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Update: January 5, 2010

EDUCATIONAL PHILOSOPHY

The Board of Education is dedicated to educating students to develop desired moral, ethical, and cultural values, to stimulate and expand a continual learning process and to cultivate an understanding and appreciation of the rights and responsibilities of American citizens, which will enable them to function effectively as independent individuals in a democratic society. The Board strives to maintain a comprehensive approach to satisfy the educational needs of the students of the district by meeting or exceeding the state's requirements.

The Board seeks to implement a variety of instructional methods and to increase the opportunities for the development of each individual's capabilities and personality. It is the district's goal to foster in students good work habits, integrity, self-discipline, individual creativity, originality, aesthetic appreciation good sportsmanship, self-confidence and a sense of purpose. Extracurricular activities will be offered when possible to enhance the academic program.

The Board encourages parents and teachers to offer their expertise in helping to develop a school environment that is academically challenging, psychologically satisfying and socially fulfilling for students at all levels. The objectives of an educational program are best realized when mutual understanding, cooperation, and effective communications exist among the home, community and school.

Adoption date: April 2, 2001

EQUAL OPPORTUNITY

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

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

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

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

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

Adoption date: April 2, 2001

SEXUAL HARASSMENT

The Board of Education recognizes that sexual harassment of students and staff is behavior that negatively impacts the school culture. The Board further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Because sexual harassment can occur staff to student, staff to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with district policy and state law.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce and eliminate incidents of sexual harassment.

This policy shall be posted in a prominent place in each district facility and shall also be included in student registration materials, and other appropriate school publications. A copy of this policy shall be provided to all new employees.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*
Davis v. Monroe County Board of Education, ___ U.S. __; 119 S.Ct.1661 (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. Gwent County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adoption date: April 2, 2001

SEXUAL HARASSMENT REGULATION

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

Sexual Harassment Defined

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

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.
4. For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive.

Reporting Complaints

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

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

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

If the complaint is filed against a high level administrative employee such as a central office administrator or against a member of the Board, the Board or Superintendent may designate another individual to investigate the complaint.

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

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

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

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy or state law.

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

B. District-level Procedure

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

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

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

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

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

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and may be subject to disciplinary action.

Discipline/Penalties

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

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

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

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

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

Other individuals: Penalties may range from a warning up to and including limitation of future access to school property so as to permit an eligible individual to enter upon school property only to vote at school or general elections, to attend open meetings of the Board, or unless otherwise given express permission by a district administrator.

False Complaints

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

Training

All students and employees shall be informed of this policy in student registration materials, employee orientation materials, and other appropriate school publications.

All new employees shall receive information about this policy and regulation at new employee orientation. All other employees shall be provided information at least once a year regarding this policy.

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

Adoption date: April 2, 2001

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that harassment, hazing and bullying is detrimental to student learning and achievement. It interferes with the mission of the district to educate its students and disrupts the operation of the schools. Such behavior affects not only the students or employees 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 harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

For the purposes of this policy, the terms “harassment”, “hazing”, and “bullying” collectively shall refer to any intentional written, verbal, or electronic communication or physical act which intimidates or threatens another on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability, socio-economic status, class or club affiliation or other distinguishing characteristic.

If the harassment is of a sexual nature, policy/regulation 0110-R provides additional information and clarification on the district’s responsibilities in this area.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of harassment, hazing and bullying report such behavior immediately to the building principal or school administrator. The district will promptly investigate all complaints whether formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state law.

All complainants and those who participate in the investigation of a complaint have the right to be free from retaliation of any kind.

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The Superintendent of Schools shall maintain and implement regulations for

reporting, investigating and remedying allegations of harassment, hazing and bullying. These regulations are to be attached to this policy. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding harassment and to implement preventative measures to help reduce incidents of harassment, hazing and bullying.

This policy shall be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

Cross-ref: 0110, Sexual Harassment
5300, Code of Conduct

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 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
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)

Adoption Date: December 10, 2007

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HARASSMENT, HAZING & BULLYING

This regulation sets forth detailed guidelines for reporting, investigating and remedying allegations of harassment, hazing and bullying.

Definitions

“Harassment” means any intentional written, verbal, or electronic communication or physical act including but not limited to one shown to be motivated by race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability or other distinguishing characteristic when the intentional conduct or communication:

- Interferes with a student's academic performance or participation in school-sponsored activities or an employee's work performance;
- Creates an intimidating, hostile or offensive educational or work environment;
- Harms a student or employee or damages the property of a student or employee;
- Places a student or employee in reasonable fear of physical harm or damage to his/her property; or
- Has the effect of substantially disrupting the orderly operation of the school.

“Bullying” is a form of harassment that consists of inappropriate persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and/or badgering others.

“Hazing” is a form of harassment which involves committing an act against a student or coercing a student into committing an act that creates a risk of emotional, physical or psychological harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The fact that the victim may consent to the act does not excuse the behavior or lessen the offense.

Unacceptable Conduct

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

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1. Name calling intended to belittle or disparage a specific individual or group.
2. Using intimidation to elicit a behavior or response.
3. Using physical force to intimidate.
4. Using threats to elicit fear or a specific behavior, i.e. “do this or I will...”
5. Preventing access to an activity or membership.

Reporting Complaints

Any victim or person with knowledge of harassment, hazing, and/or bullying by a student, district employee or third party related to the school should report the complaint to a school district employee:

Students: a report should be given to any school personnel with whom the student is familiar and comfortable. Personnel would include but not be limited to a teacher, counselor, school administrator or coach.

Employees or Third Parties: a report should be given to any school or central office administrator.

The report should be made as soon as possible after the incident so that it may be effectively investigated and resolved. In order to assist investigators, individuals should document the harassment, hazing, bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

Confidentiality

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

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

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and

- witnesses;
3. the district will attempt to prevent any retaliation; and
 4. the district will take strong responsive action if retaliation occurs.

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

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of harassment, hazing, and/or bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal or assistant principal should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the harassment, hazing, and/or bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than five school days following receipt of a complaint, the principal or assistant principal should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s).
- Conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately and that the individual may be subject to discipline.

Informal methods may also be used to resolve the complaint.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law.

The principal or the assistant principal shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme harassment, hazing, or bullying, the complaint shall be referred promptly to the Superintendent. In addition, where the principal or the assistant principal has a reasonable suspicion that the alleged harassment, hazing or bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.

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

B. District-level Procedure

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

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

If a district investigation results in a determination that harassment, hazing, or bullying did occur, prompt corrective action will be taken to end the misbehavior. District investigators may suggest exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take

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appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.

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

Retaliation Prohibited

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

Discipline/Penalties

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

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

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

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

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

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

Training

All students and employees shall be informed of this policy in student and employee handbooks.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees who have specific responsibilities for investigating and resolving complaints of harassment, hazing and bullying shall receive training on this policy, regulation and related legal developments.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of harassment, hazing, and bullying on the victim and the bystander.

Adoption date: December 10, 2007

HIV/AIDS POLICY

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

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

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

Students

It is the policy of the Board that:

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

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.

Cross-ref: 4315.1, AIDS Instruction
5420, Student Health Services
5420-R, Student Health Services Regulation
8123, Hygiene Precautions and Procedures

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

Adoption date: April 2, 2001

PERSONS WITH HIV-RELATED ILLNESS EXHIBIT

The University of the State
of New York Education Department

**Authorization for Release of Confidential HIV*
Related Information to the Superintendent of
Schools and the Board of Education**

Approved by:
New York State Department of Health

OC-1 (6/89)

Confidential HIV Related Information means any information indicating that a person had an HIV related test, or has HIV infection, HIV related illness or AIDS, or any information which could indicate that a person has been potentially exposed to HIV.

Under New York State Law, except for certain people, confidential HIV related information can only be given to persons you allow to have it by signing this form. You may ask for a list of people who can be given confidential HIV related information even without this form.

If you sign this form, HIV related information can be given to the people listed on the form, and for the reason(s) listed on the form. You do not have to sign the form, and you can change your mind at any time.

If you experience discrimination because of the release of HIV related information, you may contact the New York State Division of Human Rights at (212) 870-9624 or the New York City Commission of Human Rights at (212) 566-5493. These agencies are responsible for protecting your rights.

NAME OF PERSON WHOSE HIV RELATED INFORMATION WILL BE RELEASED			
NAME AND ADDRESS OF PERSON SIGNING THIS FORM (IF OTHER THAN ABOVE)			
STREET	CITY	STATE	ZIP CODE
RELATIONSHIP TO PERSON WHOSE HIV INFORMATION WILL BE RELEASED			

NAME OF SCHOOL DISTRICT

Name and addresses of the Superintendent of Schools and individual members of the Board of Education (Board of Trustees) of the above named school district who will be given HIV related information.

SUPERINTENDENT'S NAME			
STREET	CITY	STATE	ZIP CODE
NAME			
STREET	CITY	STATE	ZIP CODE

NAME			
STREET	CITY	STATE	ZIP CODE
NAME			
STREET	CITY	STATE	ZIP CODE
NAME			
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Reason for release of HIV related information

G To approve the recommendation of the _____ CSE as required by law.
(Name of district)

G Other (explain in full, use additional sheet(s) if necessary)

Time during which release is authorized	FROM:	TO:
	GG GG GG	GG GG GG
	Month Day Year	Month Day Year

0150-E

My questions about this form have been answered. I know that I do not have to allow release of HIV related information, and that I can change my mind at any time.

Signature

Date

Adoption date: April 2, 2001

EVALUATION OF SCHOOL BOARD OPERATIONAL PROCEDURES

The Board of Education shall review the effectiveness of its internal operations at least once annually. The Superintendent of Schools shall be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a deliberative and legislative body.

The Board shall set forth the standards by which it will evaluate itself, taking into account the following:

1. the district's needs and the Board's ability to meet such needs;
2. the district's goals for its instructional programs;
3. the Board's relationship with the Superintendent and district staff;
4. the Board's relationship with its supervisory district (BOCES); and
5. the community's perception of Board members as educational leaders.

Adoption date: April 2, 2001

EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student growth, district progress, and community satisfaction are all affected by the performance of the Superintendent of Schools. The Superintendent cannot function effectively without periodic feedback about his/her performance. Therefore the Board recognizes its responsibilities to evaluate the Superintendent. Such evaluation shall occur at least annually, pursuant to the regulations of the Commissioner of Education, and will be discussed only during an executive session.

Prior to September of each school year the Superintendent shall submit his/her goals, objectives and priorities for the coming year to the Board. The Board, after review, modification, and/or supplementation shall approve such goals, objectives and priorities. The Board will consider the Superintendent's success of achieving such established goals, objectives and priorities as part of the Superintendent's annual review and evaluation.

Ref: 8 NYCRR §100.2(o)(2)

Adoption date: April 2, 2001

EVALUATION OF PROFESSIONAL STAFF

The Board of Education recognizes that a well-developed and rigorously administered evaluation process is key to securing and maintaining an effective district workforce. The Board views the evaluation of professional staff as an essential growth tool for improving individual performance and the district's overall ability to meet its educational objectives. To these ends, the performance of all professional staff will be reviewed and evaluated at least annually in accordance with the regulations of the Commissioner. The purposes of teacher and administrator evaluations are:

1. to clarify the duties and responsibilities of staff;
2. to enrich, develop, and improve effective professional skills and performance by:
 - a. informing each staff member of how his or her performance is perceived in relation to the expectations of the district; and
 - b. identifying an individual's strengths and weaknesses;
3. to enhance the instructional program by providing individual staff members with methods by which performance may be improved; and
4. to provide the Board and the Superintendent with accurate and timely assessments of employee performance to enable them to fulfill their legal responsibilities in making personnel decisions, including the granting of tenure or voting disciplinary charges.

The Superintendent is responsible for administering the evaluation process.

The procedures and guidelines for formal observations and evaluations of teachers and administrators shall be those agreed to with the employee organization(s) representing such professional staff and set forth in their respective collective bargaining agreements and as outlined in the Babylon School District professional development plan.

Cross-ref: 9220, Staff Qualifications

Ref: Education Law§3031
8 NYCRR§100.2(o)(1)

Adoption date: April 2, 2001

EVALUATION OF SUPPORT STAFF

The Board of Education believes that the evaluation of support staff is an essential component of supervision and decision-making regarding staff promotions and retention. The Board therefore directs the Superintendent of Schools to develop standards and procedures for the evaluation of all support staff.

Adoption date: April 2, 2001