Workplace Violence**

Workplace violence is any physical assault or act of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed against a District employee by anyone, including, but not limited to:

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or
- g) An individual who has a personal relationship with an employee.

**Prohibited Conduct**

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

**Workplace Violence Prevention Advisory Committee**

The District will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's WVPP.

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and
- e) Other District staff.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)****Workplace Violence Prevention Coordinator**

The District has designated the following District employee to serve as its Workplace Violence Prevention Coordinator:

Robert Finster, Superintendent  
315-543-2707, ext. 7 or ext. 27901  
rfinster@hcsk12.org

The Workplace Violence Prevention Coordinator convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

**Authorized Employee Representatives**

The District must provide for employee participation in the WVPP through an authorized employee representative. Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. Authorized employee representatives have a right to, at a minimum, be involved in:

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical workplace environment to determine workplace violence risk factors.
- c) Developing the WVPP.
- d) Reviewing workplace violence incident reports at least once a year to identify trends in the types of incidents reported, if any.
- e) Evaluating the effectiveness of safeguards and actions taken to reduce the risk of workplace violence.
- f) Reporting violations of the District's WVPP.

**Reporting Workplace Violence**

The District has established and implemented a reporting system for incidents of workplace violence.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

Any employee or authorized employee representative who becomes aware of a physical assault, threatening behavior, or verbal abuse in the workplace must immediately provide written notice of the facts and circumstances of the violent incident to a supervisor or the Workplace Violence Prevention Coordinator. If the report was provided to a supervisor, the supervisor must immediately forward to the report the Workplace Violence Prevention Coordinator.

If an employee witnesses or is involved in an incident of violence in which there is an immediate threat to the employee's safety, or the safety of others, or where a serious injury has occurred, the employee should immediately call 911 to obtain law enforcement and/or medical assistance. The employee should also immediately notify their immediate supervisor.

If an employee believes that either they or another employee are in imminent danger of workplace violence and reasonably believes, in good faith, that reporting to a supervisor or the Workplace Prevention Coordinator would not result in corrective action, then the employee may report the violation directly to the Public Employee Safety and Health Bureau (PESH).

The District will immediately respond to all incidents of violence or threatening behavior upon notification. After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice.

If there is a developing pattern of workplace violence incidents which may involve criminal conduct or serious injury, the District will attempt to develop a protocol with the District Attorney or law enforcement to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who choose to file a criminal complaint after a workplace violence incident.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

**Inspections by the Commissioner of Labor****At the Request of an Employee or Authorized Employee Representative**

If, after being given notice and a reasonable opportunity to resolve the activity, policy, or practice, the matter has not been resolved and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee

(Continued)



**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

**Initiated by the Commissioner of Labor**

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current PESH administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

**Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)**

The District will engage in a process of workplace risk evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee the development and maintenance of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace risk evaluation.
- b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:
  1. Making high-risk areas more visible to more people;

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

2. Installing good external lighting;
  3. Using drop safes or other methods to minimize cash on hand;
  4. Posting signs stating that limited cash is on hand;
  5. Providing training in conflict resolution and nonviolent self-defense responses; and
  6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
  - d) The methods and means by which the District will address each specific hazard identified in the workplace risk evaluation.
  - e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
  - f) A written outline or lesson plan for employee program training.
  - g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

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

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

**Training**

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program. Additionally, retraining is required for all employees any time there is a significant change to the WVPP, a newly identified risk factor, or a control measure addition.

**Notification**

This policy will be posted where notices to employees are typically posted. A copy of the District's WVPP may be obtained by contacting the District's Workplace Violence Prevention Coordinator. The District will also make the WVPP available for reference to employees, authorized employee representatives, and the Commissioner of Labor in the work area.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

Labor Law Section 27-b  
12 NYCRR Section 800.6

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#3411 -- Prohibition of Weapons on School Grounds  
#3412 -- Threats of Violence in School  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#5681 -- School Safety Plans  
#5684 -- Use of Surveillance Cameras in the District and on School Buses  
#5690 -- Exposure Control Program  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7350 -- Timeout and Physical Restraint  
#7360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT****Overview**

The District is committed to the safety and security of its employees. Workplace violence presents a serious ~~occupational safety hazard~~ **threat to the safety of employees, students, parents, and visitors**. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against ~~any~~ **District employees** where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, ~~including involving law enforcement authorities when warranted~~. All employees are responsible for: ~~helping to create~~ **ing** an environment of mutual respect for each other, as well as students, parents, and ~~other~~ visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

This **workplace violence prevention** policy was developed in consultation with ~~the~~ **all** authorized employee representative(s) and is designed to meet the requirements of New York State Labor Law **and highlights some of the elements that are found within the District's Workplace Violence Prevention Program (WVPP)**.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- e) "Serious violation" means ~~a serious violation of the public employer workplace violence prevention program~~ is the failure to:
1. Develop and implement a **workplace violence prevention** program;
  2. Address situations which could result in serious physical harm.
- f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
- g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

**What is Workplace Violence**

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed **against a District employee** by **anyone, including, but not limited to:**

- a) Other employees;
- b) Former employees;
- c) Students;

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- d) Parents;
- e) Visitors;
- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or
- g) An individual who has a personal relationship with an employee.

**Prohibited Conduct**

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

**Workplace Violence Prevention Advisory Committee**

The District will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's ~~Workplace Violence Prevention Program (WVPP)~~.

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- e) Other District staff.

Workplace Violence Prevention Coordinator

The District has designated the following District employee to serve as its Workplace Violence Prevention Coordinator:

*\*[The District should list the following: name, title, department, telephone number, and email address.]*

The Workplace Violence Prevention Coordinator convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

Authorized Employee Representatives

The District must provide for employee participation in the WVPP through an authorized employee representative. Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. ~~Other responsibilities of the a~~Authorized employee representatives ~~have a right to, at a minimum, be involved~~ ~~include, but are not limited to in:~~

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical workplace environment to determine workplace violence risk factors.
- c) Developing the WVPP.
- d) Reviewing workplace violence incident reports at least ~~annually~~ ~~once a year~~ to identify trends in the types of incidents reported, if any.
- e) ~~Reviewing~~Evaluating the effectiveness of ~~the mitigating actions taken~~ safeguards and actions taken to reduce the risk of workplace violence.
- f) Reporting violations of the District's WVPP.

*\*Customize to District*

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)****Reporting Workplace Violence**

The District has established and implemented a reporting system for incidents of workplace violence. ~~If there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury, the District will attempt to develop a protocol with the District Attorney or police to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.~~

~~All employees and authorized employee representatives are responsible for providing written notice to a supervisor or Workplace Violence Prevention Coordinator of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing.~~

Any employee or authorized employee representative who becomes aware of a physical assault, threatening behavior, or verbal abuse in the workplace must immediately provide written notice of the facts and circumstances of the violent incident to a supervisor or the Workplace Violence Prevention Coordinator. If the report was provided to a supervisor, the supervisor must immediately forward to the report the Workplace Violence Prevention Coordinator.

~~All reports must be immediately forwarded to the Workplace Violence Prevention Coordinator.~~

~~Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or the Workplace Violence Prevention Coordinator would not result in corrective action.~~

If an employee witnesses or is involved in an incident of violence in which there is an immediate threat to the employee's safety, or the safety of others, or where a serious injury has occurred, the employee should immediately call 911 to obtain law enforcement and/or medical assistance. The employee should also immediately notify their immediate supervisor.

If an employee believes that either they or another employee are in imminent danger of workplace violence and reasonably believes, in good faith, that reporting to a supervisor or the Workplace Prevention Coordinator would not result in corrective action, then the employee may report the violation directly to the Public Employee Safety and Health Bureau (PESH).

~~After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice. The District will immediately respond to all reported incidents of violence or threatening behavior upon notification. After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice.~~

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## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

If there is a developing pattern of workplace violence incidents which may involve criminal conduct or serious injury, the District will attempt to develop a protocol with the District Attorney or law enforcement to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who choose to file a criminal complaint after a workplace violence incident.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

**Inspections by the Commissioner of Labor**At the Request of an Employee or Authorized Employee Representative

If, after being ~~the District has been~~ given notice and a reasonable opportunity to resolve the activity, policy, or practice, ~~the matter has not been resolved~~ and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current ~~Public Employee Safety and Health (PESH)~~ administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)****Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)**

The District will engage in a process of workplace **risk** evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee ~~and participate in~~ the development **and maintenance** of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace **risk** evaluation.
- b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:
  1. Making high-risk areas more visible to more people;
  2. Installing good external lighting;
  3. Using drop safes or other methods to minimize cash on hand;
  4. Posting signs stating that limited cash is on hand;
  5. Providing training in conflict resolution and nonviolent self-defense responses; and
  6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
- d) The methods and means by which the District will address each specific hazard identified in the workplace **risk** evaluation.
- e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)**

- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

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

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

**Training**

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program. Additionally, retraining is required for all employees any time there is a significant change to the WVPP, a newly identified risk factor, or a control measure addition.

**Notification**

This policy will be posted where notices to employees are typically posted. ~~The District will make its WVPP available to employees, authorize employee representatives, and the Commissioner of Labor upon request and in the work area.~~ A copy of the District's WVPP may be obtained by contacting the District's Workplace Violence Prevention Coordinator. The District will also make the WVPP available for reference to employees, authorized employee representatives, and the Commissioner of Labor in the work area.

~~Whenever significant changes are made to the WVPP, the District will provide relevant information to affected employees.~~

Labor Law Section 27-b  
12 NYCRR Section 800.6

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#3411 -- Prohibition of Weapons on School Grounds  
#3412 -- Threats of Violence in School  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#5681 -- School Safety Plans  
#5684 -- Use of Surveillance Cameras in the District and on School Buses  
#5690 -- Exposure Control Program  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7350 -- Timeout and Physical Restraint  
#7360 -- Weapons in School and the Gun-Free Schools Act

Adoption Date

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM \***

Workplace violence is any physical assault or act of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- 1) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- 2) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- 3) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- 4) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

New York State requires every public employer, including school districts, to evaluate the risk of workplace assaults and homicides at its workplace(s) and to develop and implement programs to prevent and minimize the hazard of workplace violence to public employees. This written document serves as the District's Workplace Violence Prevention Program (WVPP). It should be read in conjunction with the District's corresponding workplace violence prevention policy statement which can be found in the District's Policy Manual.

The Workplace Violence Prevention Advisory Committee, which includes all authorized employee representatives, oversaw the development of this WVPP and is responsible for overseeing its maintenance.

**Purpose of the WVPP**

The purpose of this WVPP is to provide information to employees, authorized employee representatives, and supervisors about preventing and responding to incidents of workplace violence or threats of violence. The goals of this WVPP are to:

- 1) Reduce the risk of workplace violence to employees; and

*\*Customize to District -- This regulation provides an example of wording that a district could use to create a Workplace Violence Prevention Program. It should be reviewed by District administrators and revised to reflect the District's specific circumstances and practices. It should be consistent with any other applicable documents such as the corresponding policy or the District-Wide School Safety Plan. If other documents address information related to the WVPP, it may be necessary to reference those documents in the WVPP or append those documents to the WVPP.*

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- 2) Ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately and as expeditiously as possible.

This WVPP outlines the major components of the District's effort to meet these goals. At the core of this WVPP is the District's commitment to work with its employees to maintain a work environment free from violence and other threatening behavior to the greatest degree possible.

**Workplace Risk Evaluation**

The District has conducted a workplace risk evaluation consisting of:

- 1) A Record Examination

The District has examined all records of workplace violence incidents in the past year to identify patterns in the: types and cause of incidents; areas of the workplace where incidents occur; incidents that involve specific workplace operations; or incidents which involve specific individuals.

Examples of records include, but are not limited to:

- a. Workplace Violence Incident Reports;
  - b. Injury and illness documentation;
  - c. Workers' compensation reports;
  - d. Disciplinary reports;
  - e. Union grievances and records of threats.
- 2) An Assessment of Administrative Risk Factors

The District has assessed all relevant policies, practices, and procedures that may impact the risk of workplace violence. Examples of relevant policies, practices, and procedures include, but are not limited to:

- a. The District-wide school safety plan;
- b. Building-level emergency response plan(s);

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- c. Policies related to non-discrimination and anti-harassment, visitors to the school, threats of violence in school, prohibition of weapons on school grounds, use of timeout and physical restraint, and weapons in school;
  - d. Use of ID badges;
  - e. Procedures related to controlling or diffusing a potentially violent situation.
- 3) An Evaluation of the Physical Environment

The District has evaluated the physical work environment for factors which may place employees at risk of workplace violence with the participation of authorized employee representatives. Although workplace violence can occur in any work setting, some settings or factors may pose a greater degree of risk. Employment situations or factors that may pose a higher risk for District employees include, but are not limited to, the following:

- a. Working in public settings;
- b. Working late night or early morning hours;
- c. Exchanging money with the public;
- d. Working alone or in small numbers;
- e. Working in a setting with uncontrolled access to the workplace;
- f. Working in a setting where previous security problems have occurred;
- g. Having a mobile workplace assignment;
- h. Working with a population which might expose someone to potentially violent persons;
- i. Having duties that include the delivery of passengers, goods, or services.

Risk factors identified during the examination, assessment, and evaluation are listed in the WVPP, along with the methods and means by which each risk is being addressed by the District. The District is responsible for addressing all risk factors that its employees are potentially exposed to.

Incidents of workplace violence must be carefully documented and analyzed in order to make improvements to the WVPP during the required annual review or as necessary.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)****Workplace Violence Control Measures and Prevention**Hierarchy of Controls

A hierarchy of controls is a safety professional term referring to a ranking of the safeguards that an employer can use to protect employees from harm in order of preference and effectiveness. There are three main types of safeguards, or control measures, that an employer can implement to protect employees from recognized workplace violence risk factors. Engineering controls are considered the most effective, followed by work practice controls, and then personal protective equipment.

## 1) Engineering Controls

Engineering controls eliminate or reduce the risk of workplace violence through physical changes to the workplace. Examples of engineering controls include:

- a. Increasing lighting in remote areas;
- b. Designing secure building access;
- c. Installing security hardware;
- d. Eliminating isolated work areas;
- e. Installing drop safes.

## 2) Work Practice Controls

Work practice controls eliminate or reduce the risk of workplace violence through changes to organizational policies, procedures, and work practices. Examples of work practice controls include:

- a. Increased staffing;
- b. Employment of security personnel;
- c. Implementing building access control procedures, for example, requiring badges to enter;
- d. Instituting communication procedures across shifts or classes to share information regarding agitated clients or students;
- e. Providing information to employees on the criminal history or violence of clients, inmates, or customers;

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- f. Reducing customer wait times;
- g. Providing employees with personal alarms;
- h. Providing cell phones to employees in the field;
- i. Training employees on de-escalation and how to recognize precursors to violence.

**3) Personal Protective Equipment (PPE)**

PPE is generally considered the least effective control measure but may be needed to enhance other control measures or minimize potential injury severity when other control measures fail. Examples of PPE include:

- a. Ballistic or stab resistant body armor;
- b. Riot gear including protective helmets and shields;
- c. Eye and face protection.

**Workplace Violence Prevention**

Prevention of violence in the workplace is the responsibility of the District and all employees have a role to play in keeping the workplace safe from violence. Employees, authorized employee representatives, and supervisors should be familiar with the early warning signs of potential workplace violence and workplace issues that may trigger workplace violence in order to intervene early and reduce the likelihood of workplace violence.

There is no single "profile" that can identify a potentially dangerous individual. It is important to be careful when drawing assumptions about a person's potential for violence based on any specific behavior or action. However, certain patterns of behavior and events frequently precede episodes of violence.

Behavior or situations that may indicate an increased risk of violence include, but are not limited to:

- 1) Direct or veiled threats of harm.
- 2) Intimidation, belligerence, bullying, or other inappropriate behavior directed at others.
- 3) Numerous conflicts with supervisors and employees and/or verbal comments expressing hostility directed at coworkers, supervisors, or others.

(Continued)



**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- 4) Bringing an unauthorized weapon to work, brandishing a weapon in the workplace, making inappropriate reference to guns, or expressing fascination with weapons.
- 5) Fascination with incidents of workplace violence, statements in person or online indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
- 6) Statements in person or online indicating an increased tone of desperation, feeling that normal interventions to solve a problem will not work, feeling hopeless about a situation at work, with family, with finances, and other personal problems.
- 7) Signs of abuse of drugs or alcohol on or off the job.
- 8) Extreme or uncharacteristic changes in behavior or displays of emotion.
- 9) Employees with ongoing domestic difficulties.
- 10) Employees with a temporary order of protection against someone.

These behaviors or situations should be reported to an employee's supervisor and/or the Workplace Violence Prevention Coordinator. Some behaviors may require immediate law enforcement intervention where others may require disciplinary action or indicate a need for an Employee Assistance Program (EAP) referral.

Common situations that may trigger workplace violence can be categorized under employee issues or workplace issues.

Employee issues include:

- 1) A negative performance review.
- 2) An unwelcome change in role due to performance or reorganization in the workplace.
- 3) An unwelcome change in work schedule.
- 4) Criticism of an employee's work performance.
- 5) A conflict with a coworker or supervisor.
- 6) Personal stress outside the workplace.
- 7) Increased workload or pressure.

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

Workplace issues include:

- 1) No clearly defined rules of conduct.
- 2) A lack of employee training.
- 3) Inadequate hiring practices or screening of potential employees.
- 4) Insufficient supervision of employees.
- 5) A lack of discipline or inconsistent discipline in the workplace.
- 6) A lack of employee support systems or support systems that are inadequate.
- 7) Employer failure to address incidents as they occur.
- 8) An overly authoritarian management style in the workplace.

A workplace issue that only an employee perceives can still be a trigger for workplace violence.

To help prevent a violent situation from occurring, the District will provide training to employees, authorized employee representatives, and supervisors on recognizing the early warning signs of potential workplace violence and workplace issues that may trigger workplace violence. With this knowledge, the District can intervene early to prevent a violence incident from occurring.

In addition to training on recognizing the early warning signs of potential workplace violence and workplace issues that may trigger workplace violence, the District uses the following methods to try to prevent incidents of workplace violence:

- 1) *\*List the methods the District uses to try to prevent workplace violence incidents. Examples include enforcing existing workplace rules, training to increase employee awareness of the signs/effects of workplace violence, and the importance of reporting workplace violence. Determine methods that are applicable to the District's workplaces and include the list of those methods here.*

**Risk Factors and Control Measures**

Risks identified in the District's workplace risk evaluation, and corresponding control methods to reduce those risks, are shown in the tables below.

*\*Customize to District -- List the methods the District uses to try to prevent workplace violence incidents.*

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

\*General to the District

The following chart lists general risks in the District which are not limited to a specific workplace, as well as the control method for addressing each risk.

Identified Risk	Selected Control(s)	Comments

\*Workplace Specific

The following chart lists risks in the District which are for specific workplaces, as well as the method for addressing each risk.

Workplace Location	Identified Risk	Selected Control(s)	Comments

**Reporting Workplace Violence**

Any employee or authorized employee representative who becomes aware of a physical assault, threatening behavior, or verbal abuse in the workplace must immediately provide written notice of the facts and circumstances of the violent incident to a supervisor or the Workplace Violence Prevention Coordinator. If the report was provided to a supervisor, the supervisor must immediately forward the report to the Workplace Violence Prevention Coordinator.

If an employee witnesses or is involved in an incident of violence in which there is an immediate threat to the employee's safety, or the safety of others, or where a serious injury has occurred, the employee should immediately call 911 to obtain law enforcement and/or medical assistance. The employee should also immediately notify their immediate supervisor.

*\*Customize to District*

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

If an employee believes that either they or another employee are in imminent danger of workplace violence and reasonably believes, in good faith, that reporting to a supervisor or the Workplace Prevention Coordinator would not result in corrective action, then the employee may report the violation directly to the Public Employee Safety and Health Bureau (PESH).

The District will immediately respond to all incidents of violence or threatening behavior upon notification. After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice.

**Reporting to the Commissioner of Labor**

If, after being given notice and a reasonable opportunity to resolve the activity, policy, or practice, the matter has not been resolved and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by filing a complaint with the PESH bureau at the Department of Labor's Division of Safety and Health using the complaint form linked here: <https://dol.ny.gov/system/files/documents/2023/09/pesh7.pdf> or by calling 1-844-SAFE-NYS. The completed and signed complaint form can be emailed to [ask.shnypesh@labor.ny.gov](mailto:ask.shnypesh@labor.ny.gov) or faxed or mailed to the nearest Division of Safety and Health (DOSHS) District Office listed in the complaint form.

Employees can also contact the PESH bureau to ask questions about health and safety standards by calling: 1-844-SAFE-NYS or emailing [ask.shnypesh@labor.ny.gov](mailto:ask.shnypesh@labor.ny.gov). For additional information on recordkeeping or workplace violence prevention, or to request free and confidential consultation assistance, please use the contact information on the PESH Consultation Fact Sheet available here: [https://dol.ny.gov/system/files/documents/2023/11/p206\\_12-10-20.pdf](https://dol.ny.gov/system/files/documents/2023/11/p206_12-10-20.pdf).

**Investigating and Responding to Reports of Workplace Violence**

Upon receipt of written notice of an incident of workplace violence, the Workplace Violence Prevention Coordinator will work with other individuals, such as those on the Workplace Violence Prevention Advisory Committee and/or District administration, to:

- 1) Confirm any injured persons receive prompt and appropriate medical care. This includes, but is not limited to, providing transportation of any injured persons to medical care.
- 2) If not already reported, report the incident to the appropriate authorities as required by applicable laws and regulations.
- 3) As applicable, secure the premises to safeguard evidence and reduce distractions during the response period.

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- 4) Complete a Workplace Violence Incident Report as soon as possible, which, at a minimum, will contain the following information:
  - a. Workplace location where incident occurred;
  - b. Time of day/shift when incident occurred;
  - c. A detailed description of the incident, including events leading up to the incident and how the incident ended;
  - d. Names and job titles of involved employees;
  - e. Name or other identifier of other individual(s) involved;
  - f. Nature and extent of injuries arising from the incident; and
  - g. Names of witnesses.

If the case is a privacy concern case, a Workplace Violence Incident Report will still be completed. However, before sharing a copy of the Workplace Violence Incident Report with any party other than the Commissioner of Labor, the District will remove the name of the employee who was the victim of the workplace violence and will instead enter "PRIVACY CONCERN CASE" in the space normally used for the employee's name.

The District will treat incidents involving the following injuries or illnesses as privacy concern cases:

- a. An injury or illness to an intimate body part or the reproductive system;
- b. An injury or illness resulting from a sexual assault;
- c. Mental illness;
- d. HIV infection;
- e. Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and
- f. Other injuries or illnesses, if the employee independently and voluntarily requests that their name not be entered on the Workplace Violence Incident Report.

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

The District will maintain all Workplace Violence Incident Reports for use in the District's annual program review and updates.

- 5) Thoroughly investigate the incident and ensure that the District corrects the activity, policy, or activity in a reasonable timeframe. If there is a developing pattern of workplace violence incidents which may involve criminal conduct or serious injury, the District will attempt to develop a protocol with the District Attorney or law enforcement to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who choose to file a criminal complaint after a workplace violence incident.
- 6) Identify and implement actions to work to prevent similar occurrences from happening in the future.
- 7) Address the need for appropriate treatment for employees who were victims or witnesses of workplace violence. In addition to physical injuries, victims and witnesses may suffer: psychological trauma; fear of returning to work; feelings of incompetence, guilt, powerlessness; and fear of criticism by supervisors.

**Confidentiality**

The District is not required to disclose information that would otherwise be kept confidential for security reasons. This information may include information which, if disclosed, would:

- 1) Interfere with law enforcement investigations or judicial proceedings;
- 2) Deprive a person of a right to a fair trial or impartial adjudication;
- 3) Identify a confidential source or disclose confidential information relating to a criminal investigation;
- 4) Reveal criminal investigative techniques or procedures, except routine techniques and procedures; or
- 5) Endanger the life or safety of any person.

**Training**

At the time of hire and annually thereafter, all employees will participate in the District's WVPP training. At a minimum, this training will include information on:

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- 1) The requirements in law related to workplace violence prevention.
- 2) The details of the District's written workplace violence prevention program including, but not limited to:
  - a. The risk factors in their workplace that were identified in the District's risk evaluation that do not need to be kept confidential for security reasons;
  - b. The measures that employees can take to protect themselves from the identified risks including specific procedures that the District has implemented to protect employees such as incident alert and notification procedures, appropriate work practices, emergency procedures, and use of security alarms and other devices;
  - c. The early warning signs of potential workplace violence and workplace issues that may trigger workplace violence;
  - d. Procedures on how to respond to and report incidents of workplace violence;
  - e. How the District will handle privacy concern cases, confidential information, and other sensitive information.
- 3) The location of the written WVPP and how to obtain a copy.

Additionally, retraining is required for all employees any time there is a significant change to the WVPP, a newly identified risk factor, or a control measure addition.

**Recordkeeping Requirements**

All incidents of workplace violence must be documented in a Workplace Violence Incident Report. Workplace violence incidents that cause a work-related death or an injury that meets the recording criteria of the PESH log of injuries and illnesses should be recorded on both the PESH log and the Workplace Violence Incident Report. For more information on the PESH log of injuries and illness, refer to the PESH website, <https://dol.ny.gov/public-employee-safety-health>.

Workplace Violence Incident Reports provide a written description when an incident occurs so that the Workplace Violence Prevention Coordinator, in conjunction with the Workplace Violence Prevention Advisory Committee and/or District administration, can evaluate why the incident occurred and implement an appropriate safeguard or control measure to reduce the risk of those incidents from happening again. The Workplace Violence Incident Report also creates a historical record. The Workplace Violence Incident Reports will be reviewed at least once a year to determine if and how the WVPP should be updated.

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)****Program Review**

On an annual basis, the Workplace Violence Prevention Advisory Committee will oversee the process of reviewing and, if necessary, updating the District's WVPP and District policy #6190 -- Workplace Violence Prevention Policy Statement. As part of this process, the District will:

- 1) With the participation of all authorized employee representatives, review the Workplace Violence Incident Reports from the past year to identify trends in the types of incidents in the workplace and review the effectiveness of the mitigating actions taken;
- 2) Work to determine and address the root cause of incidents;
- 3) Determine if any change need to be made to control measures; and
- 4) Assess whether the reporting and recordkeeping systems have been effective in collecting all relevant information.

Additionally, the District will conduct an evaluation of the physical environment when facilities are changed and on a regular basis to assess the functionality of equipment.

Revision History

<b>Date</b>	<b>Workplace Advisory Committee Members</b> <i>List the name and title of each member. If the member is an authorized employee representative, denote that along with their affiliated union.</i>
	Robert Finster, Superintendent; Eric Luther, MS/HS Principal; Sheryl Tuttle-Lamb, Curriculum Coordinator; Eric Schmitt, SRO; Angela Robert, Transportation Supervisor
	Christine Bristol, Food Service Supervisor; Donald Snider, Buildings and Grounds Supervisor; Kelly Avallone, RN, School Nurse, HSEA President;
	Jean LaVancha, IT Director; Katelyn Fenlong, Counselor; Andrea Heller, Counselor; Amy Frost, District Treasurer



## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM \***

Workplace violence is any physical assault or act of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- 1) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- 2) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- 3) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- 4) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

New York State requires every public employer, including school districts, to evaluate the risk of workplace assaults and homicides at its workplace(s) and to develop and implement programs to prevent and minimize the hazard of workplace violence to public employees. This written document serves as the District's Workplace Violence Prevention Program (WVPP). It should be read in conjunction with the District's corresponding workplace violence prevention policy statement which can be found in the District's Policy Manual.

The Workplace Violence Prevention Advisory Committee, which includes all authorized employee representatives, oversaw the development of this WVPP and is responsible for overseeing its maintenance.

Purpose of the WVPP

The purpose of this WVPP is to provide information to employees, authorized employee representatives, and supervisors about preventing and responding to incidents of workplace violence or threats of violence. The goals of this WVPP are to:

- 1) Reduce the risk of workplace violence to employees; and

*\*Customize to District -- This regulation provides an example of wording that a district could use to create a Workplace Violence Prevention Program. It should be reviewed by District administrators and revised to reflect the District's specific circumstances and practices. It should be consistent with any other applicable documents such as the corresponding policy or the District-Wide School Safety Plan. If other documents address information related to the WVPP, it may be necessary to reference those documents in the WVPP or append those documents to the WVPP.*

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- 2) Ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately and as expeditiously as possible.

This WVPP outlines the major components of the District's effort to meet these goals. At the core of this WVPP is the District's commitment to work with its employees to maintain a work environment free from violence and other threatening behavior to the greatest degree possible.

**Workplace Risk Evaluation**

The District has conducted a workplace risk evaluation consisting of:

- 1) A Record Examination

The District has examined all records of workplace violence incidents in the past year to identify patterns in the: types and cause of incidents; areas of the workplace where incidents occur; incidents that involve specific workplace operations; or incidents which involve specific individuals.

Examples of records include, but are not limited to:

- a. Workplace Violence Incident Reports;
- b. Injury and illness documentation;
- c. Workers' compensation reports;
- d. Disciplinary reports;
- e. Union grievances and records of threats.

- 2) An Assessment of Administrative Risk Factors

The District has assessed all relevant policies, practices, and procedures that may impact the risk of workplace violence. Examples of relevant policies, practices, and procedures include, but are not limited to:

- a. The District-wide school safety plan;
- b. Building-level emergency response plan(s);

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- c. Policies related to non-discrimination and anti-harassment, visitors to the school, threats of violence in school, prohibition of weapons on school grounds, use of timeout and physical restraint, and weapons in school;
  - d. Use of ID badges;
  - e. Procedures related to controlling or diffusing a potentially violent situation.
- 3) An Evaluation of the Physical Environment

The District has evaluated the physical work environment for factors which may place employees at risk of workplace violence with the participation of authorized employee representatives. Although workplace violence can occur in any work setting, some settings or factors may pose a greater degree of risk. Employment situations or factors that may pose a higher risk for District employees include, but are not limited to, the following:

- a. Working in public settings;
- b. Working late night or early morning hours;
- c. Exchanging money with the public;
- d. Working alone or in small numbers;
- e. Working in a setting with uncontrolled access to the workplace;
- f. Working in a setting where previous security problems have occurred;
- g. Having a mobile workplace assignment;
- h. Working with a population which might expose someone to potentially violent persons;
- i. Having duties that include the delivery of passengers, goods, or services.

Risk factors identified during the examination, assessment, and evaluation are listed in the WVPP, along with the methods and means by which each risk is being addressed by the District. The District is responsible for addressing all risk factors that its employees are potentially exposed to.

Incidents of workplace violence must be carefully documented and analyzed in order to make improvements to the WVPP during the required annual review or as necessary.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)****Workplace Violence Control Measures and Prevention**Hierarchy of Controls

A hierarchy of controls is a safety professional term referring to a ranking of the safeguards that an employer can use to protect employees from harm in order of preference and effectiveness. There are three main types of safeguards, or control measures, that an employer can implement to protect employees from recognized workplace violence risk factors. Engineering controls are considered the most effective, followed by work practice controls, and then personal protective equipment.

## 1) Engineering Controls

Engineering controls eliminate or reduce the risk of workplace violence through physical changes to the workplace. Examples of engineering controls include:

- a. Increasing lighting in remote areas;
- b. Designing secure building access;
- c. Installing security hardware;
- d. Eliminating isolated work areas;
- e. Installing drop safes.

## 2) Work Practice Controls

Work practice controls eliminate or reduce the risk of workplace violence through changes to organizational policies, procedures, and work practices. Examples of work practice controls include:

- a. Increased staffing;
- b. Employment of security personnel;
- c. Implementing building access control procedures, for example, requiring badges to enter;
- d. Instituting communication procedures across shifts or classes to share information regarding agitated clients or students;
- e. Providing information to employees on the criminal history or violence of clients, inmates, or customers;

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- f. Reducing customer wait times;
- g. Providing employees with personal alarms;
- h. Providing cell phones to employees in the field;
- i. Training employees on de-escalation and how to recognize precursors to violence.

**3) Personal Protective Equipment (PPE)**

PPE is generally considered the least effective control measure but may be needed to enhance other control measures or minimize potential injury severity when other control measures fail. Examples of PPE include:

- a. Ballistic or stab resistant body armor;
- b. Riot gear including protective helmets and shields;
- c. Eye and face protection.

**Workplace Violence Prevention**

Prevention of violence in the workplace is the responsibility of the District and all employees have a role to play in keeping the workplace safe from violence. Employees, authorized employee representatives, and supervisors should be familiar with the early warning signs of potential workplace violence and workplace issues that may trigger workplace violence in order to intervene early and reduce the likelihood of workplace violence.

There is no single "profile" that can identify a potentially dangerous individual. It is important to be careful when drawing assumptions about a person's potential for violence based on any specific behavior or action. However, certain patterns of behavior and events frequently precede episodes of violence.

Behavior or situations that may indicate an increased risk of violence include, but are not limited to:

- 1) Direct or veiled threats of harm.
- 2) Intimidation, belligerence, bullying, or other inappropriate behavior directed at others.
- 3) Numerous conflicts with supervisors and employees and/or verbal comments expressing hostility directed at coworkers, supervisors, or others.

(Continued)

## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- 4) Bringing an unauthorized weapon to work, brandishing a weapon in the workplace, making inappropriate reference to guns, or expressing fascination with weapons.
- 5) Fascination with incidents of workplace violence, statements in person or online indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
- 6) Statements in person or online indicating an increased tone of desperation, feeling that normal interventions to solve a problem will not work, feeling hopeless about a situation at work, with family, with finances, and other personal problems.
- 7) Signs of abuse of drugs or alcohol on or off the job.
- 8) Extreme or uncharacteristic changes in behavior or displays of emotion.
- 9) Employees with ongoing domestic difficulties.
- 10) Employees with a temporary order of protection against someone.

These behaviors or situations should be reported to an employee's supervisor and/or the Workplace Violence Prevention Coordinator. Some behaviors may require immediate law enforcement intervention where others may require disciplinary action or indicate a need for an Employee Assistance Program (EAP) referral.

Common situations that may trigger workplace violence can be categorized under employee issues or workplace issues.

Employee issues include:

- 1) A negative performance review.
- 2) An unwelcome change in role due to performance or reorganization in the workplace.
- 3) An unwelcome change in work schedule.
- 4) Criticism of an employee's work performance.
- 5) A conflict with a coworker or supervisor.
- 6) Personal stress outside the workplace.
- 7) Increased workload or pressure.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

Workplace issues include:

- 1) No clearly defined rules of conduct.
- 2) A lack of employee training.
- 3) Inadequate hiring practices or screening of potential employees.
- 4) Insufficient supervision of employees.
- 5) A lack of discipline or inconsistent discipline in the workplace.
- 6) A lack of employee support systems or support systems that are inadequate.
- 7) Employer failure to address incidents as they occur.
- 8) An overly authoritarian management style in the workplace.

A workplace issue that only an employee perceives can still be a trigger for workplace violence.

To help prevent a violent situation from occurring, the District will provide training to employees, authorized employee representatives, and supervisors on recognizing the early warning signs of potential workplace violence and workplace issues that may trigger workplace violence. With this knowledge, the District can intervene early to prevent a violence incident from occurring.

In addition to training on recognizing the early warning signs of potential workplace violence and workplace issues that may trigger workplace violence, the District uses the following methods to try to prevent incidents of workplace violence:

- 1) *\*List the methods the District uses to try to prevent workplace violence incidents. Examples include enforcing existing workplace rules, training to increase employee awareness of the signs/effects of workplace violence, and the importance of reporting workplace violence. Determine methods that are applicable to the District's workplaces and include the list of those methods here.*

**Risk Factors and Control Measures**

Risks identified in the District's workplace risk evaluation, and corresponding control methods to reduce those risks, are shown in the tables below.

*\*Customize to District -- List the methods the District uses to try to prevent workplace violence incidents.*

(Continued)



**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

**\*General to the District**

The following chart lists general risks in the District which are not limited to a specific workplace, as well as the control method for addressing each risk.

Identified Risk	Selected Control(s)	Comments

**\*Workplace Specific**

The following chart lists risks in the District which are for specific workplaces, as well as the method for addressing each risk.

Workplace Location	Identified Risk	Selected Control(s)	Comments

**Reporting Workplace Violence**

Any employee or authorized employee representative who becomes aware of a physical assault, threatening behavior, or verbal abuse in the workplace must immediately provide written notice of the facts and circumstances of the violent incident to a supervisor or the Workplace Violence Prevention Coordinator. If the report was provided to a supervisor, the supervisor must immediately forward the report to the Workplace Violence Prevention Coordinator.

If an employee witnesses or is involved in an incident of violence in which there is an immediate threat to the employee's safety, or the safety of others, or where a serious injury has occurred, the employee should immediately call 911 to obtain law enforcement and/or medical assistance. The employee should also immediately notify their immediate supervisor.

**\*Customize to District**

(Continued)



## Personnel

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

If an employee believes that either they or another employee are in imminent danger of workplace violence and reasonably believes, in good faith, that reporting to a supervisor or the Workplace Prevention Coordinator would not result in corrective action, then the employee may report the violation directly to the Public Employee Safety and Health Bureau (PESH).

The District will immediately respond to all incidents of violence or threatening behavior upon notification. After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice.

**Reporting to the Commissioner of Labor**

If, after being given notice and a reasonable opportunity to resolve the activity, policy, or practice, the matter has not been resolved and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by filing a complaint with the PESH bureau at the Department of Labor's Division of Safety and Health using the complaint form linked here: <https://dol.ny.gov/system/files/documents/2023/09/pesh7.pdf> or by calling 1-844-SAFE-NYS. The completed and signed complaint form can be emailed to [ask.shnypesh@labor.ny.gov](mailto:ask.shnypesh@labor.ny.gov) or faxed or mailed to the nearest Division of Safety and Health (DOSHS) District Office listed in the complaint form.

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**Investigating and Responding to Reports of Workplace Violence**

Upon receipt of written notice of an incident of workplace violence, the Workplace Violence Prevention Coordinator will work with other individuals, such as those on the Workplace Violence Prevention Advisory Committee and/or District administration, to:

- 1) Confirm any injured persons receive prompt and appropriate medical care. This includes, but is not limited to, providing transportation of any injured persons to medical care.
- 2) If not already reported, report the incident to the appropriate authorities as required by applicable laws and regulations.
- 3) As applicable, secure the premises to safeguard evidence and reduce distractions during the response period.

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

- 4) Complete a Workplace Violence Incident Report as soon as possible, which, at a minimum, will contain the following information:
  - a. Workplace location where incident occurred;
  - b. Time of day/shift when incident occurred;
  - c. A detailed description of the incident, including events leading up to the incident and how the incident ended;
  - d. Names and job titles of involved employees;
  - e. Name or other identifier of other individual(s) involved;
  - f. Nature and extent of injuries arising from the incident; and
  - g. Names of witnesses.

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- a. An injury or illness to an intimate body part or the reproductive system;
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(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

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**Training**

At the time of hire and annually thereafter, all employees will participate in the District's WVPP training. At a minimum, this training will include information on:

(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)**

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- 2) The details of the District's written workplace violence prevention program including, but not limited to:
  - a. The risk factors in their workplace that were identified in the District's risk evaluation that do not need to be kept confidential for security reasons;
  - b. The measures that employees can take to protect themselves from the identified risks including specific procedures that the District has implemented to protect employees such as incident alert and notification procedures, appropriate work practices, emergency procedures, and use of security alarms and other devices;
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  - d. Procedures on how to respond to and report incidents of workplace violence;
  - e. How the District will handle privacy concern cases, confidential information, and other sensitive information.
- 3) The location of the written WVPP and how to obtain a copy.

Additionally, retraining is required for all employees any time there is a significant change to the WVPP, a newly identified risk factor, or a control measure addition.

**Recordkeeping Requirements**

All incidents of workplace violence must be documented in a Workplace Violence Incident Report. Workplace violence incidents that cause a work-related death or an injury that meets the recording criteria of the PESH log of injuries and illnesses should be recorded on both the PESH log and the Workplace Violence Incident Report. For more information on the PESH log of injuries and illness, refer to the PESH website, <https://dol.ny.gov/public-employee-safety-health>.

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(Continued)

**SUBJECT: WORKPLACE VIOLENCE PREVENTION PROGRAM (Cont'd.)****Program Review**

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- 1) With the participation of all authorized employee representatives, review the Workplace Violence Incident Reports from the past year to identify trends in the types of incidents in the workplace and review the effectiveness of the mitigating actions taken;
- 2) Work to determine and address the root cause of incidents;
- 3) Determine if any change need to be made to control measures; and
- 4) Assess whether the reporting and recordkeeping systems have been effective in collecting all relevant information.

Additionally, the District will conduct an evaluation of the physical environment when facilities are changed and on a regular basis to assess the functionality of equipment.

**\*Revision History**

<b>Date</b>	<b>Workplace Advisory Committee Members</b> <i>List the name and title of each member. If the member is an authorized employee representative, denote that along with their affiliated union.</i>

Labor Law Section 27-b  
12 NYCRR Section 800.6

*\*Customize to District -- This chart may be used to track the annual review of this program. In the "Date" column, the completion date of the program review for the respective year should be entered. In the "Workplace Advisory Committee Members" column, list the names and titles of all committee members who participated in the review. If a member is an authorized employee representative, denote that along with their affiliated union.*

## Personnel

**SUBJECT: INCIDENTAL TEACHING**

The Board will comply with all applicable laws and regulations regarding incidental teaching. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different incidental teaching rules may apply in certain years.

Generally, the Superintendent may assign a teacher to teach a subject not covered by that teacher's certificate or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the District Superintendent is obtained.

Not later than 20 business days after this assignment, the Superintendent must submit for approval an application, in a form satisfactory to the District Superintendent, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given the assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach that subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application must demonstrate to the satisfaction of the District Superintendent that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's regulations have been met.

The District Superintendent will issue a determination within 20 business days of receipt of the District's application.

(Continued)

## Personnel

**SUBJECT: INCIDENTAL TEACHING (Cont'd.)**

If the application is disapproved, the Superintendent, within seven business days of receipt of the notice of disapproval, will terminate the incidental teaching assignment. If the application is approved, this approval will be deemed to have commenced on the date of the incidental teaching assignment and will terminate on the last day of the school year for which it is granted.

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's regulations, for any subsequent school year.

To obtain a renewal, the Superintendent, as soon as possible after learning that the continued assignment of an incidental teacher is necessary, must submit an application which, in addition to including the information noted above for the initial approval of an incidental teaching assignment, must provide assurances by the Superintendent that:

- a) The teacher who previously taught the course on an incidental basis has been offered the opportunity to continue to teach the course or has not been offered an opportunity because the Superintendent has evidence that the course was not taught in an acceptable manner;
- b) The teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three semester hours of credit or a satisfactory equivalent leading to certification in the subject area of the incidental assignment; and
- c) The teacher assigned to teach the course will be reimbursed by the District for the tuition cost of any portion of the three semester hours of credit or the equivalent required that is taken by the teacher at the request of the District, and satisfactory evidence that the teacher has been reimbursed in the event the teacher who is assigned has previously taught the course on an incidental basis, under a previous renewed approval.

8 NYCRR Section 80-5.3

Adoption Date



**SUBJECT: INCIDENTAL TEACHING**

The Board will comply with all applicable laws and regulations regarding incidental teaching. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different incidental teaching rules may apply in certain years.

Generally, ~~t~~he Superintendent may assign a teacher to teach a subject not covered by that teacher's certificate or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the ~~Commissioner of Education~~-District Superintendent is obtained.

Not later than 20 business days after this assignment, the Superintendent must submit for approval an application, in a form satisfactory to the ~~Commissioner~~District Superintendent, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given the assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach that subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application must demonstrate to the satisfaction of the ~~Commissioner~~District Superintendent that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's regulations have been met.

The ~~Commissioner~~-District Superintendent will issue a determination within 20 business days of receipt of the District's application.

(Continued)



**SUBJECT: INCIDENTAL TEACHING (Cont'd.)**

~~In the event that~~ If the application is disapproved, the Superintendent, within seven business days of receipt of the notice of disapproval, will terminate the incidental teaching assignment. ~~In the event that~~ If the application is approved, this approval will be deemed to have commenced on the date of the incidental teaching assignment and will terminate on the last day of the school year for which it is granted.

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's regulations, for any subsequent school year.

~~In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that~~ To obtain a renewal, the Superintendent, as soon as possible after learning that the continued assignment of an incidental teacher is necessary, must submit an application which, in addition to including the information noted above for the initial approval of an incidental teaching assignment, must provide assurances by the Superintendent that:

- a) The teacher who previously taught the course on an incidental basis has been offered the opportunity to continue to teach the course or has not been offered an opportunity because the Superintendent has evidence that the course was not taught in an acceptable manner;
- b) ~~¶~~The teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three semester hours of credit or ~~the a~~ satisfactory equivalent leading to certification in the subject area of the incidental assignment; and
- c) The teacher assigned to teach the course will be reimbursed by the District for the tuition cost of any portion of the three semester hours of credit or the equivalent required that is taken by the teacher at the request of the District, and satisfactory evidence that the teacher has been reimbursed in the event the teacher who is assigned has previously taught the course on an incidental basis, under a previous renewed approval.

8 NYCRR Section 80-5.3

Adoption Date

Students

**SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION**

The District recognizes the importance of voting and civic engagement. As such, the District seeks to encourage student voter registration and pre-registration. A person who is at least 16 years of age and who is otherwise qualified to register to vote may pre-register to vote, and will then be automatically registered to vote upon reaching the age of eligibility as provided by law.

\*The District promotes student voter registration and pre-registration through the following means:

- a) Collaborating with county boards of elections to conduct voter registration and pre-registration in the District's high school(s); and
- b) Encouraging voter registration and pre-registration at various student events throughout the year.

The District will inform students of New York State's requirements for voter registration and pre-registration, as well as provide access to voter registration and pre-registration applications during the school year and provide assistance with filing these applications. The completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for District students.

Election Law Section 5-507

*\*Customize to District -- Some examples of how a district may encourage student voter registration and pre-registration have been provided. However, the District should customize this list to reflect its actual practices.*

Adoption Date

## Students

**SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION**

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Election Law Section 5-507

*\*Customize to District -- Some examples of how a district may encourage student voter registration and pre-registration have been provided. However, the District should customize this list to reflect its actual practices.*

Adoption Date

## Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT****Overview**

The District prohibits the use of corporal punishment, aversive interventions, and seclusion. The District authorizes the limited use of timeout and physical restraint in schools to address student behaviors subject to conditions in law, regulation, and this policy.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "Aversive intervention" means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including interventions such as:
  - 1. Contingent application of noxious, painful, intrusive stimuli or activities;
  - 2. Strangling, shoving, deep muscle squeezes, or other similar stimuli;
  - 3. Any form of noxious, painful, or intrusive spray, inhalant, or tastes;
  - 4. Contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
  - 5. Movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraints; or
  - 6. Other stimuli or actions similar to the interventions described in this definition.

Aversive intervention does not include interventions such as: voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

- b) "Corporal punishment" means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints to protect the student, another student, teacher, or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.
- c) "De-escalation" means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.

(Continued)

## Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- d) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  3. Restraints for medical immobilization; or
  4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- e) "Multi-tiered system of supports" means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement for all students and support students' social, emotional, and behavioral needs from a culturally responsive and strength-based perspective.
- f) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
- g) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.
- h) "Prone restraint" means physical or mechanical restraint while the student is in the face down position.
- i) "Seclusion" means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout.

(Continued)

Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- j) "Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program. Timeout does not include:
1. A student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
  2. Use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan;
  3. A teacher removal, in-school suspension, or any other appropriate disciplinary action.

**Prohibition of the Use of Corporal Punishment, Aversive Interventions, and Seclusion**

No teacher, administrator, officer, employee, or agent of the District will use the following against a student:

- a) Corporal punishment;
- b) Aversive interventions; or
- c) Seclusion.

Agent includes, but is not limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

**Authorized Limited Use of Timeout and Physical Restraint**

Positive, proactive, evidence-based, and research-based strategies through a multi-tiered system of supports will be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

Timeout and physical restraint may be used only when:

- a) Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
- b) There is no known medical contraindication to its use on the student; and
- c) Staff using the interventions have been trained in its safe and appropriate application.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

Timeout and physical restraints will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

Timeout

The following rules apply to the use of timeout in the District:

- a) Timeout will only be used in the following situations:
  1. A situation that poses an immediate concern for the physical safety of the student or others; or
  2. In conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.
- b) A room or physical space used for timeout may be located either within or outside of a classroom. The room or physical space will:
  1. Be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
  2. Provide a means for continuous visual and auditory monitoring of the student. The use of a room where the student cannot be continuously observed and supervised is prohibited.
  3. Be of adequate width, length, and height to allow the student to move about and recline comfortably.
  4. Be clean and free of objects and fixtures that could be potentially dangerous to a student.
  5. Meet all local fire and safety codes.
  6. Have wall and floor coverings that, to the extent practicable, are designed to prevent injury to the student.
  7. Have adequate lighting and ventilation.
  8. Have a temperature that is within the normal comfort range and consistent with the rest of the building.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- c) When a student is in a timeout room or space, staff will continuously monitor the student.
- d) Any staff functioning as timeout monitors will be trained in accordance with law and regulation.
- e) Staff will return the student to their educational program as soon as the student has safely deescalated, regained control, and is prepared to meet expectations.

Factors which may precipitate the use of timeout include:

- a) The safety of child or the safety of others in the room.

The use of timeout will adhere to the following developmentally appropriate time limitations:

- a) Until there is no threat of harm to themselves or others.

The following additional rules apply to the use of timeout in conjunction with a behavioral intervention plan:

- a) The District will ensure that timeout is used consistent with the rules for the use of timeout listed above.
- b) The student's individualized education program (IEP) will specify when a behavioral intervention plan includes the use of timeout, including the maximum amount of time a student will need to be in timeout as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.
- c) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will inform the student's parents or persons in parental relation and give them the opportunity to see the room or physical space that will be used.
- d) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will give the student's parents or persons in parental relation a copy of this policy.

**Physical Restraint**

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

(Continued)



Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

The following rules apply to the use of physical restraint in the District:

- a) The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved.
- b) Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
- c) The use of prone restraint is prohibited.
- d) Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the District.
- e) Physical restraint will not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.
- f) Physical restraints will be administered only by staff who have received the legally required training.
- g) Following a physical restraint, if an injury has been sustained or believed to have been sustained, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

Factors which may precipitate the use of physical restraint include:

- a) For the safety of a child or the safety of others in the classroom.

The use of physical restraint will adhere to the following developmentally appropriate time limitations:

- a) Until there is no threat of harm to themselves or others.

(Continued)

Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)****Notification Following the Use of Timeout, Physical Restraint, and/or Mechanical Restraint**

Parent(s) or person(s) in parental relation to the student will be notified on the same day when timeout, physical restraint, and/or mechanical restraint is used, including timeout used in conjunction with a student's behavioral intervention plan. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the building principal or administrator will record the attempts. For students with disabilities, the building principal or administrator will report the attempts to the student's committee on preschool special education or committee on special education. The notification will offer the parent or person in parental relation the opportunity to meet regarding the incident.

Additionally, the District will provide the parent or person in parental relation with:

- a) A copy of this policy; and
- b) A copy of the documentation of the incident within three school days of the use of timeout and/or physical restraint.

**Debriefing**

As soon as practicable, after every incident in which timeout and/or a physical restraint is used on a student, a building administrator or designee will:

- a) Meet with the staff who participated in the use of timeout and/or physical restraint to discuss:
  1. The circumstances leading to the use of timeout and/or physical restraint;
  2. The positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
  3. Planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program and/or behavioral intervention plan is needed; and
- b) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)****Training**

All staff will receive annual training on the District's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques. Additionally, any staff who may be called upon to implement timeout or physical restraint, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

**Notification**

This policy will be made publicly available for review at the District's administrative offices and each school building. It will also be posted on the District's website.

**Reporting**

The District will submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint, and other aversive interventions, prone physical restraint, and seclusion to the New York State Education Department, on a form and at a time prescribed by the Commissioner of Education in accordance with law and regulation. Additionally, the District will report this data for students for whom they are the district of residence and who are otherwise not reported.

**Recordkeeping**

The District will maintain documentation on the use of timeout and/or physical restraint, including timeout used in conjunction with a student's behavioral intervention plan, for each student. This documentation will include:

- a) The name and date of birth of the student;
- b) The setting and location of the incident;
- c) The name of the staff who participated in the implementation, monitoring, and supervision of the use of timeout and/or physical restraint and any other persons involved;
- d) A description of the incident including duration, and, for physical restraint, the type of restraint used;
- e) Whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student by the District;

(Continued)

Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- f) A list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint and, for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, if applicable;
- g) The details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
- h) The date and method of notification to the parent or person in parental relation and whether a meeting was held; and
- i) The date of the debriefing held.

Documentation of the incident will be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.

Documentation of each incident will be maintained by the school and made available for review by the New York State Education Department upon request.

A record should be created for each instance of physical restraint or timeout, and for allegations concerning prohibited intervention types. Multiple event records during a day for a student would be created only:

- a) If a new situation occurs involving the student after the prior event had de-escalated and student had returned to the learning environment; or
- b) When a new restraint or intervention response type is employed during the event. For example, during an event, a staff person employed a physical restraint on a student, and the situation escalated to the point where a timeout was used. The addition of the timeout would constitute an additional event record beginning with that application.

The District will use this data collection to monitor patterns of use of timeout and physical restraint.

**Review**

The building administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with the District's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the building administrator or designee shall take appropriate steps to address the frequency and pattern of use of timeout or physical restraint.

Students

**SUBJECT: ~~CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS~~**

**Corporal Punishment**

~~Corporal punishment as a means of discipline will not be used against a student by any teacher, administrator, officer, employee, or agent of this District.~~

~~Whenever a school employee uses physical force against a student, the school employee will immediately report the situation to the building principal or designee who will within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.~~

~~The Superintendent will submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.~~

**Emergency Interventions**

~~If alternative procedures and methods which do not involve physical force do not work, then the use of reasonable physical force is permitted for the following reasons:~~

- ~~a) — Self protection;~~
- ~~b) — Protection of others;~~
- ~~c) — Protection of property; or~~
- ~~d) — Restraining or removing a disruptive student.~~

~~Emergency interventions will only be used in situations where alternative procedures and methods that do not involve the use of reasonable physical force cannot reasonably be employed. Emergency interventions will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify, or eliminate a targeted behavior.~~

~~Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) or person(s) in parental relation of the student will be notified on the same day whenever an emergency intervention is utilized. When the student's parent or person in parental relation cannot be contacted on the same day after reasonable attempts are made, the building principal will record the attempts and, when applicable, report the attempts to the committee on special education (CSE).~~

(Continued)

Students

**~~SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)~~**

~~The District will maintain documentation on the use of emergency interventions for each student including:~~

- ~~a) Name and date of birth of student;~~
- ~~b) Setting and location of the incident;~~
- ~~c) Name of staff or other persons involved;~~
- ~~d) Description of the incident and emergency intervention used, including duration;~~
- ~~e) A statement as to whether the student has a current behavioral intervention plan; and~~
- ~~f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.~~

~~This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.~~

~~Education Law Section 4402  
& NYCRR Sections 19.5, 100.2(1)(3), and 200.22(d)~~

~~NOTE: Refer also to Policy #7313 Suspension of Students~~

~~Adoption Date~~

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT****Overview**

The District prohibits the use of corporal punishment, aversive interventions, and seclusion. The District authorizes the limited use of timeout and physical restraint in schools to address student behaviors subject to conditions in law, regulation, and this policy.

**Definitions**

For purposes of this policy, the following definitions apply:

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  - 2. Strangling, shoving, deep muscle squeezes, or other similar stimuli;
  - 3. Any form of noxious, painful, or intrusive spray, inhalant, or tastes;
  - 4. Contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
  - 5. Movement limitation used as a punishment, including, but not limited to, helmets and mechanical restraints; or
  - 6. Other stimuli or actions similar to the interventions described in this definition.

Aversive intervention does not include interventions such as: voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

- b) "Corporal punishment" means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints to protect the student, another student, teacher, or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.
- c) "De-escalation" means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.

(Continued)

## Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- d) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  3. Restraints for medical immobilization; or
  4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- e) "Multi-tiered system of supports" means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement for all students and support students' social, emotional, and behavioral needs from a culturally responsive and strength-based perspective.
- f) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
- g) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.
- h) "Prone restraint" means physical or mechanical restraint while the student is in the face down position.
- i) "Seclusion" means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout.

(Continued)



**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- j) "Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program. Timeout does not include:
1. A student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
  2. Use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan;
  3. A teacher removal, in-school suspension, or any other appropriate disciplinary action.

**Prohibition of the Use of Corporal Punishment, Aversive Interventions, and Seclusion**

No teacher, administrator, officer, employee, or agent of the District will use the following against a student:

- a) Corporal punishment;
- b) Aversive interventions; or
- c) Seclusion.

Agent includes, but is not limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.

**Authorized Limited Use of Timeout and Physical Restraint**

Positive, proactive, evidence-based, and research-based strategies through a multi-tiered system of supports will be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students.

Timeout and physical restraint may be used only when:

- a) Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;
- b) There is no known medical contraindication to its use on the student; and
- c) Staff using the interventions have been trained in its safe and appropriate application.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

Timeout and physical restraints will not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

Timeout

The following rules apply to the use of timeout in the District:

- a) Timeout will only be used in the following situations:
  1. A situation that poses an immediate concern for the physical safety of the student or others; or
  2. In conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors.
- b) A room or physical space used for timeout may be located either within or outside of a classroom. The room or physical space will:
  1. Be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
  2. Provide a means for continuous visual and auditory monitoring of the student. The use of a room where the student cannot be continuously observed and supervised is prohibited.
  3. Be of adequate width, length, and height to allow the student to move about and recline comfortably.
  4. Be clean and free of objects and fixtures that could be potentially dangerous to a student.
  5. Meet all local fire and safety codes.
  6. Have wall and floor coverings that, to the extent practicable, are designed to prevent injury to the student.
  7. Have adequate lighting and ventilation.
  8. Have a temperature that is within the normal comfort range and consistent with the rest of the building.

(Continued)

Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- c) When a student is in a timeout room or space, staff will continuously monitor the student.
- d) Any staff functioning as timeout monitors will be trained in accordance with law and regulation.
- e) Staff will return the student to their educational program as soon as the student has safely deescalated, regained control, and is prepared to meet expectations.

Factors which may precipitate the use of timeout include:

- a) \*[District to list examples of precipitating factors.]

The use of timeout will adhere to the following developmentally appropriate time limitations:

- a) \*[District to establish developmentally appropriate time limitations for the use of timeout.]

The following additional rules apply to the use of timeout in conjunction with a behavioral intervention plan:

- a) The District will ensure that timeout is used consistent with the rules for the use of timeout listed above.
- b) The student's individualized education program (IEP) will specify when a behavioral intervention plan includes the use of timeout, including the maximum amount of time a student will need to be in timeout as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.
- c) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will inform the student's parents or persons in parental relation and give them the opportunity to see the room or physical space that will be used.
- d) Prior to the initiation of a behavioral intervention plan that will incorporate the use of timeout, the District will give the student's parents or persons in parental relation a copy of this policy.

**Physical Restraint**

Physical restraint will only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

\* District must customize

(Continued)

## Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

The following rules apply to the use of physical restraint in the District:

- a) The type of physical restraint used will be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved.
- b) Physical restraint will never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
- c) The use of prone restraint is prohibited.
- d) Physical restraint will not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the District.
- e) Physical restraint will not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.
- f) Physical restraints will be administered only by staff who have received the legally required training.
- g) Following a physical restraint, if an injury has been sustained or believed to have been sustained, the school nurse or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) will evaluate the student to determine and document if any injuries were sustained during the incident.

Factors which may precipitate the use of physical restraint include:

- a) **\*[District to list examples of precipitating factors.]**

The use of physical restraint will adhere to the following developmentally appropriate time limitations:

- a) **\*[District to establish developmentally appropriate time limitations for the use of physical restraint.]**

**\*District must customize**

(Continued)

Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)****Notification Following the Use of Timeout, Physical Restraint, and/or Mechanical Restraint**

Parent(s) or person(s) in parental relation to the student will be notified on the same day when timeout, physical restraint, and/or mechanical restraint is used, including timeout used in conjunction with a student's behavioral intervention plan. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the building principal or administrator will record the attempts. For students with disabilities, the building principal or administrator will report the attempts to the student's committee on preschool special education or committee on special education. The notification will offer the parent or person in parental relation the opportunity to meet regarding the incident.

Additionally, the District will provide the parent or person in parental relation with:

- a) A copy of this policy; and
- b) A copy of the documentation of the incident within three school days of the use of timeout and/or physical restraint.

**Debriefing**

As soon as practicable, after every incident in which timeout and/or a physical restraint is used on a student, a building administrator or designee will:

- a) Meet with the staff who participated in the use of timeout and/or physical restraint to discuss:
  1. The circumstances leading to the use of timeout and/or physical restraint;
  2. The positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
  3. Planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program and/or behavioral intervention plan is needed; and
- b) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

(Continued)

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)****Training**

All staff will receive annual training on the District's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques. Additionally, any staff who may be called upon to implement timeout or physical restraint, will receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

**Notification**

This policy will be made publicly available for review at the District's administrative offices and each school building. It will also be posted on the District's website.

**Reporting**

The District will submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint, and other aversive interventions, prone physical restraint, and seclusion to the New York State Education Department, on a form and at a time prescribed by the Commissioner of Education in accordance with law and regulation. Additionally, the District will report this data for students for whom they are the district of residence and who are otherwise not reported.

**Recordkeeping**

The District will maintain documentation on the use of timeout and/or physical restraint, including timeout used in conjunction with a student's behavioral intervention plan, for each student. This documentation will include:

- a) The name and date of birth of the student;
- b) The setting and location of the incident;
- c) The name of the staff who participated in the implementation, monitoring, and supervision of the use of timeout and/or physical restraint and any other persons involved;
- d) A description of the incident including duration, and, for physical restraint, the type of restraint used;
- e) Whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student by the District;

(Continued)

## Students

**SUBJECT: TIMEOUT AND PHYSICAL RESTRAINT (Cont'd.)**

- f) A list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint and, for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, if applicable;
- g) The details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
- h) The date and method of notification to the parent or person in parental relation and whether a meeting was held; and
- i) The date of the debriefing held.

Documentation of the incident will be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.

Documentation of each incident will be maintained by the school and made available for review by the New York State Education Department upon request.

A record should be created for each instance of physical restraint or timeout, and for allegations concerning prohibited intervention types. Multiple event records during a day for a student would be created only:

- a) If a new situation occurs involving the student after the prior event had de-escalated and student had returned to the learning environment; or
- b) When a new restraint or intervention response type is employed during the event. For example, during an event, a staff person employed a physical restraint on a student, and the situation escalated to the point where a timeout was used. The addition of the timeout would constitute an additional event record beginning with that application.

The District will use this data collection to monitor patterns of use of timeout and physical restraint.

**Review**

The building administrator or designee will regularly review documentation on the use of timeout and physical restraint to ensure compliance with the District's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the building administrator or designee shall take appropriate steps to address the frequency and pattern of use of timeout or physical restraint.



Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT****Child Abuse in a Domestic Setting**

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

**Reporting Information**

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

**Persons Required to Report**

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school administrators or

(Continued)



Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

**Prohibition of Retaliatory Personnel Action**

The District will not take any retaliatory action against an employee because the employee believes that they have reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

**Report Form**

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

**Child Abuse in an Educational Setting**

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

**Definitions**

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263;

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235; or
- e) Using corporal punishment as defined by the Commissioner of Education.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

"School" means a school district, public school, charter school, nonpublic school, board of cooperative educational services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

**Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting**

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to their supervisor employed by the school or the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and the superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, they must promptly provide a copy of the report to the superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the superintendent.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

Where the superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, they will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from their position.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

**Notification**

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

**Prohibition on Aiding and Abetting Sexual Abuse**

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and Sections 409-1, 3028-b, and 3209-a  
Family Court Act Section 1012  
Labor Law Section 740(1)(e)  
Penal Law Articles 130, 235, and 263  
Social Services Law Sections 411-428  
8 NYCRR Part 83 and Section 100.2(hh) and (nn)  
20 USC Section 7926

Adoption Date

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT****Child Abuse in a Domestic Setting**

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

**Reporting Information**

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

**Persons Required to Report**

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school counselors, school psychologists, school social workers, school nurses, school administrators or

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

**Prohibition of Retaliatory Personnel Action**

The District will not take any retaliatory action against an employee because the employee believes that they have reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

**Report Form**

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**Child Abuse in an Educational Setting**

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

**Definitions**

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; ~~or~~

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235; or
- e) Using corporal punishment as defined by the Commissioner of Education.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

"School" means a school district, public school, charter school, nonpublic school, board of cooperative educational services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

**Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting**

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

(Continued)



Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to their supervisor employed by the school or the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and the superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, they must promptly provide a copy of the report to the superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the superintendent.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

Where the superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, they will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, Board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from their position.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

**Notification**

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth in law. The Commissioner will furnish the District with required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

**Prohibition on Aiding and Abetting Sexual Abuse**

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and Sections 409-1, 3028-b, and 3209-a  
Family Court Act Section 1012  
Labor Law Section 740(1)(e)  
Penal Law Articles 130, 235, and 263  
Social Services Law Sections 411-428  
8 NYCRR Part 83 and Section 100.2(hh) and (nn)  
20 USC Section 7926

Adoption Date

## Instruction

**SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)****Overview**

Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by districts to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

The District will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

**Definitions**

"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

"School district of residence" means the public school district within the State of New York where the students legally reside with their parents or guardians.

"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

"Tutor" means an employee of the school district of residence or an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.

**Request for Home, Hospital, or Institutional Instruction**

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the District that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the Director of School Health Services or designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

(Continued)

## Instruction

**SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)**

The request will be forwarded to the Director of School Health Services who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the Director of School Health Services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

Within five school days after receipt of written medical verification from the student's treating healthcare provider, the District will notify the parent or guardian whether their request for home, hospital, or institutional instruction has been approved or denied. In the case of a denial, reason(s) for denial will be provided.

**Appeals**

Parents and guardians may appeal the denial of home, hospital, or institutional instruction to the District's Board within ten school days of receipt of notification of the denial. Home, hospital, or institutional instruction will be provided while an appeal is pending before the District's Board.

**Home, Hospital, or Institutional Instruction Requirements**

The District will provide home, hospital, or institutional instruction to a student within five school days after receiving notification of the student's medical condition or within five school days from the request for home, hospital, or institutional instruction, whichever occurs first. This instruction, which may include remote instruction, will meet the minimum requirements outlined in law and regulation.

**Students with Disabilities**

Students with disabilities who are recommended for home, hospital, or institutional instruction by the Committee on Special Education (CSE) will be provided instruction and appropriate related services as determined and documented by the CSE in consideration of the student's unique needs. This instruction will only be recommended if the placement is in the least restrictive environment and must be provided for at least the number and length of time as provided for other students receiving home, hospital, and institutional instruction.

**Recordkeeping**

The District will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

(Continued)

**SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)**

Education Law Sections 1604(20), 1709(24), 3202  
8 NYCRR Sections 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 – Remote Instruction

Adoption Date

## Instruction

**SUBJECT: ~~HOME TUTORING~~ HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION  
(HOMEBOUND INSTRUCTION)**

~~Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental, or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by an appropriately certified teacher provided by the District. These students will be provided with instruction in accordance with New York State Education Law and Commissioner's regulations.~~

~~Procedures for students requiring home tutoring will be developed under the direction of the Superintendent or designee.~~

**Overview**

Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by districts to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

The District will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

**Definitions**

"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

"School district of residence" means the public school district within the State of New York where the students legally reside with their parents or guardians.

"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

"Tutor" means an employee of the school district of residence or an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.

(Continued)

## Instruction

**SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)****Request for Home, Hospital, or Institutional Instruction**

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the District that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the Director of School Health Services or designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

The request will be forwarded to the Director of School Health Services who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the Director of School Health Services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

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(Continued)



## Instruction

**SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)****Recordkeeping**

The District will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

Education Law Sections 1604(20), 1709(24), 3202 ~~and 4401~~  
8 NYCRR Sections 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 – [Remote Instruction](#)

Adoption Date