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- Required
- Local
- Notice

MISSION STATEMENT AND VISION

NOTE: The Mission Statement has been utilized from the previously adopted version of this policy. The underlined text is new for consideration of the Board as is the portion on "Vision". While this section is not required, statements are critical to charting the district's course to ensure that all students achieve maximum academic success. Please review to ensure this reflects the current practice of the district.

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

MISSION STATEMENT

The Scarsdale Public Schools seek to sponsor each student's full development, enabling our youth to be effective and independent contributors in a democratic society and an interdependent world. To this end, we endeavor to help them to think and express themselves clearly, critically and creatively; to understand themselves and others within the broad fabric of human experience and the natural universe; to appreciate their rights and responsibilities as citizens; and to become people of integrity, maturity and generous spirit. A measure of our success is the degree to which they fulfill their potential for the common good, non sibi--not for themselves alone. Valuing our individuality, we unite to keep the flame of learning.

EDUCATIONAL BELIEFS

Families, religious and other social institutions, and the community as a whole, as well as the schools and each student, share responsibility for achieving the Mission. We believe success is most likely when all dedicate their fullest individual energies to this enterprise, understanding one another, communicating well, and cooperating. In recognition of its part, the Board of Education specifically commits itself and the Scarsdale Schools, within available resources, to the following ideals:

- High standards of scholarship in a reasoned and humane atmosphere.
- An education where adults know each student's mind and person.
- Teaching, guidance and counseling which are caring, reflective, respectful of and responsive to individual aptitudes and needs, while mindful of the greater good.

Commented [CS1]: The Board may wish to consider moving this to before the MISSION STATEMENT portion as Educational Beliefs are what shape the Mission Statement.

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- A school environment structured to help students develop a growing sense of responsibility and self-discipline, involving them in the development and direction of their own education.
- Integrated, continuous and progressively broadening opportunity in and beyond the classroom for students to grow intellectually and in leadership, self-expression, talent and interest.
- An education which reflects awareness of promising and effective new developments in theory and methods.
- A school community in which all members express by word and deed the virtues of integrity, generosity, kindness, reliability, patience, self-reliance, consideration and support of others.

Vision

Sample 1: The vision for the district is to provide each student with fundamental academic skills and basic knowledge, develop desired moral, ethical, and cultural values, stimulate a continual learning process, and cultivate an understanding and appreciation of the rights and responsibilities of American citizens.

Sample 2: The Board envisions the district as a safe and secure place in which our students will learn. Staff, parents, and the community will work collaboratively to nurture a positive and productive learning climate for all students. Students will be encouraged and taught to solve problems and make decisions that benefit themselves and others. Student achievement will be assessed continually to monitor progress. Teachers and students will be held accountable to high standards, not only academically, but in conduct as well. Students will be encouraged to be responsible, respectful, self-disciplined members of the community.

Sample 3: The Board envisions a district which produces responsible and respectful citizens. As a center for innovation, learning and up-to-date technology, the district will be the connecting link between home and community. District students will realize that learning is a life-long commitment supported by dedicated staff and concerned parents, but only filled to its potential as the learners become responsible for the learning themselves.

District students will be prepared for success in society. This will be accomplished by exposure to technology, hands-on learning, and active involvement in the learning process. The educational process will be designed to address individual differences while focusing on the belief that all students are capable learners. Parent and community participation will have an important role in this process. All students will be educated in a safe and secure environment that promotes responsibility, manners, self-esteem, and communication.

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Sample 4: The Board’s vision for the district is to provide the opportunity for faculty, staff, parents and community to develop, through communication, a sense of ownership, spirit, and pride in the schools. Not only must students be prepared academically; they must be nurtured with a sense of cultural awareness which includes an appreciation of the arts, of tolerance, of diversity, and the community.

Sample 5: The Board envisions a partnership between the schools, the parents, and the community working together to provide a quality experience for students that emphasizes achievement, positive self-esteem and responsible character.

NOTE: This template policy has been drafted to reflect sample vision statements. The Board should work with the community to develop its own vision statement. If the basic mission of the district is to provide the students of the district with an education, then the vision should give a clear, concise picture of what an ideal education looks like in the district. Vision is the Board’s articulation of a destination toward which the district should aim, a future that in important ways is better, more successful, or more desirable for the district than is the present. Vision is future-focused and seeks to shape events rather than simply let them happen.

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

Cross-ref: 0300, Accountability
4000, Student Learning Standards and Instructional Guidelines

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NON-DISCRIMINATION AND EQUAL OPPORTUNITY

***NOTE:** This policy is offered as a combined, updated, and expanded version of policies 0100, Equal Opportunity, 5020 Equal Educational Opportunities, and 9010 Equal Employment Opportunity. This combined version and accompanying regulation are for consideration of the Board.*

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

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

***NOTE:** The following paragraph is optional, but the district is encouraged to utilize it to address website accessibility for persons with disabilities. Your district may wish to modify it to reflect any specific settlement agreements with the Office of Civil Rights. A specific plan for accessibility need not be included in this policy; but could be a separate document.*

There are different commonly-accepted standards for website accessibility. One example is the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0, Level AA, found at <https://www.w3.org/TR/WCAG/>. Another standard is set by the federal government for its agencies, codified in 34 CFR Part 1194. New York State has adopted some of these standards for its own agencies (sections 1194.22 and 1194.31).

Further information, including specific examples of the following, is available at ADA Best Practices Tool Kit for State and Local Governments, Chapter 5, Website Accessibility Under Title II of the ADA www.ada.gov/pcatoolkit/chap5toolkit.htm. A checklist is also available at: www.ada.gov/pcatoolkit/chap5chklist.htm.

Additionally, to promote the district website's accessibility to staff, students, and members of the community with disabilities, the district will maintain a website that is accessible (or contains accessible alternatives) on

perceivability, operability and understandability principles. The district's [*insert appropriate title, such as* Director of Technology] is responsible for considering the following when developing or updating the district website:

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

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

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

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

ANNUAL NOTIFICATION

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

NOTE: NYSSBA recommends including the full list of enumerated classes from the Dignity Act in the annual notice. Technically, the annual notice needs only to list those covered by federal law (the list in paragraph one of this policy).

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

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3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The **[insert title, for example, Assistant Superintendent for Human Resources]** has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the **[insert same title]** is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy 0110.

Commented [CS2]: For staff sexual harassment, this was the Human Resource, but please advise as to who this should be.

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

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

Cross-ref: 5020 Equal Educational Opportunities
5020.5, Student Sexual Harassment Policy
5030, Student Complaints and Grievances
5300, Code of Conduct
9010 Equal Employment Opportunity
9020, Staff Sexual Harassment Policy
9140.1, Staff Complaints and Grievances

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

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STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

NOTE: Very little policy material was found in reference to this topic in the existing board policy manual therefore this policy and accompanying regulation and exhibit are new for consideration of the Board. If the Board has a DASA policy, please submit it for review.

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

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

NOTE: The amendment to the Dignity Act, Chapter 102 of the Laws of 2012, makes clear that off-campus activity, specifically cyberbullying, can constitute harassment that is prohibited under the law. The language of the original Dignity Act left some confusion about the authority of school districts to act in response to off-campus behavior. The amendment clarifies that the district has jurisdiction. This is an area of law, though, that is continuing to evolve and can still be difficult to navigate. School officials should keep abreast of legal developments in this area and communicate with their school attorneys. In all cases, school officials should consider non-punitive options when addressing problematic off campus behavior.

DEFINITIONS

Bullying

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

Cyberbullying

Cyberbullying is defined as harassment (see below) through any form of electronic communication.

Discrimination

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

Hazing

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

Harassment

NOTE: This definition has been updated to reflect the recent amendment to the Dignity Act to encompass cyberbullying.

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the

school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

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

For the purpose of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections. *NOTE: The Dignity Act expands nondiscrimination protections of students in public schools under New York State law. Therefore, most districts will need to update their student nondiscrimination and equal opportunity policies to include the additional categories protected by the Dignity Act, as enumerated above. Please review those policies with the district's attorney.*

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

PREVENTION

NOTE: A key element of this policy, and to avoiding litigation, is prevention. It is critically important that this section, and the related section in the regulation, be reviewed carefully. An issue that has emerged in recent years is the challenges faced by lesbian, gay, bisexual, transgender and questioning (LGBTQ) students in public schools. Boards of Education and the school community in general are encouraged to raise their awareness about this and develop ways to accommodate and include LGBTQ students so that bullying and harassment are avoided.

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

well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

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

NOTE: The prior version of this policy offered the option of using a title other than "dignity act coordinator." Since Commissioner's Regulations use that term, NYSSBA recommends incorporating it throughout this policy and regulation.

It should be noted that although the law doesn't require a committee, NYSSBA believes it is important that the task of implementation be assigned to a committee made up of various constituencies, rather than assigning it to the Superintendent, the Dignity Act Coordinator or another administrator. The Board may choose to give this responsibility to an existing district-wide committee, such as wellness, safety or shared decision-making, rather than establishing a new one. Districts should customize the wording in the following paragraph to reflect its implementation strategy. In addition, the applicable titles used by the district should be inserted.

In order to implement this program the Board will designate at its annual organizational meeting a **Dignity Act Coordinator (DAC)** for each school in the district. One of the **DAC's** will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each **DAC** is to oversee and enforce this policy in the school to which they are assigned.

In addition, the Superintendent will establish a district-wide [*insert applicable title Task Force on Bullying Prevention,*] as well as **Bullying Prevention Coordinating Committees** in each school that will be overseen by the district-wide **DAC**. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

INTERVENTION

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

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

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

PROVISIONS FOR STUDENTS WHO DO NOT FEEL SAFE AT SCHOOL

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

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

INCIDENT REPORTING AND INVESTIGATION

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to *[insert applicable title, building*

principal or DAC] within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, **[0100, Equal Opportunity and Nondiscrimination, 5020.5, Student Sexual Harassment Policy.]** and the district's Code of Conduct.. The *[insert title: DAC or Building Principal]* will prepare a *[insert time period such as quarterly – NOTE: The law doesn't specify a time period, but it is recommended that one be included here]]* report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by *[insert applicable title: DAC or Building Principal]* in accordance with the accompanying regulation. In addition, the results of the investigation shall be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

DISCIPLINARY CONSEQUENCES/REMEDATION

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

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the

student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

NON-RETALIATION

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

TRAINING

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

DISSEMINATION, MONITORING AND REVIEW

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

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

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

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
4321, Programs for Students with Disabilities
5020.5, Student Sexual Harassment Policy
5030, Student Complaints and Grievances
5300, Code of Conduct
5710, Violent and Disruptive Incident Reporting
9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §10 – 18
 Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
 Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
 Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR
 §100 *et seq.*
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794
 Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
 Executive Law §290 *et seq.* (New York State Human Rights Law)
 Education Law §§313(3), 3201, 3201-a
 8 NYCRR 100.2(c), (l), (jj), (kk); 119.6
Tinker v. Des Moines Independent Community School Dist., 393 US 503,
 (1969)
Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)
Pollnow v. Glennon, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496
Zeno v. Pine Plains 702 F3rd 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F3rd 109 (2nd Cir 2012)
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S., 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Appeal of K.S., 43 Ed. Dept. Rep. 492
Appeal of Ravick, 40 Ed. Dept. Rep. 262
Appeal of Orman, 39 Ed. Dept. Rep. 811

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HIV/AIDS

NOTE: While this is not a required policy, it does serve to give notice to all persons to know their legal rights and responsibilities regarding this issue. This policy is based upon a policy developed by the New York State HIV/AIDS Prevention/Education Program.

Previously the Board adopted policy 5191, Students with HIV-Related Illness and 9540, Employees with HIV-Related Illness. This policy is offered as a combined and streamlined version and is for consideration of the Board.

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

NOTE: The paragraph below outlines the statutory safeguards that prohibits a student with AIDS or any other human immunodeficiency virus (HIV)- related illness from being denied the opportunity to attend school, continue his or her education, or take part in school-related activities, solely on the basis of being diagnosed with AIDS or becoming infected with HIV.

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

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

Students

It is the policy of the Board that:

1. A student's education shall not be interrupted or curtailed solely on the basis of his/her HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.

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2. No student shall be referred to the Committee on Special Education solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations.
3. If a student who is HIV-infected requires special accommodations to enable him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §504 of the Rehabilitation Act.
4. No disclosure of HIV-related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or student on the Department of Health (DOH) approved form.

Employees

It is the policy of the Board that:

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

Confidentiality

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

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

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

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

HIV/AIDS Testing

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

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

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

Cross-ref: 5420, Student Health Services

Ref: 29 USC §§794 et seq. (Rehabilitation Act of 1973)
20 USC §§1400 et seq. (Individuals with Disabilities Education Act)
42 U.S.C. §12132, et seq. (Americans with Disabilities Act)
34 CFR Part 104
29 CFR Part 1910.1030

0150

Executive Law §296 (Human Rights Law)

Education Law §§903; 913

Public Health Law, Article 27-F

8 NYCRR §§29.1(g); 135.3; 136.3

An Implementation Package for HIV/AIDS Policy in New York State School Districts, NYS HIV/AIDS Prevention Education Program, June 17, 1998

Adoption date:

POLICY 0200

*SCHOOL DISTRICT GOALS
AND OBJECTIVES*

*NO
RECOMMENDATION
SUBMITTED BY NYSSBA*

0300

Required
 Local
 Notice

ACCOUNTABILITY

NOTE: Effective school boards engage in continuous assessment of all conditions affecting education and have in place a number of policies to ensure that such assessment occurs (see, for example, the policies listed in the cross-reference section below). Taken together, these policies form a comprehensive accountability system designed to improve the effectiveness of schools and help keep a district's primary focus on student achievement.

To complete this comprehensive accountability system, the Board may wish to consider adopting a separate policy dealing specifically with accountability. The adoption and regular review of such a policy helps to reinforce the Board's obligation to the community to monitor and evaluate the district's progress made toward reaching the goals set by the Board.

This policy is new for consideration of the Board.

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

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

Consistent with its obligations and commitments, the Board will:

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

6. Fulfill governance responsibilities as required by state and federal law.

NOTE: The list of specific actions the Board will take to ensure accountability should be modified as necessary to reflect the Board's actual practice. The items listed above simply reflect basic measures all boards should take to fulfill their governance responsibilities.

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

NOTE: The Board may wish to expand the last paragraph to include the specific means by which it will keep the public aware of the district's progress, such as through a district newsletter or website.

Cross-ref: 0000, Mission Statement and Vision
0310, Board Self-Evaluation
0320, Evaluation of the Superintendent
1000, Community Relations Goals
4000, Student Learning Standards and Instructional Guidelines

Adoption date:

0310

- Required
- Local
- Notice

BOARD SELF-EVALUATION

NOTE: School boards need to engage in regular self-evaluations to improve performance and to ensure they continue to exercise the most effective leadership possible. Only through careful, honest, open appraisal can a board hope to improve its performance. Adopting a policy acknowledging the need for the Board to evaluate itself, helps the community to know that the Board understands the nature of its function and strives to improve its performance. Additional benefits of regular self-evaluation include:

1. Enhanced credibility – A school board’s participation in self-evaluation demonstrates its willingness to meet the same accountability tests it demands of others.

2. Improve performance – A program of self-evaluation provides the opportunity for a well-deserved “pat-on-the-back” for tasks done well, and by identifying weaknesses, it provides the motive and direction for improvement.

3. Job description creation – The organizing and goal- and standard-setting required in constructing the necessary evaluation procedures and instrument provides a detailed job description for new members and helps in their orientation.

4. Improved goal-setting – In specifying those areas in which performance is not as good as it could be, board members have a sound starting point for formulating goals for subsequent years.

5. Keeping better informed – Annual self-evaluations keep the public informed as to how the Board perceives its own performance. Ideally, the process of evaluation also promotes harmony and good working relationships among board members.

This policy is offered as an alternate approach to the previously adopted version. As a self-evaluation, people outside the Board wouldn’t necessarily be invited to participate however an unbiased third party may be helpful. This policy is for consideration of the Board.

The Board of Education is committed to the continuous improvement of the district and its own functioning. Accordingly, the members of the Board shall conduct an evaluation **[at least once annually]** to determine the degree to which they are meeting their responsibilities as Board members and the needs of their educational community.

Commented [CS3]: Please confirm this is still accurate

NOTE: Formal evaluation should occur at least once a year. Many boards have found that the best time to conduct the evaluation is after new members have had sufficient time to become knowledgeable about board responsibilities and procedures. The most important thing, however, is that the Board set aside a specific time in advance of the evaluation. Otherwise, it is far too easy to forgo evaluation entirely.

0310

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

The Board shall use a **[specify type of evaluation instrument]** self-evaluation instrument.

NOTE: There are several types of self-evaluation instruments available to boards. Informal means of self-assessment include assessing comments and criticisms from constituents or examining the minutes of board meetings to see how much attention the Board devotes to that which it deems most important.

Perhaps the most popular self-evaluation technique is the questionnaire. A questionnaire can make the evaluation process more manageable by listing the criteria against which the Board will appraise its own performance. Questionnaires can be designed to measure both board "process" and board "product." "Process" evaluation deals with how the Board operates. "Product" evaluation deals with the results a board obtains as an outgrowth of setting goals.

If the Board would like sample evaluation instruments, please contact us.

Adoption date:

0320

- Required
- Local
- Notice

EVALUATION OF THE SUPERINTENDENT

NOTE: Similar in nature to the Board's previously adopted policy, this policy has been recrafted for clarity and updated to reflect the requirements of the commissioner's regulations in the final paragraph.

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

NOTE: The Superintendent's employment contract often contains provisions dealing with evaluation his/her performance. Before adopting a policy dealing with the Superintendent's evaluation, the Board should review the Superintendent's contract to make certain that the two documents are consistent with one another.

The purposes of the evaluation shall be to:

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

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

NOTE: It is impossible to assess job performance without a complete statement of job duties. NYSSBA offers a policy (3120), Duties of the Superintendent, which provides such a description, which the Board can customize in consultation with the superintendent. If the Board doesn't adopt a policy, it should still develop a written job description in consultation with the superintendent.

The Commissioner's regulation requires that the procedure the Board uses to evaluate the Superintendent must be available to the public. The Board may include the blank evaluation form, if it wishes, as part of the procedure, but it isn't required to.

0320

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

Cross-ref: 3120, Duties of the Superintendent

Ref: 8 NYCRR §100.2(o)(1)(vi) (Performance review of superintendent)

Adoption date: