

Minutes – Business Meeting – Board of Education – New Paltz Central High School – December 5, 2012 – 7:00 PM

**CALL MEETING TO ORDER**

CALL TO ORDER

Meeting was called to order at 6:01 PM by Patrick Rausch, Board President.

BOARD MEMBERS PRESENT: Stephen Bagley  
Brian Courmoyer  
Roderick Dressel, Jr.  
Dominick Profaci  
Ruth Quinn  
Patrick Rausch  
Edgar Rodriguez (arrived 6:06 PM)

QUORUM CHECK

ALSO PRESENT: Maria Rice, Superintendent of Schools

**ROLL CALL** The roll was called as reflected above.

ROLL CALL

**PLEDGE TO THE FLAG**

PLEDGE

**EXECUTIVE SESSION**

EXECUTIVE SESSION

Motion made by Mr. Bagley and seconded by Ms. Quinn that the Board of Education move into Executive Session at 6:01 PM for the purpose of reviewing the employment history of a certain individual, discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person, discuss the acquisition, sale, or lease of real property as per Public Officers Law Section 105(a-h), and to review collective negotiations pursuant to Article 14 of the Civil Service Law. Maria C. Rice was appointed as Clerk Pro Tempore for this portion of the meeting. Motion carried 7 - 0 with 7 members voting.

Out of Executive Session - Motion made by Ms. Quinn and seconded by Mr. Profaci that the Board return to Public Session at 7:01 PM. Motion carried 7 - 0 with 7 members voting.

**CALL TO ORDER**

CALL TO ORDER

The Public Meeting was called to order at 7:06 PM by Patrick Rausch, Board President.

BOARD MEMBERS PRESENT: Stephen Bagley  
Brian Courmoyer  
Roderick Dressel, Jr.  
Dominick Profaci  
Ruth Quinn  
Patrick Rausch  
Edgar Rodriguez

QUORUM CHECK

ALSO PRESENT: Maria Rice, Superintendent of Schools  
Debora Banner, Assistant Superintendent  
Richard Linden, Assistant Superintendent for Business  
Jo-Anne Dobbins, Director of Pupil Personnel Services  
Barbara Clinton, Principal, New Paltz Central High School  
Richard Wiesenthal, Principal, New Paltz Middle School  
Jacqueline Sinatra, Principal, Lenape Elementary School  
Debra Hogencamp, Principal, Duzine Elementary School  
Anthony Tantillo, Assistant Principal, Middle School  
Antonia Woody, Director of Physical Education, Health, Athletics & Health Services  
Maureen Ryan, Director of Transportation  
Michael Robinson, Director of Food Services  
Stephen J. Callahan, Director of Facilities & Operations  
Elena Maskell, District Clerk  
Members of the Public and Press

**ROLL CALL** The roll was called as reflected above.

ROLL CALL

**AGENDA CHANGES**

**AGENDA CHANGES**

Motion made by Mr. Profaci and seconded by Mr. Cournoyer to accept the following agenda change:

**12.14 Non-Instructional Stipend Approval**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve a \$30 per meeting stipend for Matthew Perez, for filming of Board of Education meetings:

<b>Name</b>	<b>Effective Date</b>
Matthew Perez	12/5/12

All in favor with none opposed. Motion carried 7- 0.

**SPOTLIGHT ON PROGRAM**

**SPOTLIGHT**

Dr. Wiesenthal and Kim Sturgis presented the seventh grade art class who did a presentation on poems about liberty.

**PUBLIC COMMENTS**

**PUBLIC COMMENT**

Kathleen Tobin Flusser	New Paltz
Don Kerr	New Paltz

**SUPERINTENDENT'S REPORTS & DISCUSSION ITEMS**

**SUPT REPORT**

**SUPERINTENDENT'S COMMENTS**

Superintendent Rice congratulated several teams who earned the New York State Scholar-Athlete team award. This award is given to teams with the required number of athletes having a combined GPA of 90% or higher: varsity boys cross country – 96.959%, varsity girls cross country – 95.803%, varsity girls swimming – 94.128%, varsity girls tennis – 92.821%, varsity boys soccer 92.616%, and varsity girls soccer – 92.190%. Mrs. Rice congratulated the athletes, coaches, parents, and Mrs. Clinton for all of their success.

**2013-2014 DISTRICT CALENDAR**

Superintendent Rice stated the calendar needs to be presented early this year due to IEP direct dates and consistency in spreading out dates in the calendar. Mrs. Rice stated there are some disclaimers in the presented calendar due to the State Education Department and changes they make for assessments. Mr. Rausch gave a directive to have this on the next agenda for approval by the board.

**SUPERINTENDENT'S REPORTS**

**NEW PALTZ ARTS IN THE SCHOOLS ASSOCIATION PRESENTATION**

Kathy Preston gave a statement regarding NPASA and their goals for allowing students access to clubs and activities that were eliminated with budget cuts. Ms. Preston stated NPASA is both a fundraising and advocacy organization.

**7.1 Request for Acceptance of A Donation from the New Paltz Arts in the Schools Association**

Motion made by Ms. Quinn and seconded by Mr. Cournoyer to accept the following

Recommendation – that the following resolution be approved: **BE IT RESOLVED**, that the Board of Education of the New Paltz Central School District, upon the recommendation of Superintendent Maria C. Rice, does hereby accept a donation from the New Paltz Arts in the Schools Association, in the amount of \$3,800.00 to be used to restore the New Paltz High School Drama Club. The Board of Education further directs the District Clerk to send a letter of appreciation to New Paltz Arts in the Schools Association for their donation. Mr. Rausch thanked NPASA for their efforts and help with restoring the clubs to the schools. All in favor with none opposed. Motion carried 7- 0.

**2011-2012 STATE OF THE DISTRICT REPORT**

Superintendent Rice and the district leadership team gave a presentation on the 2011-2012 State of the District Report. Richard Linden gave a presentation on Business and Finance. Debora Banner gave a presentation on the Educational Program. Jo-Anne Dobbins along with Kathleen Clark and Daniel Scherrer, gave a presentation on the Special Education Programs and Procedures. Mrs. Woody gave the information on the Physical Education and Health Program and Assessment. Debra Hogencamp presented information on Duzine Elementary School. Jacqueline Sinatra presented information on Lenape Elementary School. Richard Wiesenthal gave a presentation on the Middle School. Barbara Clinton gave a presentation on the High School. Maureen Ryan gave a presentation on the Transportation Department. Michael Robinson gave an update on the Food Service Department. Stephen Callahan gave a presentation on the Facilities & Operations Department.

Mrs. Rice asked the Board if they had any questions on the material presented. Discussion ensued. Ms. Quinn commended the staff for such a thorough and well presented report. Mr. Rausch agreed.

2011-2012 DIVERSITY ANNUAL REPORT & 2012-2013 ACTION PLAN

Debra Hogencamp and James Childs gave a presentation to the Board on the 2011-2012 Diversity Annual Report and the 2012-2013 Action Plan.

**BOARD COMMUNICATIONS**

**BOARD COMMUNICATION**

NYSSBA ANNUAL CONVENTION REPORT – Ruth Quinn gave a report to the Board Members regarding her attendance at the NYSSBA Annual Convention.

**COMMITTEE REPORTS**

**COMMITTEE REPORTS**

POLICY COMMITTEE – Rod Dressel reported the Policy Committee met on October 24, 2012 and worked on six policies, three of which are on the agenda tonight for a first reading.

LEGISLATIVE ACTION ADVISORY COMMITTEE – Edgar Rodriguez gave an update on the workings of the Legislative Action Advisory Committee including a web page for the district website. Discussion ensued. Motion made by Dr. Rodriguez and seconded by Ms. Quinn to create a web page on the Board of Education website to include the committee’s charter and meeting schedule. All information on the web page is to be approved by the Board and vetted by administration before posting on-line. Mr. Rausch suggested that the committee evaluate the progress and success of having a web page. All in favor with none opposed. Motion carried 7- 0.

In addition, Dr. Rodriguez discussed information from another legislative meeting, and creating a forum similar to the one last year in collaboration with SUNY New Paltz. Dr. Rodriguez handed out a draft resolution against sequestration and asked members to review it. Mr. Rausch asked if the school attorney has vetted the statement, and Dr. Rodriguez stated that it was not. Motion made by Mr. Cournoyer and seconded by Ms. Quinn to put forth the resolution against sequestration upon attorney approval. Discussion ensued. All in favor with none opposed. Motion carried 7- 0.

AUDIT COMMITTEE – Stephen Bagley stated the Audit Committee met several weeks ago and were introduced to the new claims auditor from the BOCES central business office. Mr. Bagley noted the meeting went well. The committee asked the new claims auditor to provide them with some additional reports, which she will be providing. Mr. Bagley stated he will be providing minutes to members shortly.

**MINUTES OF MEETING**

**MINUTES**

Motion made by Mr. Profaci and seconded by Mr. Cournoyer that the Board of Education approve the following resolution: BE IT RESOLVED that the New Paltz Central Schools Board of Education accept the minutes of the Special Meeting of November 8, 2012 and the Special Meeting of November 14, 2012. Motion carried 7 - 0 with 7 members voting.

**FINANCIAL REPORTS**

**FINANCIAL REPORTS**

Motion made by Mr. Bagley and seconded by Mr. Profaci that the Treasurer’s Report for July, August, and September 2012 be approved. Motion carried 7 – 0 with 7 members voting.

**PERSONNEL (CONSENT AGENDA)**

**PERSONNEL**

Motion made by Mr. Bagley and seconded by Mr. Profaci that the Board of Education approve the following personnel consent agenda items 12.1 through 12.14. Mr. Dressel would like to point out personnel item 12.9, which deals with a custodian resigning for purposes of retirement. Mr. Dressel thanked Mr. Rhodes for his years of service to the district. All members agreed and congratulated Mr. Rhodes on his retirement.

**12.1 Home Tutors**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following instructional employees, on an as-needed basis with remuneration as per NPUT contract effective for the 2012-2013 school year:

**Name**

- Elmer F. Brunsmann
- Karl P. Mauks-Koepke

**12.2 Approval of Separation Agreement and General Release**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the following: BE IT RESOLVED, that the Board hereby approves a Separation Agreement and General Release dated November 27, 2012 regarding Employee No. 02320, as presented to the Board at this meeting. A copy of such agreement shall be incorporated by reference within the minutes of this meeting.

**12.3 Acting Principal Recommendation**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the following: **BE IT RESOLVED** in the event that Barbara Clinton, Principal of the New Paltz High School is not physically present in the New Paltz High School on one or more days (or portions thereof,) during the 2012-2013 school year, that Richard Wiesenthal, Principal be appointed “Acting Principal” for all short-term student discipline matters pursuant to Section 3214 of the New York State Education Law; and **BE IT FURTHER RESOLVED** that the District Clerk shall forward a copy of this resolution to each of the above referenced persons.

**12.4 Acting Principal Recommendation**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the following: **BE IT RESOLVED** in the event that Richard Wiesenthal, Principal of the New Paltz Middle School is not physically present in the New Paltz Middle School on one or more days (or portions thereof,) during the 2012-2013 school year, that Barbara Clinton, Principal be appointed “Acting Principal” for all short-term student discipline matters pursuant to Section 3214 of the New York State Education Law; and **BE IT FURTHER RESOLVED** that the District Clerk shall forward a copy of this resolution to each of the above referenced persons.

**12.5 Acting Principal Recommendation**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the following: **BE IT RESOLVED** in the event that Jacqueline Sinatra, Principal of the Lenape Elementary School is not physically present in the Lenape Elementary School on one or more days (or portions thereof,) during the 2012-2013 school year, that Barbara Clinton, Principal be appointed “Acting Principal” for all short-term student discipline matters pursuant to Section 3214 of the New York State Education Law; and **BE IT FURTHER RESOLVED** that the District Clerk shall forward a copy of this resolution to each of the above referenced persons.

**12.6 Acting Principal Recommendation**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the following: **BE IT RESOLVED** in the event that Debra Hogencamp, Principal of the Duzine Elementary School is not physically present in the Duzine Elementary School on one or more days (or portions thereof,) during the 2012-2013 school year, that Jacqueline Sinatra be appointed “Acting Principal” for all short-term student discipline matters pursuant to Section 3214 of the New York State Education Law; and **BE IT FURTHER RESOLVED** that the District Clerk shall forward a copy of this resolution to each of the above referenced persons.

**12.7 Fall Coaching Appointments**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria Rice, Superintendent of Schools, does hereby appoint the following employees:

<b>Name</b>	<b>Title</b>	<b>Salary</b>
Kazuhiro Asaga	Boys Varsity Swimming Asst	\$3,740.00
Joseph Judge	Modified Wrestling	\$2,340.00

**12.8 Non-Instructional Appointments**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following:

<b>Name</b>	<b>Title</b>	<b>Effective Date</b>	<b>Salary</b>	<b>Hours</b>
Lynette Salma	School Lunch Cashier	12/6/2012	\$13.02/hr	4 hours per day
Mae Kouhout	Substitute School Bus Driver	11/19/2012	\$20.00/hr	as needed
Susan Popieluszko	Substitute District Office Clerical Worker	11/1/2012	\$14.00/hr	as needed
Shawn Long	Substitute District Office Clerical Worker	11/1/2012	\$14.00/hr	as needed

**12.9 Non-Instructional Resignation (For Purpose of Retirement)**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria Rice, Superintendent of Schools, does hereby accept the resignation of the following non-instructional employee:

<b>Name</b>	<b>Title</b>	<b>Effective Date</b>	<b>Years of Service</b>
John Rhoades	Custodian	1/1/2013	10

(for purpose of retirement)

**12.10 Non-Instructional Resignations**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria Rice, Superintendent of Schools, does hereby accept the resignations of the following non-instructional employees:

<b>Name</b>	<b>Title</b>	<b>Effective Date</b>
Lynette Salma	Food Service Worker	12/5/2012
Diane Abbey	Substitute LPN/Teacher Aide	11/7/2012
Mary Josten	School Bus Attendant	11/19/2012
William Barringer	Custodial Worker	12/6/2012

**12.11 Increase/Decrease Hours for Non- Instructional Positions**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent, does hereby increase/decrease hours for the following:

<b>Name</b>	<b>Position</b>	<b>Effective Date</b>	<b>Additional minutes/day</b>	<b>Increase Hrs</b>
Marti Gallo	School Bus Attendant	11/15/2012	4.75 hrs per day to 6.5 hrs per day	1.75 hrs per day

**12.12 Request for Approval to Create New Position**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent, does hereby create the following position:

1.0 Teacher Aide (full-time)

**12.13 Non-Instructional Leave of Absence**

Recommendation – that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve an unpaid leave of absence for the following non-instructional employee:

<b>Name</b>	<b>Title</b>	<b>Effective Dates</b>
Jennifer Sutton	School Monitor	12/10/12 – 3/1/13

**12.14 Non-Instructional Stipend Approval**

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve a \$30 per meeting stipend for Matthew Perez, for filming of Board of Education meetings:

<b>Name</b>	<b>Effective Date</b>
Matthew Perez	12/5/12

MOTION carried 7 - 0 with 7 members voting.

**OLD BUSINESS** - None

**OLD BUSINESS**

**NEW BUSINESS**

**NEW BUSINESS**

Motion made by Mr. Bagley and seconded by Mr. Cournoyer that the Board of Education approve new business items 14.1 and 14.2:

**14.1 Request for Approval of Committee on Special Education Recommendations and Student Placements**

Recommendation - that the following resolution be approved: BE IT RESOLVED, that the Board of Education of the New Paltz Central School District approve the Committee on Special Education (CSE) and Committee on Pre-School Special Education (CPSE) recommendations and student placements: 12741, 12931, 10259, 11207, 12447, 12632, 12861, 9123, 11289, 12835, 12934, 9802, 12398.

**14.2 Request for Approval of Lease Agreement For Rental Of Facilities From BOCES**

Recommendation – that the Board of Education approve the following resolution: BE IT RESOLVED, that the Board of Education hereby delegates authority to the Board President or the Board Vice President in the Board President’s absence, to execute a lease agreement for the rental of facilities from the Ulster County Board of Cooperative Educational Services, upon completion of negotiations therefor and approval of a Lease Agreement by the School Attorney. Upon execution of such lease extension agreement for rental of facilities, it shall be incorporated by reference within the minutes of this meeting.

All in favor with none opposed. Motion carried 7- 0.

Short discussion ensued regarding the three policies up for first reading.

#### **14.3 First Reading of Revisions to Policy 8271 – Internet Safety/Internet Content Filtering Policy**

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

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 awareness and response. 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 of Education'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 and World Wide Web *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, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail, and 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 Responsible 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
- 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 and cyberbullying awareness and response.

**The District shall also provide age appropriate instruction to students regarding appropriate online behavior including but not limited to interacting on social networks, websites and instant messaging, and cyberbullying awareness**

and response. Such instruction will be provided even if the District prohibits students from accessing social networking sites and instant messaging on District technology.

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

Despite the existence of District policy, regulations and guidelines, it is 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.

The District is not responsible for inappropriate 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.

Student use of the District's computer system (DCS) is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure responsible use of the DCS. All such agreements shall be kept on file in the District Office.

**Notification/Authorization**

The District's Responsible 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's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

47 United States Code (USC) Sections 254(h) and 254(l)

47 Code of Federal Regulations (CFR) Part 54

Education Law Section 814

NOTE: Refer also to Policy #7315 -- Student Use of Computerized Information Resources (Responsible Use Policy)  
*District Code of Conduct on School Property*

Adopted: 7/16/08

Revised: 2/01/12

Revised: 7/11/12

**14.4 First Reading of Revisions to Policy 3422 Dignity for all Students: Prohibiting Discrimination and Harassment of Students**

**SUBJECT: DIGNITY FOR ALL STUDENTS: PROHIBITING DISCRIMINATION AND HARASSMENT OF STUDENTS**

The Board of Education (“Board”) is committed to providing a safe and productive learning environment within its schools. In accordance with New York State’s “Dignity for All Students Act” (“DASA”) the Board is committed to promptly addressing incidents of harassment and/or discrimination of students that impede students’ ability to learn. This includes bullying, taunting or intimidation in all their myriad forms.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. No student shall be subjected to harassment by employees or students on school property or at a school function. Nor shall any student be subjected to discrimination based on the student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, by school employees or students on school property or at a school function.

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

In addition, the District reserves the right to discipline students who engage in harassment of students off school property under circumstances where such off-campus conduct would be violative of the student code of conduct.

**Policy Definitions:**

- *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 a public elementary or secondary school; or in or on a school bus (Education Law §11[1]).



- *School Bus* means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
- *School Function* means a school sponsored extracurricular event or activity (Education §11[2]).
- *Disability* means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).
- *Employee* means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine(B) of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).
- *Sexual Orientation* means actual or perceived heterosexuality, homosexuality, or bisexuality (Ed. Law §11[5]).
- *Gender* means actual or perceived sex and includes a person's gender identity or expression (Ed. Law §11[6]).
- *Harassment* means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law§11[7])
- *Hazing* is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

**Reporting and Investigation:**

Any student who believes that s/he is being subjected to harassment, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, shall report the harassment to any staff member or to the Building Principal.

A staff member who witnesses harassment or who receives a report of harassment shall inform the Building Principal. The Building Principal to whom the report is made must immediately notify the same to the Superintendent of Schools in writing of such report and unless otherwise stated in the policy shall promptly investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of harassment.

The Building Principal shall maintain a log of bullying incidents as a record for the purpose of tracking repeat offenders, as well as identifying trends. The Building Principal shall report their findings periodically, but no less than quarterly, to the Superintendent of Schools or designee, who shall report to the Board annually regarding bullying incidents on a building-wide and District-wide basis. In addition, a All reported incidents of bullying must be documented in the file of a student being accused of the conduct, unless said student was found to be innocent of the bullying allegation. Written records should also capture what action, if any, was taken, or why no action was taken. These reports shall remain in the student's file and will travel with the student from elementary school to high school. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

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

The Superintendent shall designate one or more staff members in each school building to 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 and sex. Where there are separate policies covering forms of discrimination as referred above, the investigating of alleged harassment of such nature shall be conducted solely pursuant to those policies (i.e.: Title VI, Title IX, Disability Discrimination).



The Board shall appoint a Dignity Act Coordinator for each school building consistent with the requirements of Chapter 482, Laws of 2010 and Commissioner's regulations at 8 N.Y.C.R.R. 100.2(jj).

In furtherance of this Policy, the Superintendent is authorized and directed to prepare guidelines that shall be approved by the Board:

1. To be used in school training programs to discourage the development of discrimination or harassment, and that are designed to:
  - a. raise the awareness and sensitivity of school employees to potential discrimination or harassment, and
  - b. enable employees to prevent and respond to discrimination or harassment.
2. Relating to the development of nondiscriminatory instructional and counseling methods.

**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 harassment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of allegations of harassment have not suffered retaliation.

Furthermore, any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or another student, on school grounds or at a school function who reasonably and in good faith reports such information to school officials, to the Commissioner of Education, to law enforcement officials, shall be free from retaliation of any kind.

**Dissemination, Monitoring, Review, and Reporting**

This policy, or a plain language summary, shall be published in the District Code of Conduct, and other information sent to students, parents and employees, as well as posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law and changes will be made, as needed.

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

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

**Ref:**

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

Adopted: 7/11/12

**14.5 First Reading of Revisions to Policy 5685 Hazardous Materials**  
**SUBJECT: HAZARDOUS MATERIALS**

The Board of Education of the New Paltz Central School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District. The Board, therefore, directs the Superintendent of Schools and all District personnel to comply with the following safety and health laws and regulations:

### **Hazard Communication Standard**

The Superintendent will direct appropriate personnel (e.g., Director of Facilities and Operations or Director of Buildings and Grounds) to develop and oversee a written hazard communications program, which will include the following:

- a) Acquisition, maintenance and review of Material Safety Data Sheets (MSDS's) for all known hazardous materials on District property;
- b) Compilation of a hazardous materials inventory;
- c) Employee training in hazardous materials management and protection;
- d) Recording of all incidents involving exposure to known hazardous materials. Records of employees who have been exposed to known hazardous enforceable exposure standards shall be kept for 40 years; and
- e) Establishing procedures to maintain confidentiality of trade secret information.

It is the responsibility of the entire school community, including staff and students, to report any unsafe building or equipment conditions to a Building Administrator or Superintendent of Schools as soon as possible. In addition, designated administrators will provide notice of hazardous materials within 72 hours of an employee request.

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

The Superintendent or designee shall maintain a current record of the name, address and social security numbers of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Rules and regulations will be developed to insure District implementation of this policy.

### **Safe Use of Hazardous Chemicals**

The New Paltz Central School District recognizes its duty of ensuring the safety and welfare of all employees, students and visitors taking part in scientific laboratory activities. The Board of Education directs the Superintendent of Schools to develop regulations that meet or exceed the minimum standards required by the federal and state government, including a written program to provide direction for the safe use of any hazardous chemicals used in laboratories as part of the school curriculum or academic program and protection against occupational exposure to hazardous chemicals.

All participants in any hazardous laboratory activity must wear an eye safety device and all schools must provide safe storage and protection of all chemicals and prepare annual inventory reports.

### **Pest/Pesticide Management Plan**

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the School District to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds and infestations.

The District will manage weeds and pests to:

- a) Reduce any potential human health hazard or threat to public safety.
- b) Prevent loss or damage to school structures or property.
- c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site.
- d) Enhance the quality of life for students, staff, and others.

### **Integrated Pest Management (IPM) Coordinator**

An IPM Coordinator will be appointed by the Superintendent of schools. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include the following:

- a) Recording all pest sightings by school staff and students.
- b) Recording all pesticide use and utilizing the least toxic approach.
- c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school.
- d) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.
- e) Assuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard seventy-two (72) hours, or as required by the pesticide being used.
- f) Evaluating the school's progress in the IPM plan.
- g) Notifying parents, staff and neighbors of any applications of pesticides forty-eight (48) hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

### **Pesticide Use on Common Areas**

Pesticides will not be used on playgrounds, turf, athletic or playing fields, ~~in effect~~ and all lawn areas of the schools, except in an emergency that threatens public health, as determined by the Board of Education. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the School Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations. It can be found at:

[http://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/guidanceech85.pdf](http://www.dec.ny.gov/docs/materials_minerals_pdf/guidanceech85.pdf)

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The District will develop regulations governing the use of pesticides and their alternatives on school grounds.

### **Fertilizer Use**

New requirements and restrictions regarding the use of phosphorus fertilizers on school grounds have been developed. Chapter 205 of the Laws of 2010 dictates the requirements which must be adhered to regarding grounds maintenance starting on January 1, 2012.

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within twenty (20) feet of any surface water except:
  - 1. Where a continuous natural vegetation buffer, at least ten (10) feet wide, separates lawn and water.
  - 2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.
- c) The use of phosphorus fertilizers are prohibited on lawns or other non-agricultural turf with the following exceptions:
  - 1. The use of phosphorus fertilizers are needed to establish a new lawn; or
  - 2. A soil test shows that phosphorus fertilizers are needed for growth.
- d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

### **Notification**

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive such notice. The District will also notify parents, students and staff of periodic pesticide applications. The District will maintain a list of those people who wish to receive forty-eight (48) hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the District Pesticide Representative will be made available to all requesting it.

Sample forms for forty-eight (48) hour prior notification can be obtained at:

[http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelinefor\\_Schools\\_091001.pdf](http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelinefor_Schools_091001.pdf)

The District must also provide additional written notification to all parents and staff three (3) times per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end of the school year, within two (2) school days of the end of winter recess and within two (2) days of the end of spring recess.

### **Recordkeeping**

Records of pesticide use will be maintained on site for three (3) years. Records will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

New York State Labor Law, Article 28

12 New York Code of Rules and Regulations (NYCRR)  
Part 820, and NYCRR Part 155.4(d)(2)  
Occupational Safety and Health Administration (OSHA)  
29 Code of Federal Regulations (CFR) 1910.1200  
40 Code of Federal Regulations (CFR) Part 152.25  
7 United States Code Section 136(mm), 136q(h)(2) (FIFRA)New York State  
Education Law Section 409-h  
Education Law Sections 409-k, 409-h  
Environmental Conservation Law Sections 17-2103, 33-0303

Adopted: 7/16/08

**OTHER DISCUSSION**

Mrs. Rice stated she received an email from Dr. Khoury stating that the County Legislative Action Committee is requesting the number one mandate that the Board would like relief on, and to email that to him as soon as possible Mr. Rausch suggested that the administrative team send the board their top 5 unfunded mandates as suggestions so they can narrow it down.

**OTHER DISCUSSION**

**PUBLIC COMMENTS** None

**PUBLIC COMMENT**

**ADJOURN**

Motion made by Mr. Bagley and seconded by Ms. Quinn that the Board adjourn at 10:40 PM. Motion carried 7 - 0 with 7 members voting. The Board members agreed to meet subsequent to the meeting to go into a short team building retreat.

**ADJOURN**

Respectfully submitted,

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Elena Rae Maskell  
District Clerk