



# Lewiston- Porter Central School District Employee Handbook

Updated August 28, 2023

Welcome from the Business and Human Resources Office

### Handbook Introduction Statement

This Employee Handbook is intended to provide each employee with access to core District policies.

Our Board of Education policies form the rules for the operation of the District. Those policies meet the requirements of Federal and New York State law, and establish expectations for all employees in the Lewiston-Porter School District. Board policies are the local laws of the school district, therefore, it is essential that all employees understand the requirements of the core policies contained in this Handbook.

This handbook contains helpful information related to your job, and some of the rules and procedures that you will be expected to follow. Please read this handbook carefully and refer to it as needed.

Some of the policies and procedures contained in this handbook have been summarized for easy reading and, as such, may not be complete statements. Lewiston-Porter School District reserves the right, at any time and at its sole discretion, to change, delete, and add to any of the handbook provisions. It is not possible to include in one handbook all of the rules and policies that apply to your employment. Please take time to consult with your supervisor concerning specific procedures and expectations that may apply to your program, office, department, or building.

The Employee Handbook is also provided to assist you in finding answers to questions you may have about the existing policies of the District. Please remember that it is every employee's obligation to comply with policies and any associated complaint procedures of the School District. Employees of the District may also access the online Board of Education Policy Manual on our District website under the Board of Education section at <http://www.lew-port.com/Page/192>. Should the Board approve a change to a policy, a recently added or changed policy will be accessible shortly after the board meeting where an action was approved.

This handbook is not a contract of employment. It is provided for informational purposes. Except as expressly provided by statute or by contract, employment is at the pleasure of the District. Accordingly, an employee has no right to continuing employment except as expressly provided by statute or by contract.

This handbook replaces and supersedes all prior handbook(s).

### Non-discrimination Statement

The Lewiston-Porter School District is an equal opportunity employer and does not discriminate against any employee or applicant for employment on the basis of gender, race, color, religion or creed, age, national origin, marital status, disability, sexual orientation, military or veteran status, domestic violence victim status, genetic predisposition or carrier status, or any other classification that is recognized by law as a protected classification.

The Lewiston-Porter School District is an equal opportunity educational system and does not discriminate against any student or candidate for enrollment on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, marital status, gender, sex, or any other classification that is recognized by law as a protected classification.

Any person wishing to obtain information about the District procedures for grieving alleged civil rights violations may obtain information by contacting one of our District's civil rights compliance officers.

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#### District Property, Equipment, and Storage Spaces

Lockers, desks, cabinets, computers (including computer systems, hardware, software, and/or e-mail), other equipment, and/or other storage spaces may be provided for use by employees and/or students. Such lockers, desks, cabinets, computers (including computer systems, hardware, software, and e-mail), other equipment, and other storage spaces remain exclusively the property of the Lewiston-Porter School District. No employee or student has any expectation of privacy in any Lewiston-Porter School District lockers, desks, cabinets, computers (including computer systems, hardware, software, or e-mail), any other equipment, or any other storage spaces.

Lockers, desks, cabinets, computers (including computer systems, hardware, software, and e-mail), any other equipment, and any other storage spaces may be accessed and searched at any time.

Lewiston-Porter School District does not assume responsibility for loss of or damage to any personal property kept in desks, lockers, cabinets, or any other storage spaces.

# **Table of Contents of Board of Education Policies Important for All Employees**

Alcohol, Drugs and Other Substances (School Personnel) (Policies 6150, 6151, 6151F, 6180)

Smoking/Tobacco Use and use of electronic smoking devices (Policy 5640)

Student Alcohol and Other Drug Policy (Policy 7320)

Code of Ethics (Policy 6110)

Code of Conduct (Policy 3410, previous 7415)

Confidentiality of Student Information and Records (Policies 3320, 7240)

Equal Employment Opportunity (Policy 6120)

Sexual Harassment In The Workplace (Policy 6121, previous 6122)

Family and Medical Leave Act (FMLA) (Policy 6551, previous 6552)

Employee Assistance Program (EAP) (Policy 6530, previous 6560)

Child Abuse And Maltreatment (Policy 7530)

Harassment of Students, Dignity for all Students ACT (Policies 7551, 7550)

Non-discrimination and Anti- Harassment in the School District (Policy 3420)

Staff Use of Telecommunications Systems and Computerized Information Resources (Policy 6410, previous 6470)

Use of Email in the School District (Policy 6411, previous 6472)

Student Use of Computerized Information Resources and Personal Technology (Policies 7315, 7316)

Internet Safety (Policy 8271, previous 8262)

Fund-raising and Solicitation (Policies 7450, 3271)

Use of Copyrighted Materials (Policy 8350)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

6150

Personnel

## **SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)**

### **Prohibited Conduct**

The Board, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, will set a positive example for students.

The Board, therefore, prohibits staff from consuming, sharing, selling, using, and/or possessing illegal drugs, counterfeit and designer drugs, drug paraphernalia, or alcohol in the workplace, or when the effects of these actions may impair job performance. Additionally, the Board prohibits the misuse and/or unprescribed use of prescription and over-the-counter drugs in the workplace or when the effects of these actions may impair job performance.

In accordance with law, regulation, and District policy, smoking and vaping are prohibited on school grounds; within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools; and/or at any school-sponsored event or activity that occurs off school grounds.

### **Disciplinary Measures**

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment that may be imposed, for engaging in prohibited conduct in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

### **Information on Substance Use Related Services**

The Superintendent has designated the following individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff;

- Assistant Superintendent for Administrative Services
- School Counselors
- School Social Workers

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a)

41 USC § 8101 et seq.

Civil Service Law § 75

Education Law §§ 409, 2801, 3020-a, and 3038

Public Health Law § 1399-o

NOTE: Refer also to Policies #3410 -- Code of Conduct

#5640 -- Smoking/Tobacco Use/Vaping

#7320 -- Alcohol, Tobacco, Drugs, and Other Substances  
(Students)

*District Code of Conduct*

Adoption Date: 09/17/2019

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6151

Personnel

## **SUBJECT: DRUG-FREE WORKPLACE**

It shall be the general policy of the Board to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

The Board directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act, 20 United States Code (USC) Section 7101 et seq. 21 United States Code (USC) Section 812 21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15 34 Code of Federal Regulations (CFR) Part 85

Adoption Date: 11/28/2017  
08/27/1996

**LEWISTON-PORTER CENTRAL SCHOOL DISTRICT  
NOTICE TO EMPLOYEES AND VOLUNTEERS ENGAGED IN  
WORK ON FEDERAL GRANTS**

YOU ARE HEREBY NOTIFIED that it is a violation of Board of Education policy and administrative regulations of the Lewiston-Porter Central School District for any employee or volunteer engaged in work under a federal grant to unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

YOU ARE FURTHER NOTIFIED that the Board of Education policy with respect to the use of drugs in the workplace by employees or volunteers engaged in work under federal grants is set forth in Policy #6151.

YOU ARE FURTHER NOTIFIED that it is a condition of continued employment or volunteer status that each employee or volunteer engaged in work on any federal grant comply with the above policy and regulation and that any employee or volunteer engaged in such work who is convicted of violating a criminal drug statute for a violation occurring in the workplace shall notify his/her supervisor of the conviction, no later than five (5) calendar days after such conviction.

YOU ARE FURTHER NOTIFIED that any employee or volunteer who violates the terms of the Lewiston-Porter Central School District's Drug-Free Workplace Policy or administrative regulation may have his/her employment suspended or terminated, or his/her volunteer status terminated, as the case may be.

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

By: \_\_\_\_\_

  
Superintendent of Schools

Date: \_\_\_\_\_





# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6180

Personnel

1 of 2

## **SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)**

The Board requires that all District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging or through social networking websites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6180

Personnel

2 of 2

## **SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)**

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

### **Prohibition of Retaliation**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

### **Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

### **District Responsibility/Training**

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

### **Disciplinary Sanctions**

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Title IX of the Education Amendments of 1972, 20 United  
States Code (USC) Section 1681 et seq. Education Law Article 23-B  
Social Services Law Sections 411-428  
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adoption Date: 11/28/2017  
07/27/2010



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

5640

Non-Instructional/Business Operations

1 of 2

## **SUBJECT: SMOKING/TOBACCO USE/VAPING**

The use of tobacco products is prohibited on school grounds. Smoking and vaping are prohibited on school grounds and within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools. In addition, the use of tobacco products, smoking, and vaping are prohibited at any school-sponsored event or activity that occurs off school grounds, including those taking place in another state.

For purposes of this policy, the following definitions apply:

- a) Tobacco products means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.
- b) Smoking means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco.
- c) Vaping means the use of an electronic cigarette.
- d) Electronic cigarette (or e-cigarette) means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.
- e) School grounds means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.

This policy does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

### **Public Notification of Policy**

The District will prominently post signs prohibiting smoking and vaping on school grounds in accordance with applicable law. The District will also designate a school official to tell individuals found smoking or vaping in a non-smoking area that they are in violation of law and District policy.

The District will communicate this policy to staff, students, parents/guardians, volunteers, visitors, contractors, and outside groups through means such as the District's *Code of Conduct*, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

Continued



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

5640

Non-Instructional/Business Operations

2 of 2

**SUBJECT: SMOKING/TOBACCO USE/VAPING**

## **Prohibition of Tobacco Promotional Items/Tobacco Advertising**

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

- a) On school grounds;
- b) In any vehicles used to transport students or school personnel;
- c) At school-sponsored events or activities, including those that take place off school grounds, including in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

20 USC §§ 6081-6084, 7971-7974, Education Law § 409  
Public Health Law §§ 1399-n, 1399-o, 1399-p and 1399-aa  
8 NYCRR §§ 155.5, 156.3

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment  
#3410 -- Code of Conduct on School Property  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances  
District *Code of Conduct*

Adoption Date: 06/18/2019

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

7320

Students

## **SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)**

### **Prohibited Conduct**

The Board recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, and/or possession of these and similar substances, as well as tobacco products and drug paraphernalia are prohibited in accordance with law and regulation, District policy, the District *Code of Conduct*, and/or other similar documents.

Students are not permitted to be under the influence of alcohol, drugs, or other prohibited substances on school grounds or at school-sponsored events.

### **Consequences**

Students **may receive a consequence** in accordance with District policy, the District *Code of Conduct*, and/or other similar documents for the consumption, sharing, selling, use, and/or possession of alcohol, tobacco, e-cigarettes, drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances, as well as tobacco products and drug paraphernalia.

### **Information on Substance Use Related Services**

The Superintendent has designated the following individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff;

- Assistant Superintendents for Administrative Services
- School Counselors
- School Social Workers

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a)  
Education Law §§ 409, 2801, and 3038  
Public Health Law § 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment  
#3410 -- Code of Conduct  
#5640 -- Smoking/Tobacco Use/Vaping  
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)  
#8210 -- Safety Conditions and Prevention Instruction  
*District Code of Conduct*

Adoption Date: 09/17/2019

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6110

Personnel

1 of 3

## **SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL**

### **General Provisions**

Officers, including Board of Education members, administrators, and Director of Facilities and employees of the Lewiston-Porter Central School District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This policy establishes those standards.

The provisions of this policy are intended to supplement Article 18 of General Municipal Law Sections and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

### **Standards of Conduct**

The following rules and standards of conduct apply to all officers, including Board members, and employees of the District.

#### Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his/her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

#### Confidential Information

No person may disclose confidential information acquired by him/her in the course of his/her official duties or use this information to further his or her personal interests.

#### Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when he/she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his/her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

(Continued)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6110

Personnel

2 of 3

## **SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL**

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer, including Board, administrators, and Director of Facilities, as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract of: his/her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he/she is a member or employee; a corporation of which he/she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him/her.

The provisions of the preceding three paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer, including Board members, administrators, and Director of Facilities, in one or more positions of public employment, the holding of which is not prohibited by law.

### Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

### Disclosure of Interest in Contracts and Resolutions

Any District officer, including Board members, administrators, Director of Facilities who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer, including Board of Education members, administrators, and Director of Facilities, first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board of Education. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

### Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties, or that would otherwise impair his/her independence of judgment in the exercise or performance of his/her official powers or duties.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6110

Personnel

3 of 3

## **SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL**

### Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

### Future Employment

No person may, after the termination of service or employment with the District, appear before the District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his or her active consideration.

### Notice of Code of Ethics and General Municipal Law Sections 800-809

The Superintendent will ensure that a copy of this code of ethics is distributed to every District officer and employee, and that a copy of General Municipal Law Sections 800-809 is posted conspicuously in each District building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of District officers and employees to comply with their provisions, or the ability of the District or other relevant authorities to enforce them.

Education Law § 410

General Municipal Law Article 18 and §§ 800-809

Adoption Date: 11/28/2017  
02/23/2016  
07/18/2006

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2018

3410

Community Relations 1 of 5

## **SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY**

The Board recognizes the value of positive interpersonal relationships and civil conduct in the educational process at all school-sponsored activities. Recognizing that students at every age level model behavior that they observe at school-sponsored activities, the Board therefore requires that civility and appropriate sportsmanship be practiced at all times.

The District has developed and will amend, as appropriate, a written *Code of Conduct* for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors and/or vendors. The Board shall further provide for the enforcement of such *Code of Conduct*.

For purposes of this policy, and the implemented *Code of Conduct*, school property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the District's elementary or secondary schools, or in or on a school bus; and a school function shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

The *District Code of Conduct* has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The *Code of Conduct* shall include, at a minimum, the following:

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination, bullying and/or harassment against any student, by employees or students on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, that creates a hostile environment by conduct, with or without physical contact, threats, intimidation or abuse (verbal or non-verbal), of such a severe nature that:
  - 1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
  - 2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Continued



**SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY**

When the term "bullying" is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)I or the period of removal expires, whichever is less;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, e-cigarettes and vaping products, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- g) Provisions for responding to acts of discrimination, bullying and/or harassment against students by employees or students on school property, at a school function, or off school property when the actions create or would foreseeable create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, pursuant to clause (b) of this subparagraph;
- h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Community Relations 3 of 5

## SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the *Code of Conduct* and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the *Code of Conduct* on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;
- p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and

Continued

**SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY**

- r) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

The District's *Code of Conduct* shall be adopted by the Board only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The *Code of Conduct* shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its *Code of Conduct* and the District's response to *Code of Conduct* violations. The Board shall reapprove any updated *Code of Conduct* or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its *Code of Conduct* and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The Board shall ensure community awareness of its *Code of Conduct* by:

- a) Posting the complete *Code of Conduct* on the Internet website, if any, including any annual updates and other amendments to the Code;
- b) Providing copies of a summary of the *Code of Conduct* to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;
- c) Providing a plain language summary of the *Code of Conduct* to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
- d) Providing each existing teacher with a copy of the complete *Code of Conduct* and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

Continued



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**SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY**

**Privacy Rights**

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 11(8), 801-a, 2801 and 3214  
Family Court Act Articles 3 and 7  
Vehicle and Traffic Law Section 142  
8 NYCRR Section 100.2

NOTE: Refer also to *District Code of Conduct*

Adoption Date: 12/18/2018

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Community Relations

## **SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION**

The development of centralized computer banks of educational data gives rise to the question of the maintenance of confidentiality of such data while still conforming to the New York State Freedom of Information Law. The safeguarding of confidential data from inappropriate use is essential to the success of the District's operation. Access to confidential computerized data shall be limited only to authorized personnel of the District.

It shall be a violation of the District's policy to release confidential computerized data to any unauthorized person or agency. Any employee who releases or otherwise makes improper use of such computerized data shall be subject to disciplinary action.

However, if the computerized information sought is available under the Freedom of Information Law and can be retrieved by means of existing computer programs, the District is required to disclose such information.

Public Officers Law Sections 84 et seq.

Adoption Date: 11/20/2018

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Students

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## **SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

The District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the School District.

### **Education Records**

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

Additionally FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

(Continued)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Students

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## **SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

### **Access to Student Records**

The purpose of this policy shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release PII contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

### **Exceptions**

Without the consent of a parent or eligible student, a district may release a student's information or records when it is:

- a) Directory Information and Limited Directory Information

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Limited Directory Information Disclosure means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, but restrict disclosure for more potentially dangerous purposes. The District shall limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.

- b) To School Officials who have a Legitimate Educational Interest

To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of the student, other students or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Students

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## **SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

### c) To Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

### d) For Health and Safety Emergency Reasons

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

### e) To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In such cases the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Students

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## **SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

### f) To Foster Care Agencies

A district may release records to an agency caseworker or other representative of a State or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or neglect, absent an order or subpoena (see below).

### g) Pursuant to a Subpoena or Court Order

When a district receives a subpoena or court order for the release of records the District must make a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent/guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

Districts may disclose a student's records without first notifying parents/guardians or eligible students if the disclosure is:

- 1) Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
- 2) Pursuant to a judicial order in cases where the parents are a party to a court proceeding involving child abuse or neglect or dependency matters, and the order is issued in the context of that proceeding; or
- 3) Made to a court (with or without an order or subpoena) when a District is involved in a legal action against a parent or student and the records are relevant to the matter.

### h) For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions and enforcement of terms of a student's financial aid.

### i) To Accrediting Organizations

Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

### j) To Parents of a Dependent Student

Even when a student turns eighteen (18) years of age or older a District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

(Continued)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## **SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

### **k) For Audit/Evaluation Purposes**

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state or local educational authorities ("FERPA permitted" entities). Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity).

The District may, from time to time, disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also, from time to time, designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the District. As an example, the District might designate a university as its authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university could then disclose, without consent, transcript data on those former students attending the university to allow the District to evaluate how effectively the District prepared its students for success in postsecondary education.

### **l) For Conducting Studies**

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.

The District may, from time to time, disclose PII from education records without consent to such organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may, from time to time, disclose PII from education records that the District has previously shared with that entity, to organizations conducting studies on behalf of the District. For example, a State Education Agency (SEA) may disclose PII from education records provided by the District without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess the effectiveness of such programs with the goal of providing the best instruction.

## **Required Agreements for the Studies or Audit/Evaluation Exceptions (see items k and l)**

To the extent required by law, the District shall enter into a written agreement with organizations conducting studies for the District, or, with its designated authorized representatives in connection with audits or evaluations of education programs within the District. In the event that the District discloses PII from education records to its own designated authorized representative in connection with an audit or evaluation of an educational program within the District, it shall use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## **SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

### **State Exception for Student Teacher Videotaped Instruction**

Although not specifically listed in the enumerated exceptions to FERPA, New York State Regulations specify that schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet the instruction component for teaching certification. The video must remain confidential and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and personnel engaged in the determination of that student teacher's certification.

### **Parent/Guardian or Eligible Student Access Rights**

- a) The District, hereinafter referred to as "the District," shall, upon request of a parent/guardian or eligible student (which is defined under FERPA as a student who is eighteen [18] years of age or older or who is attending an institution of post-secondary education), permit the parent/guardian to inspect, review, or copy any education record relating to the child or children of that parent/guardian when such record is collected, maintained, or used by the District. The District shall fulfill the request within forty-five (45) days after the request is received.
- b) The right to inspect, review, or copy education records includes:
  - 1) The right of a parent/guardian to request of and receive from the District a reasonable explanation of information contained in the education records of the child;
  - 2) The right of a parent/guardian to be provided, on request, with a copy of all or part of the education records of the child; and
  - 3) The right of a parent/guardian to designate a representative who will inspect, review, or copy the records.
- c) If a parent/guardian requests copies of education records from the District, the District may charge the parent/guardian a reasonable cost which will not exceed the actual expense of the duplication. However, no cost shall be charged to a parent/guardian for inspecting and reviewing the record or records. No cost shall be charged to a parent/guardian for the search for or retrieval of records.
- d) A parent/guardian shall have the right to request a list of the types and the location of the child's educational records collected, maintained, or utilized by the District.
- e) At the discretion of the District and for verification and record keeping purposes only, the District may require all parents/guardians to put into writing:
  - 1) Their oral requests to inspect, review, copy or receive copies of education records;
  - 2) Their oral designations of a representative; and
  - 3) Their oral requests for a list of the types and location of records.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

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Students

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## **SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

- f) Student access rights. Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent/guardian of the student shall thereafter only be accorded to and required of the student (except as otherwise provided below).

### **Access Recordkeeping**

The District shall keep a record of parties who have obtained access to the education records of a student. The access record shall include the name of the party, the date of access, and the purpose for which the party was allowed to use the records.

### **Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

### Right to Request a Hearing

The District shall, on parent/guardian (or eligible student) request, provide the parent/guardian with an opportunity for a hearing to challenge information in education records if it is alleged that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing shall be conducted according to the following provisions:

- a) The hearing shall be held within a reasonable time after the District receives the request for a hearing from the parent/guardian.
- b) The parent/guardian shall be notified in writing, of the date, place and time of the hearing reasonably in advance of the hearing.
- c) The hearing shall be conducted by any individual, including a school district official, who does not have a direct interest in the outcome of the hearing.
- d) The parent/guardian shall be afforded a full and fair opportunity to present evidence relevant to the issues.
- e) The parent/guardian may, at the hearing, be assisted or represented by persons of his/her choice at his/her own expense; such persons may include legal counsel.

### Decision after Hearing

The Hearing Officer shall render a written decision on the issues presented at the hearing within a reasonable time after the conclusion of the hearing. The decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

(Continued)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

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Students

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## **SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE**

### Decision to Amend

If, as a result of the hearing, the Hearing Officer decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall amend the education records accordingly and so inform the parent/guardian in writing.

### Decision not to Amend

If, as a result of the hearing, the Hearing Officer decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall inform the parent/guardian of his/her right to place in the education record of the student a statement which sets forth the written comments of the parent/guardian regarding the information in the education records or reasons for disagreeing with the decision of the Hearing Officer or both written comments and reasons. The statement of the parent/guardian shall be appended by the agency to the education records so long as the record or the contested portion thereof is maintained by the District. If the education records of the students or the contested portion thereof are released by the District to any party, the statement of the parent/guardian shall also be released to the party.

Nothing in this section shall be interpreted to mean that the parent/guardian and the District may not, by mutual agreement, meet prior to either a parent/guardian request for a hearing or the hearing itself in order to discuss the concerns of the parent/guardian regarding the accuracy or inaccuracy of the records of the student.

### **Release of Information to the Noncustodial Parent**

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232g  
34 CFR Part 99  
8 NYCRR 80-1.5(b)

NOTE: Refer also to Policies #7241 - Student Directory Information  
#7242 - Military Recruiters' Access to Secondary School  
Students and Information on Students  
#7643 - Transfer Students with Disabilities

Adoption Date: 06/06/2017  
09/17/2013  
06/19/2012  
09/20/2005

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## Personnel

### **SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

The Lewiston-Porter Central School District is an equal opportunity employer and does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

### **Investigation of Complaints and Grievances**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints. Additional information in this regard, including but not limited to the District's grievance procedures and designation of the Civil Rights Compliance Officer(s) can be found in Policy #3420, "Non-Discrimination and Anti-Harassment in the School District," Policy #6121, "Sexual Harassment of District Personnel" and Policy #6122, "Employee Grievances."

### **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries may be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination have not suffered retaliation.

Age Discrimination in Employment Act, 29 USC Section 621

Americans With Disabilities Act, 42 USC Section 12101 et seq.

Genetic Information Non-Discrimination Act of 2008 (GINA)  
Public Law 110-233

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

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

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

Title IX of the Education Amendments of 1972, 20 USC

Section 1681 et seq.

Civil Rights Law Section 40-c Civil

Service Law Section 75-B

Executive Law Section 290 et seq.

Military Law Sections 242 and 243

Adoption Date: 11/28/2017  
01/27/2015  
04/20/2010  
05/26/2009

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Personnel

## **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

The District is committed to maintaining a discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment. The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

### **What Constitutes Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

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# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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Personnel

## **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- a) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- b) Such conduct is made either explicitly or implicitly a term or condition of employment; or
- c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
  - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
  - 2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b) Unwanted sexual advances or propositions, such as:

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Personnel

## **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's **sex**, sexual orientation, gender identity, and the status of being transgender, such as:
  1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  2. Sabotaging an individual's work; and
  3. Bullying, yelling, or name-calling.

### **Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

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## **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.\*

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## **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

### **Investigating Complaints**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

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## **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

- e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f) Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - 2. A list of names of those interviewed, along with a detailed summary of their statements;
  - 3. A timeline of events;
  - 4. A summary of prior relevant incidents, reported or unreported; and
  - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

### **Annual Training**

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

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## **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

#### State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

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### **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

#### Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

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## **SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE**

### Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

### Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.  
29 CFR § 1604.11(a)  
34 CFR Subtitle B, Chapter I  
Civil Service Law § 75-B  
Executive Law Article 15  
Labor Law § 201-g

NOTE: Refer also to Policies #3420 - Non-Discrimination and Anti-Harassment in the School District  
#7551 - Sexual Harassment of Students

Adoption Date: 12/18/2018

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## **SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

The Board, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District.

The District uses a "rolling" twelve month period measured backward from the date of any FMLA usage as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are generally deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement of a child with the employee from foster care;
- d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/or
- f) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing his/her job.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the person incapacitated for more than three (3) consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two (2) visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

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# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## **SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

### **Military Family Leave Entitlements**

#### Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a "military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty; or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or injury.

This military caregiver leave is available during a single twelve (12) month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six

(26) weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) A veteran (discharged or released under condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

#### "Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the Regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

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## **SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to fifteen [15] calendar days);
- h) Post-deployment activities; and
- i) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single twelve (12) month period. Leave may be taken intermittently or on a reduced leave schedule.

Upon an employer's request, an employee must provide a copy of the military member's active duty order to support the employee's request for qualifying exigency leave. In addition, the employer may request the following information:

- 1) A statement or description of appropriate facts regarding the exigency that is needed;
- 2) The approximate date on which the exigency commenced or will commence;
- 3) An estimate of the frequency and duration of the exigency if leave is needed on a reduced scheduled basis or intermittently;
- 4) If the exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting;
- 5) Additionally, the certification for qualifying exigency leave for Rest and Recuperation Leave must include a copy of the military member's Rest and Recuperation Leave Orders, or other documentation by the military setting forth the dates of the military member's leave.

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# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## **SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

### **Substitution of Paid Leave**

At the employee's or District's option, certain kinds of paid leave may be substituted for unpaid leave. The District may require the employee to substitute any accrued paid vacation, personal or family leave if the employee is taking leave to care for another due to birth or serious health condition. The District may also require the employee to substitute any of his/her accrued paid vacation, personal, or medical/sick leave if they seek leave for his/her own serious health condition. The District may substitute paid vacation, personal, family and the employee's own medical/sick leave if they seek leave under the Military Caregiver Leave.

### **Implementation/Benefits/Medical Certification**

An employee on FMLA leave is entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period. In some cases, the District may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work from FMLA leave.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed by the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken. The Board reserves the right to require additional medical certifications and/or recertification as permitted under the FMLA and its attendant regulations.

### **Special Provisions for School District Employees**

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

### **Intermittent Leave Taken by Instructional Employees**

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

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# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

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## **SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the School District. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

### Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee begins leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

If the instructional employee begins leave during the five (5) week period prior to the end of the term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember, the District may require that the employee remain out for the rest of the term if the leave will last more than two (2) weeks and the employee would return to work during the two(2)-week period before the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason identified in the preceding paragraph, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

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## **SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

### **FMLA Notice**

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five (5) days to supply such notice from the date of hire.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3  
National Defense Authorization Act of 2008, Public Law  
110-181 10 USC 101(a) (13) 29 USC 1630.1 and 2611-2654 29  
CFR Part 825 and Part 1630 42 USC 12102  
Health Insurance Portability and Accountability Act of 1996  
(HIPAA), Public Law 104-191 45 CFR Parts 160 and 164

NOTE: Refer also to Policy #6552 - Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves of Absence

Adoption Date: 11/28/2017  
04/28/2015  
07/23/2013  
12/20/2010

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

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## **SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)**

In collaboration with District collective bargaining units, the Board of Education will provide an Employee Assistance Program (EAP). The major purpose of the program is to assist employees in obtaining help to resolve personal problems in an effective and confidential manner. Staff members will be informed of such services and shall be encouraged to seek such help either voluntarily or in lieu of disciplinary action.

A joint committee made up of employee bargaining organizations' representatives and the Superintendent's designee shall oversee the operation of the program.

The Board will support the organization and conduct of programs and activities aimed at maintaining and improving the general health and welfare of members of the staff.

NOTE: Refer also to Policy #6150 - Alcohol, Drugs and Other Substances (School Personnel)  
#6151 - Drug-Free Workplace

Adoption Date: 11/28/2017  
1990

## LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 7530

Students 1 of 5

### **SUBJECT: CHILD ABUSE AND MALTREATMENT**

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

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

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

#### Reporting Information

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

#### Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 7530

Students 2 of 5

## **SUBJECT: CHILD ABUSE AND MALTREATMENT**

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

### Prohibition of Retaliatory Personnel Action

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

"Retaliatory personnel action" means the discharge, suspension, or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

### Report Form

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

### **Child Abuse in an Educational Setting**

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

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

- a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death; or
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235.

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

Continued



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 7530

Students 3 of 5

## **SUBJECT: CHILD ABUSE AND MALTREATMENT**

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

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

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

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

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

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 7530

Students 4 of 5

## **SUBJECT: CHILD ABUSE AND MALTREATMENT**

allegations of child abuse in an educational setting. This report must be completed on a form prescribed by the Commissioner.

- b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

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

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

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

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or the Superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. Where there has been a determination as to the existence of reasonable suspicion, the school administrator or Superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, he or she must promptly provide a copy of the report to the Superintendent and promptly forward the report to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

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

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 7530

Students 5 of 5

## **SUBJECT: CHILD ABUSE AND MALTREATMENT**

a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

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

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

All persons employed by the District, in titles equivalent to teacher or administrator, and any school bus drivers employed by a person or entity that contracts with the District to provide transportation services to children, are required to complete coursework or training regarding the identification and reporting of child abuse and maltreatment in accordance with law and Commissioner's regulations.

### **Prohibition of "Silent" (Unreported) Resignations**

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

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

### **Prohibition on Aiding and Abetting Sexual Abuse**

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

Education Law Article 23-B and §§ 409-1, 902(b), 3028-b and 3209-a

Family Court Act § 1012

Labor Law § 740(1)(e)

Penal Law Articles 130, 235 and 263

Social Services Law §§ 411-428

8 NYCRR Part 83, § 100.2(nn)

20 USC § 7926

Adoption Date: 05/28/2019



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7551

Students

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## **SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

The Board affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises.

### **Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. For the purposes of this policy, sexual harassment also includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

### **Prohibited Conduct**

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

- a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.
- d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.

(Continued)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

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Students

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## **SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h) Unwelcome and/or offensive public displays of sexual/physical affection.
- i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- j) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
- k) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
- l) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

### **Investigation of Complaints and Grievances**

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer. Where appropriate, the Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420, "Non-Discrimination and Anti-Harassment in the School District." Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer(s), can be found in Policy #3420.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7551

Students

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**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

## **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

Civil Rights Act of 1991, 42 USC Section 1981(a)  
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.  
34 CFR Section 100 et seq.  
Education Law Section 2801(1)  
OCR Dear Colleague Letter, April 4, 2011

Adoption Date: 08/01/2017  
01/27/2015  
08/16/2011  
07/18/2006

## LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

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Students

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### **SUBJECT: DIGNITY FOR ALL STUDENTS**

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

#### **Dignity Act Coordinator**

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs that addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including it in the *Code of Conduct's* plain-language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution, as soon as practicable thereafter; and

(Continued)

## LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7550

Students

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### **SUBJECT: DIGNITY FOR ALL STUDENTS**

- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

If a DAC vacates his or her position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

### **Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

(Continued)



## LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7550

Students

3 of 4

### **SUBJECT: DIGNITY FOR ALL STUDENTS**

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

#### **Reports and Investigations of Harassment, Bullying, or Discrimination**

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the Principal, Superintendent, DAC, or designee.

The Principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints.

In the event an investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, Principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7550

Students

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## **SUBJECT: DIGNITY FOR ALL STUDENTS**

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

### **Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

### **Publication of District Policy**

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

### **Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law, or regulation, including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801, and 3214; 8 NYCRR § 100.2

NOTE: Refer also to Policies

- #1330 - Appointments and Designations by the Board of Education
- #3410 - Code of Conduct on School Property
- #3420 - Non-Discrimination and Anti-Harassment in the School District
- #5670 - Records Management
- #6411 - Use of Email in the School District
- #7551 - Sexual Harassment of Students
- #7552 - Student Gender Identity
- #8242 - Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date: 01/16/2018  
05/26/2015  
07/23/2013  
06/19/2013  
08/21/2012

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

3420

Community Relations 1 of 4

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

The Board is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability or other legally protected category. Such actions and occurrences are prohibited regardless of whether they take place on District premises or at school-sponsored events, programs, or activities held at other locations.

### **Prohibited Conduct**

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this Policy will be made consistent with applicable law. Such determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his/her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his/her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his/her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Harassment can include unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his/her membership in a protected class. Such conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

Continued



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

3420

Community Relations 2 of 4

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

### **Civil Rights Compliance Officer**

The District will designate one or more individuals to serve as Civil Rights Compliance Officer. The Civil Rights Compliance Officer will be responsible for coordinating the District's efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the District to comply with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g., the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

Prior to the beginning of each school year, the District shall issue an appropriate public announcement or publication which advises students, parents/guardians, employees and other relevant individuals of the District's established grievance procedures for resolving complaints of discrimination and harassment. Included in such announcement or publication will be the name, address, telephone number, and email address of the Civil Rights Compliance Officer(s).

The Civil Rights Compliance Officer(s) for the District is/are:

- Assistant Superintendent of Administrative Services
- Assistant Director of Curriculum, Instruction and Technology

### **Investigation of Complaints and Grievances**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect individuals from further discrimination or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report such occurrence. All reports will be directed or forwarded to the District's designated Civil Rights Compliance Officer(s). Such complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and District policy and procedure. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

To the extent possible, all complaints will be treated as confidential as possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. Also, a written record of the investigation and any action taken will, however, be established. Additionally, parents of students accused of or subjected to possible discrimination and/or harassment may be notified by the appropriate administrator of such occurrence and/or allegations as appropriate. The complainant, the alleged perpetrator, and any witnesses will be directed to refrain from talking about the investigation while it is pending.

Continued



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

3420

Community Relations 3 of 4

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

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. Such action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

If the complainant attempts to withdraw his/her complaint, the Civil Rights Compliance Officer will determine, with the assistance of any individual or entity designated to investigate the complaint, whether the withdrawal request was caused by retaliatory behavior, harassment, undue pressure, or fear of such actions. In the event the Civil Rights Compliance Officer determines the withdrawal request was not prompted by the above factors, he/she will document the complainant's reasons for the withdrawal, ask the complainant to sign the documentation, and terminate the investigation, provided such action is not inconsistent with the District's legal obligations. If the request to withdraw the complaint is the result of retaliatory behavior, harassment, undue pressure, or the fear of such actions, or if the investigation must be carried out to ensure compliance with relevant District obligations, the investigation will continue and interim measures will be taken to protect the alleged victim, the complainant, and witnesses, as appropriate.

### **Finding That Discrimination and/or Harassment Occurred: Corrective Action**

If the District's investigation reveals that an individual or entity was discriminated against or harassed, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate remedial and/or disciplinary measures will be applied, including but not limited to termination of the offender's employment, in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate remedial and/or disciplinary measures will be applied, including but not limited to suspension, in accordance with applicable law, regulation, and the *Code of Conduct*.

Vendors/contractors and other individuals who do business with the District, who have been found to violate the terms of this policy by engaging in prohibited conduct will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated this policy may face loss of volunteer status.

Should the offending individual be a visitor, guest or other third party, any corrective action deemed appropriate will be taken, including but not limited to expulsion from District premises and/or school activities/events under the control and supervision of the District.

### **Knowingly Makes False Accusations**

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

Continued

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

3420

Community Relations 4 of 4

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

### **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination and/or harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

### **Additional Provisions**

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

A copy of this policy will be available upon request and will be posted and/or published in appropriate locations and/or school publications.

This policy should not be read to abrogate other District policies and/or regulations or the *District Code of Conduct* prohibiting other forms of unlawful discrimination, harassment, and/or inappropriate behavior within this District. It is the intention of the District that all such policies and/or regulations be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal, and nondiscriminatory reason shall not be considered a violation of District policy.

Age Discrimination in Employment Act, 29 USC Section 621

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

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

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

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

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

Education Law Section 2801(1)

Executive Law Section 290 et seq.

NOTE: Refer also to Policies

#6120 - Equal Employment Opportunity

#6121 - Sexual Harassment of District Personnel

#7550 - Dignity For All Students Act

#7551 - Sexual Harassment of Students

#7552 - Student Gender Identity

*District Code of Conduct*

Adoption Date: 03/19/2019

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

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Personnel

1 of 3

## **SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES**

The Board will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks, wireless networks/access and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, shall be subject to this policy.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. Staff members are encouraged to utilize electronic communications in their roles as employees of the District, and are encouraged to utilize electronic means to exchange communications with parents/guardians or homebound students, subject to appropriate consideration for student privacy. Such usage shall be limited to school related issues or activities. Communications over the DCS are often public in nature; therefore, general rules and standards for professional behavior and communications will apply.

The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. To that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training and/or notification in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon receipt of a signed acknowledgement by the staff member that he or she has reviewed and understands this policy and agrees to comply therewith, along with any other policy or regulation adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees. The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage.

(Continued)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6410

Personnel

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## **SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES**

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

### **Social Media Use by Employees**

The District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

For purposes of this Policy, the definition of **public social media networks or Social Networking Sites (SNS)** are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites and any other social media generally available to the School District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, Vine, Instagram, SnapChat, blog sites, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. Please note that personal use of these media during District time or on District-owned equipment is prohibited. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District policies and regulations.

### **Confidentiality, Private Information and Privacy Rights**

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, GoogleDrive, SkyDrive, etc.) for confidential files.

(Continued)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6410

Personnel

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## **SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES**

Staff will not leave any devices unattended with confidential information visible. All devices are required to be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Technology Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

### **Implementation**

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policies #5672 - Information Security Breach and Notification  
#6180 - Staff-Student Relations, Fraternization  
#6411 - Use of Email in the School District  
#7243 - Student Data Breaches  
#7315 - Student Use of Computerized Information Resources  
(Acceptable Use)  
#7316 - Student Use of Personal Technology  
#8271 - Internet Safety/Internet Content Filtering Policy

Adoption Date: 11/28/2017  
01/27/2015  
08/26/2014  
07/27/2010

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6411

Personnel

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## **SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT**

Electronic mail or email is a valuable business communication tool, and users shall use this tool in a responsible, effective and lawful manner. Every employee/authorized user has a responsibility to maintain the District's image and reputation, to be knowledgeable about the inherent risks associated with email usage and to avoid placing the School District at risk. Although email seems to be less formal than other written communication, the same laws and business records requirements apply. School District employees/authorized users shall use the District's designated email system, such as Lotus Notes or Microsoft Exchange, for all business email, including emails in which students or student issues are involved.

### **Employee Acknowledgement**

All employees and authorized users shall acknowledge annually and follow the District's policies and regulations on acceptable use of computerized information resources, including email usage.

### **Classified and Confidential**

District employees and authorized users may not:

- a) Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage and requests for such lists or information should be directed to a Principal/supervisor.
- b) Forward emails with confidential, sensitive, or secure information without Principal/supervisor authorization. Additional precautions, such as encryption, should be taken when sending documents of a confidential nature.
- c) Use file names that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords shall not be communicated via email correspondence.
- d) Use email to transmit any individual's personal, private and sensitive information (PPSI). PPSI includes social security number, driver's license number or non-driver ID number, account number, credit/debit card number and security code, or any access code/password that permits access to financial accounts or protected student records.
- e) Send or forward email with comments or statements about the District that may negatively impact it.
- f) Send or forward email that contains confidential information subject to Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and other applicable laws.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

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Personnel

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## **SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT**

### **Personal Use**

Employees and authorized users may use the District's email system for limited personal use. However, there is no expectation of privacy in email use. Personal use should not include chain letters, junk mail, and jokes. Employees and authorized users shall not use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups and list services, etc. without specific permission from the Principal/supervisor. The District's email system shall not be used for personal gain or profit.

### **Email Accounts**

All email accounts on the District's system are the property of the School District. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network. Personal accounts and instant messaging shall not be used to conduct official business.

### **Receiving Unacceptable Mail**

Employees and authorized users who receive offensive, unpleasant, harassing or intimidating messages via email or instant messaging shall inform their Principal/supervisor immediately.

### **Records Management and Retention**

Retention of email messages are covered by the same retention schedules as records in other formats, but are of a similar program function or activity. Email shall be maintained in accordance with the NYS Records Retention and Disposition Schedule ED-1 and as outlined in the Records Management Policy. Email records may consequently be deleted, purged or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

### **Archival of Email**

All email sent and received to an employee's email account should be archived by the District for a period of no less than six (6) years. This time period was determined based on the possibility of emails that are the official copy of a record according to schedule ED-1. Depending on the District's archival system, employees may have access to view their personal archive, including deleted email.

### **Training**

Employees/authorized users should receive regular training on the following topics:

- a) The appropriate use of email with students, parents and other staff to avoid issues of harassment and/or charges of fraternization.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

6411

Personnel

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## **SUBJECT: USE OF EMAIL IN THE SCHOOL DISTRICT**

- b) Confidentiality of emails.
- c) Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms.
- d) No expectation of privacy: email use on District property is NOT to be construed as private.

### **Sanctions**

The Computer Coordinator may report inappropriate use of email by an employee/authorized user to the employee/authorized user's Principal/supervisor who will take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network and/or other disciplinary action. When applicable, law enforcement agencies may be involved.

### **Notification**

All employees/authorized users will be required to access a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each user will acknowledge this employee/designated user agreement before establishing an account or continuing in his/her use of email.

### **Confidentiality Notice**

A standard Confidentiality Notice will automatically be added to each email as determined by the District.

NOTE: Refer also to Policies #3320 - Confidentiality of Computerized Information  
#3420 - Non-Discrimination and Anti-Harassment in the School District  
#5670 - Records Management  
#6410 - Staff Use of Computerized Information Resources  
#8271 - Internet Safety/Internet Content Filtering Policy

Adoption Date: 11/28/2017  
12/16/2014  
08/26/2014  
12/20/2013  
10/15/2013



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7315

Students

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## **SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)**

The Board will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services," "WiFi" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the District.

### **Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices**

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

### **Standards of Acceptable Use**

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to all laws, policies and rules governing computers and electronic media, including but not limited to, copyright laws, rights of software publishers, license agreements, and students rights of privacy created by federal and state law.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7315

Students

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## **SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)**

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the *District Code of Conduct*. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

### **Notification**

The District's Acceptable Use Policy will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

NOTE: Refer also to Policy #8271 - Internet Safety/ Internet Content Filtering Policy  
District Code of Conduct

Adoption Date: 08/01/2017  
08/26/2014  
08/28/2013  
08/21/2012  
06/19/2012  
07/26/2011

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7316

Students

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## **SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY**

The Board of Education seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's *Code of Conduct*, and the Dignity for All Students Act.

Personal technology includes all existing and emerging technology devices that can take photographs; record or play audio or video; input text; upload and download media; connect to or receive information from the internet; and transmit or receive messages, telephone calls or images. Examples of personal technology includes, but are not limited to, iPods and MP3 players; iPad, Nook, Kindle, and other tablet PCs; laptop and netbook computers; personal digital assistants (PDAs), cell phones and smart phones such as BlackBerry, iPhone, or Droid, as well as any device with similar capabilities. Unacceptable devices shall include, but are not limited to, gaming devices or consoles, laser pointers, modems or routers, and televisions.

### **Instructional Uses**

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework and other activities as deemed appropriate by school staff.

Personal technology use by students is permitted during the school day for educational purposes and/or in approved locations only. Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students bear the burden of responsibility to inquire with school administrators and/or teachers when they are unsure of the permissibility of a particular use of technology prior to engaging in such use.

### **Non-Instructional Uses**

Appropriate use of personal technology during non-instructional time is also allowed if students follow the guidelines in the AUP and *Code of Conduct*. Non-instructional use includes texting, calling and otherwise communicating with others during free periods and in common areas of the school building such as the hallways, cafeteria, study halls, buses and student lounges. Other non-instructional uses may include such things as Internet searches, reading, listening to music, and watching videos. This use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must be in silent mode to avoid disrupting others.

(Continued)



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7316

Students

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## **SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY**

### **Liability**

The District shall not be liable for the loss, damage, misuse, or theft of any personal technology brought to School. The District reserves the right to monitor, inspect, and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

The Board expressly prohibits use of personal technology in locker rooms, restrooms, Health Offices and any other areas where a person would reasonably expect some degree of personal privacy.

### **Prohibition during State Assessments**

All students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, test monitors and school officials shall have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device.

Students with disabilities may use certain devices if the device is specified in that student's IEP or 504 plan or a student has provided medical documentation that they require the device during testing.

### **Permission**

Students will not be permitted to use personal technology devices in school or at school functions until they have reviewed the AUP, the applicable sections of the *Code of Conduct* and associated technology guidelines, and signed the Student Use of Personal Technology Permission Form with their parents. The District reserves the right to restrict student use of District-owned technologies and personal technology on school property or at school-sponsored events, at the discretion of the administration.

Students must follow the guidelines for use set out in the District *Code of Conduct* and the Acceptable Use Policy at all times. Consequences for misuse will follow guidelines in the District's *Code of Conduct*. The District will develop regulations for the implementation of this policy that shall include, but are not limited to, instructional use, non-instructional use, liability, bullying and cyberbullying, and privacy issues.

NOTE: Refer also to Policies #7315 - Student Use of Computerized Information Resources  
(Acceptable Use Policy)  
#7550 - Dignity for All Students Act  
#8271 - Internet Safety/Internet Content Filtering Policy

Adoption Date: 08/01/2017  
08/26/2014



**SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING**

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and regarding cyberbullying and predator awareness. The education provided to all students will be of a generic nature and will be focused on information to protect all students from the inherent dangers of internet communication. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet may include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, as well as social networking websites, may be blocked as deemed necessary to ensure the safety of such students;
- b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

8271

Instruction

2 of 3

## **SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY**

- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

*Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.*

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

### **Internet Safety Instruction**

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking websites as well as cyberbullying and predator awareness.

### **Access to Harmful Content/Material and Use of Personal Technology or Electronic Devices**

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered harmful for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

(Continued)

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

8271

Instruction

3 of 3

## **SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)**

The District is not responsible for inappropriate or harmful content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

### **Notification/Authorization**

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Safety/Content Filtering Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology. Additional public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future. The District's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the school for at least five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding.

47 United States Code (USC) Sections 254(h) and 2540);  
47 Code of Federal Regulations (CFR) Part 54 Education Law Section 814

NOTE: Refer also to Policy #7315 - Student Use of Computerized Information Resources (Acceptable Use)

Adoption Date: 12/19/2017  
07/27/2010  
07/26/2011  
06/19/2012



# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7450

Students

## **SUBJECT: FUNDRAISING BY STUDENTS**

Fundraising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum. All participation should be voluntary.

Door to door sales projects undertaken by any organization using the Lewiston-Porter Central School District name shall require previous approval of the Board. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items (e.g., "scratch off" cards, holiday wrappings, etc.) or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include such sales or fees. In addition, it is imperative that employees not deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition and/or fee-free basis. Further, employees engaged in such activities may be held personally liable.

New York State Constitution, Article 8, Section 1

Education Law Section 414

8 New York Code of Rules and Regulations (NYCRR) Section 19.6

Adoption Date: 08/01/2017  
07/18/2006

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

3271

## Community Relations

### **SUBJECT: SOLICITATION OF CHARITABLE DONATIONS**

#### **School Children**

Direct solicitation of charitable donations from children in the District schools on school property during regular school hours shall not be permitted. It will be a violation of District policy to ask District school children directly to contribute money or goods for the benefit of a charity during the hours in which District students are compelled to be on school premises.

However, this policy does not prevent the following types of fund raising activities:

- a. Fund raising activities which take place off school premises, or outside of regular school hours during before-school or after-school extracurricular periods;
- b. Arms-length transactions, where the purchaser receives a consideration for his/her donation.
- c. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended;
- d. Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

The Superintendent/designee shall decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

Regulations shall be developed by the administration to implement this policy.

#### **School Personnel**

Soliciting of funds from school personnel by persons or organizations representing public or private organizations shall be prohibited. The Superintendent shall have the authority to make exceptions to this policy in cases where such solicitation is considered to be in the District's best interest. The Board shall be notified of these instances.

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent as a service to District personnel.

New York State Constitution Article 8, Section 1; Education Law Section 414  
8 New York Code of Rules and Regulations (NYCRR) Section 19.6

NOTE: Refer also to Policy #7450 - Fund Raising by Students

Adoption Date: 03/19/2019

# LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

8350

Instruction

## **SUBJECT: USE OF COPYRIGHTED MATERIALS**

It is the intent of the Board to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any person who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records. The copyright officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Digital Millennium Copyright Act (DMCA)  
17 United States Code (USC) Sections 101 et seq., 512 and 1201 et seq.

Adoption Date: 12/19/2017  
07/18/2006



## **Acknowledgement of Receipt of the Employee Handbook**

Your electronic signature confirms the receipt of this Employee Handbook. In addition, it serves as an affirmation of the following:

1. I received information about the Board of Education Policies listed in this handbook and information regarding accessing all Board Policies online.
2. I have read all the Board Policies contained in this handbook, and understand the complaint procedure to follow if I believe I have been subject to or I become aware of student(s) or other employee(s) who have been subject to discrimination, harassment, and or retaliation as described in the Board Policies.
3. I understand that if I have any questions about the content of this handbook, I may ask my principal/supervisor, or the Human Resources Office staff.
4. I agree to comply with the policies, procedures and other guidelines set forth in this handbook.
5. I understand that the District reserves the right to change, modify, or abolish any or all of the policies, procedures, and regulations contained or described in the handbook as it deems appropriate at any time.
6. I understand that neither the handbook nor its contents are an express or implied contract regarding my employment.

If you have received a hard copy of the Employee Handbook, please read and sign this page and send it to Human Resources/District Office.

Please Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_