

# **Kenmore-Town of Tonawanda UFSD**

## **EMPLOYEE HANDBOOK**



**2020 - 2021**

# EMPLOYEE HANDBOOK TABLE OF CONTENTS

## INTRODUCTION

Welcome to the Kenmore-Tonawanda UFSD	3
District Mission, Vision and Values	5
Ken-Ton Forward Strategic Plan	6
Board of Education Members	7
Bargaining Units and Union Activity	8
Ken-Ton Schools & Departmental Contact Information	9

## SELECTED BOARD OF EDUCATION POLICIES

Nomination and Election of Board of Education Members- Policy #1210	10
Media, Municipal Governments, Senior Citizens- Policy #3110	11
Social Media- Policy # 3121	12
Adult School Volunteers- Policy #3150	13
Civility- Policy # 3180	14
Complaint Procedures (Non Discrimination and/or Harassment)- Policy #3231	15
Solicitation of Charitable Donations- Policy #3271	16
Advertising in the Schools- Policy #3272	16
Use of School Facilities, Materials and Equipment- Policy #3280	17
Employee Use of District-Owned Vehicles- Policy #3281	18
Code of Conduct of School Property- Policy #3410	19
Prohibition of a Weapon Upon School Grounds- Policy #3411	20
Non-Discrimination- Policy #3420	20
Discrimination, Harassment and the Dignity for All Students Act- Policy #3430	22
Emergency Closings- Policy #3510	24
Smoking/Tobacco Use- Policy #5640	25
Wellness Policy- Policy #5661	26
School Safety Plans- Policy #5681	28
Exposure Control Program- Policy #5690	29
Code of Ethics for all District Personnel- Policy #6110	30
Equal Employment Opportunity- Policy #6120	33
Sexual Harassment Prevention- Policy #6121	34
Evaluation of Personnel- Policy #6130	39
Drug-Free Workplace- Policy #6151	40
Professional Growth/Staff Development- Policy #6160	40
Staff-Student Relations (Fraternization)- Policy #6180	42
Temporary Personnel- Policy #6220	43
Staff Acceptable Use Policy- Policy #6410	45
Use of Email in the School District- Policy #6411	47
Employee Activities- Policy #6430	49
Theft of Services or Property- Policy #6450	50
Employee Assistance Program- Policy #6530	50
Family and Medical Leave Act- Policy #6551	51
Loss or Destruction of District Property or Resources- Policy #7311	53
Corporal Punishment- Policy #7350	54
Weapons in School and the Gun-Free Schools Act- Policy #7360	55
Accidents- Policy #7520	56
Child Abuse and Neglect- Policy #7530	56
Dignity for All Students- Policy #7550	57
Student Gender Identity- Policy #7552	60
Equal Educational Opportunities- Policy #8130	62
Use of Copyrighted Materials- Policy #8350	63
Reproductive Health Decision Making- Labor Law Section 203-e	64

<b>Forms- Available through the Ken-Ton Administrative Office</b>	<b>65</b>
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<b>Guidebook for Safe Reopening of Schools</b>	<b>66</b>
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# INTRODUCTION

## KENMORE – TOWN OF TONAWANDA SCHOOL DISTRICT

As an employee of the Ken-Ton Schools, you are part of one of the largest school districts in Western New York. Ken-Ton has a long standing tradition of excellence stemming from a conscientious and dedicated Board of Education, active community interest, strong parental support, and a staff committed to high educational standards. The following is a brief summary of that tradition.

The first school in the Town “was opened in an unoccupied house near the mouth of Tonawanda Creek” (c. 1816). Four one-room schools had been built in the Town by the end of the Civil War (1865). One was located on the east side of River Rd. near the south Grand Island Bridge; the second was on the west side of Two Mile Creek Rd. and south of Sheridan Dr.; a third was located on the west side of Delaware Ave. near Brighton; and the fourth was on the east side of Eggert Rd. at Fries Rd. By 1892, there were five district schools; however, none provided education past grade eight. High school students had to travel to Buffalo or the village (future city) of Tonawanda until Kenmore High School opened in 1911; elementary students were also educated there. The school stood where the Municipal Building now stands at the intersection of Delaware Ave. and Delaware Rd., and would later become Washington Elementary.

So many people were moving into the Town in the first two decades of the twentieth century that the District’s enrollment was increasing at a rate of 20% some years. In 1924, the first junior/senior high school opened – the present Kenmore Middle School. Continued population growth during the 1920s and ‘30s led to the construction of Kenmore Senior High School (now Kenmore West). A grant from President Roosevelt’s Public Works Administration aided this Depression era project that opened in 1940. It was also during this era that the Town’s four small preexisting school districts were brought together as one. This feat was accomplished by 1938 and left only the northeast corner of the Town to the neighboring Sweet Home School District. The leadership for this process was provided by Frank Densberger, who was appointed Superintendent of Kenmore Schools in 1922, and effectively became, through consolidation, Ken-Ton’s first superintendent until he retired in 1953.

Following World War II, the Town experienced a population boom, growing by 90% during the 1950s. As a result, the District was forced to open thirteen additional elementary schools, two more junior high schools (Franklin and Hoover, 1950), and one new high school (Kenmore East, 1959) to accommodate a student population that grew from 7,000 in 1947 to 20,000 by 1960. The Administration Building on Colvin Blvd. was also opened during this era (1956).

In 1967 the School Board recognized the Kenmore Teachers’ Association (KTA) as the teachers’ bargaining unit, and in 1969 the District permanently joined the Board of Cooperative Educational Services (BOCES) to provide students with vocational training. By the late ‘60s student enrollment peaked at 22,500. The 1970s and ‘80s, however, saw a steep decline in student enrollment. The Town’s shrinking industrial base, coupled with a decrease in average family size, forced the District to close eleven elementary schools by 1988,

including: Robert Frost, Brighton, Jane Addams, Horace Mann, Betsy Ross, Lincoln, Green Acres, Longfellow, Sheridan, Sheridan Parkside, and Washington.

In the late 1980s and early '90s, twelve of the District's schools were recognized as New York State Schools of Excellence, and seven were recognized as National Schools of Excellence. The first New York State Governor's Excelsior Award, for excellence in the education sector, was also awarded to the District in 1992.

Currently, the Ken-Ton School District provides services to over 7,000 students in grades pre-kindergarten through twelve, and consists of (2) high schools, (2) middle schools, and (5) elementary schools, including: Edison, Franklin, Holmes, Hoover, and Lindbergh. In addition to the administrative and teaching staff, the District's support staff includes teaching assistants and aides, and provides clerical, health, buildings and grounds, food, and transportation services. The District is the Town's second largest employer, with over 1,500 employees. Its current operating budget (2019-2020) is approaching \$167,000,000. The District's Staff Development Center has been recognized as an "exemplary program" by the National Council of States on In-Service Education, and all employees of the District have access to it, in accordance with the District's philosophy of creating a collaborative learning community.

References:

"Overview," Employee Handbook, Kenmore-Town of Tonawanda Union Free School District, Nov. 2004.

Robert W. Silsby, Settlement to Suburb (Tonawanda, NY: Sterling C. Sommer Inc., 1997) 11.

"Schools Closed," Memo, Ken-Ton Schools: Buildings and Grounds Department, 12 July 1991.

"District Highlights," Memo, Ken-Ton School District: Office of the Superintendent, 15 May 1996.

Kenmore Town of Tonawanda Union Free School District, 26 Sept. 2007 <<http://www.kenton.k12.ny.us///.asp>>.

Robert Dimmig, Executive Director: Town of Tonawanda Development Corp., "Re: Statistic," E-mail to Dean Mesi, 11 Sept. 2007.

Denise Crowley, Interview with the Secretary for the Assistant Superintendent for Finance of the Ken-Ton School District. 28 Sept. 2007.

Don Smyton, Interview with the Director of the Staff Development Center for the Ken-Ton School District, 28 Sept. 2007.



## **MISSION**

The Ken-Ton school community will provide our students with the supports, tools and diverse opportunities needed to meet the challenges of an ever-changing world

## **VISION**

A community that creates dynamic learners who possess social awareness, confidence and a belief in their power to succeed

## **VALUES**

Mutual Respect, Independence, Trust Teamwork, Integrity,  
Passion for Excellence, Responsibility

# Ken-Ton Forward

## 2018 - 2023 Strategic Plan

We are pleased to present our new five-year strategic plan entitled “Ken-Ton Forward.” This plan establishes a renewed vision, mission, core values, and strategic long-range goals for the Kenmore-Town of Tonawanda School District. The plan also establishes an operational blueprint to achieve those goals and guide decision making for years to come. Throughout this process, stakeholder involvement was extremely important because the entire Ken-Ton School District community has a vested interest in the success of all students and an important role to play in the education of our children. The development of “Ken-Ton Forward” was guided by a Core Team of stakeholders with representation from the Board of Education, teachers, administrators, support staff, district office, students, parents, law enforcement, senior citizens, business owners, the Town Council, and the Village of Kenmore.

The Core Team had the opportunity to look back at where we’ve been, envision where we want to be, and examine our strengths as well as areas of need. They identified three fundamental areas where they saw the greatest opportunity to achieve meaningful progress for our students: academic support, social-emotional well-being, and technology. They developed measurable goals in each of those three areas and convened individual task forces to fully develop a plan to achieve those goals, which will be guided by continuous progress monitoring to ensure we remain on track. The Ken-Ton School District has a long and proud history that dates back more than 125 years.

We are a unique and diverse school district that is among the largest in Western New York. We have a world-class staff, proud school communities, strong institutional values and traditions, and unrivaled academic programs. The district has a very strong foundation, and “Ken-Ton Forward” will allow us to take the success of our students, schools, and staff to new heights. The future is filled with opportunity and promise, and we hope everyone shares our excitement as we embark on this new chapter!



# BOARD OF EDUCATION MEMBERS

2020 - 2021

<u>Name</u> <u>Expires</u>	<u>Title</u>	<u>Term</u>
Mr. Matthew Chimera <a href="mailto:mchimera@ktufsd.org">mchimera@ktufsd.org</a>	President	2022
Mr. Andrew Gianni <a href="mailto:agianni@ktufsd.org">agianni@ktufsd.org</a>	Vice President	2021
Ms. Leslie Battaglia <a href="mailto:lbattaglia@ktufsd.org">lbattaglia@ktufsd.org</a>	Trustee	2023
Dr. Thomas Reigstad <a href="mailto:treigstad@ktufsd.org">treigstad@ktufsd.org</a>	Trustee	2022
Ms. Jennifer Morrow <a href="mailto:mtarbox@ktufsd.org">mtarbox@ktufsd.org</a>	Trustee	2023

## **BARGAINING UNITS AND UNION ACTIVITIES**

### Kenmore Teachers Association (KTA)

This unit covers those positions outlined in Article 1, Recognition, in the collective bargaining agreement. The president for the 2020-21 school year is Mr. Peter Stuhlmiller.

### Ken-Ton School Employees Association (KTSEA)

This unit covers those positions outlined in Article I, Recognition, in the collective bargaining agreement. The president for the 2020-21 school year is Ms. Jill Ackerman.

### Kenmore Administrators Association (KAA)

This unit covers those positions outlined in Article I, Recognition, in the collective bargaining agreement. The president for the 2020-21 school year is Mr. Patrick Heyden

### Union Activity in General

Except as provided by law or collective bargaining agreement, work time is not to be used to conduct union business or promote activity.

The bargaining units and the District, pursuant to Section 209-a of Civil Service Law, shall not interfere with, restrain or coerce any employees in exercising their individual or collective rights in accordance with Article 14 of the Civil Service Law (i.e., Taylor Law).



# Ken-Ton Schools and Departments

## ELEMENTARY SCHOOLS

**Edison**.....874-8416  
 Internal phone #28500  
 Fax: 874-8526  
 236 Grayton Road  
 Tonawanda, NY 14150-8620

David King.....Principal  
 Susan Cramer.....TOSA  
 Patricia Dudkiewicz.....Lead Secretary

**Franklin Elementary** .....874-8415  
 Internal phone #26500  
 Fax: 874-8520  
 500 Parkhurst Boulevard  
 Buffalo NY 14223-2199

Kia Evans.....Principal  
 Kelly Radley.....Asst. Principal  
 Dawn Stone.....Lead Secretary

**Holmes**.....874-8423  
 Internal phone #29500  
 Fax: 874-8560  
 365 Dupont Avenue  
 Tonawanda, NY 14150-7833

Matthew Raines.....Principal  
 Christina Zona.....TOSA  
 Karen Kren.....Lead Secretary

**Hoover Elementary**.....874-8414  
 Internal phone #24500  
 Fax: 874-8460  
 199 Thorncliff Road  
 Buffalo NY 14223-1241

Michael Huff.....Principal  
 Danielle Frye.....Assistant Principal  
 Jo Ann Marek.....Lead Secretary

**Lindbergh**.....874-8410  
 Internal phone #27500  
 Fax: 874-8570  
 184 Irving Terrace  
 Buffalo NY 14223-2317

Ann Macagnano.....Principal  
 Deborah Peters.....TOSA  
 M. Veronica Parry.....Lead Secretary

**LONGFELLOW**  
 255 Myron Road  
 Buffalo NY 14217-2440  
 Fax: 874-8568  
 Custodian..... 874-8510

**Family Support Center/Homeless  
 Intervention Program**  
 Fax: 874-8499 Tel: 874-8510  
 Janet Cerra.....Intervention Coordinator  
 Melissa Dietz-Schall..... Secretary

## MIDDLE SCHOOLS

**Franklin Middle**.....874-8404  
 Internal phone #25500  
 Fax: 874-8480  
 540 Parkhurst Boulevard  
 Buffalo NY 14223-2198

Christopher Ginestra.....Principal  
 Michael Haggerty.....Asst. Principal  
 Lorraine Campbell.....Lead Secretary

**Hoover Middle**.....874-8405  
 Internal phone #23500  
 Fax: 874-8470  
 249 Thorncliff Road  
 Buffalo NY 14223-1277

Elaine Thomas.....Principal  
 Marco Galante.....Asst. Principal  
 Michelle Jaros.....Asst. Principal  
 Candy Nelson.....Lead Secretary

**Kenmore Middle**.....874-8403  
 Internal phone #32500  
 Fax: 874-8650  
 155 Delaware Road  
 Buffalo NY 14217-2497

**Big Picture Program 871-2061**  
 Kruger, Kevin Ext. 32306  
 Piazza, Kari Ext. 32307  
 Berna, Joan Ext. 32500  
 Panepinto, Michael, 871-2060 Ext. 32516  
 Talty, Kathleen 871-2062 Ext. 32517  
 Perryman, Mark 871-2063 Ext. 32518  
 TBD Ext. 32519  
 Structured Suspension Program Ext. 32102  
 Mentors Ext. 32313  
 Cook Mgr. Wendy Christopher Ext. 32550  
 Cliff, Nancy Ext. 32540  
 Carey, Debra Ext. 32541

### Staff Development Center 874-8403

Ablow, Elaine.....Ext. 32600  
 Dahlin, Amy.....Ext. 32601  
 Semper, Tammy.....Ext. 32603  
 Stoll, Diane.....Ext. 32602  
 Kollmer, Michael, Sr.....Ext. 32580

### Adult and Community Education

Acanfora, Liza.....Ext. 32232  
 Jurewicz, Denise.....Ext. 32631  
 Walick, Gina.....Ext. 32622

## CREDIT UNION

Kenmore Teachers Federal Credit Union  
 2265 Sheridan Drive  
 Buffalo NY 14223  
 Fax: 877-6456 Tel: 877-1630

## HIGH SCHOOLS

**Kenmore East**.....874-8402  
 Internal phone #22500  
 Fax: 874-8443  
 350 Fries Road  
 Tonawanda NY 14150-8899

Patrick Hayden.....Principal  
 Trevor Brown.....Asst. Principal  
 Joseph Greco.....Asst. Principal  
 Deborah Cahill.....Lead Secretary

**Kenmore West**.....874-8401  
 Internal phone #21500  
 Fax: 874-8527  
 33 Highland Parkway  
 Buffalo, NY 14223-1399

Dean Johnson.....Principal  
 Anne Martell.....Asst. Principal  
 Dina Ferraraccio.....Asst. Principal  
 Brandon Hafner.....Asst. Principal  
 Linda Brizante.....Lead Secretary

**Athletic Office** Fax: 873-1259  
 Brett Banker - Ext. 21630  
 Leah Canestaro - Ext. 21630

**Encore**  
 TBD - Ext. 21633

## BUILDINGS & GROUNDS

Internal phone #20341  
 1494 Colvin Blvd.  
 Buffalo NY 14223-1118  
 Fax: 874-8473 Tel: 874-8474,75

Timothy Ames.....Director  
 John Wille.....Assistant Director  
 Bernadette Kankiewicz.....Lead Secretary

## TRANSPORTATION

1680 Military  
 Buffalo, NY 14217  
 Fax: 874-8618 Tel: 874-8611

**Name - Internal Number**  
 James Nestico, Supervisor - 30087  
 Marion Lombardi, Head Bus Driver-30074  
 James Cijulis, Transp. Coordinator - 30073  
 Linda Kieffer, Head Bus Driver - 30071  
 Jean Trinkle, Trans Clerk - 30069  
 TBD, Trans Clerk - 30070  
 Linda Cooper, Secretary - 30098

## SELECT POLICIES

### BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION – 1210

- a) Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the Clerk of the School District, shall be signed by at least twenty-five qualified voters of the District, or by two (2) percent of the number of voters who voted in the previous annual election of Board members, whichever is greater, shall state the residence of each signer, shall state the name and residence of each candidate, and whether such candidates are nominated for full terms or for unexpired portions of such terms.
- b) The notice of the annual District meeting must state that petitions nominating candidates for the office of member of the Board of Education must be filed with the Clerk of the District not later than the thirtieth day preceding the election at which time the candidates so nominated are to be elected.
- c) Voting will be by machine, and provision shall be made for the election by “write-in-vote” of any candidate not previously nominated.
- d) The hours of voting shall be as indicated by Board resolution.
- e) The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- f) At least ten (10) days prior to the election, the Board shall appoint at least two inspectors of election for each voting machine, and set their salary.
- g) The District Clerk shall attend the election and record the name and legal residence of each voter. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.
- h) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- i) Each Board of Education candidate may submit a statement limited to three hundred (300) words which may be published along with a photo in the District's Budget/Election School Gram and posted on the District webpage. A public candidate's night may also be held on School District grounds and promoted by the District. However, with the exception of "j" below, no other campaigning to promote a particular candidacy or proposition shall be permitted on District premises, nor shall any person, group or organization use District resources, including its facilities, equipment, mailboxes, courier system, personnel or students for that purpose. This includes the distribution or display of candidate's campaign materials and information supporting or opposing a ballot proposition.

- j) Only on the day of the Budget Vote & Board of Education Election, a maximum of two (2) signs promoting a particular candidacy or proposition may be placed on District premises beyond the one hundred (100) foot zone at the entrances to each polling place. Campaigning will only be permitted within the confines of an area identified by the District Clerk that is beyond one hundred (100) feet from the Polling Place Entrance which does not impede vehicle traffic flow. Any violators will be removed from the premises.
- k) Nothing in this policy shall be construed to impair the rights of any individual(s) to engage in political activities during non-school hours so long as District resources are not used to facilitate such activities.
- l) The candidate receiving the largest number of votes shall be declared elected in accordance with Education Law.
- m) When a Board position is or becomes vacant by the time of the Annual Election, the person receiving the largest number of votes is elected to fill the new full term vacancy and also fills the remaining days of the previous term, beginning his/her term of office immediately upon election.

Education Law §§ 2004, 2013, 2018, 2025, 2029, 2031-a, 2032, 2034(7)(d), 2105(14), and 212

## **MEDIA/MUNICIPAL GOVERNMENTS/SENIOR CITIZENS – 3110**

### **School District Media**

The Community Relations Coordinator in cooperation with the Principal of each building is responsible for the preparation of news releases concerning the activities within that building, and for reviewing them with the Superintendent prior to release. Copies of all final news releases will be sent to the Superintendent's Office.

In addition, a periodic newsletter may be prepared and sent to each resident of the School District or posted on the District's website. Included in the newsletter will be information regarding school activities, a monthly calendar and other items of interest to the community. The Board accepts the funding obligation for the necessary staff and production costs when fiscally prudent.

As the official spokesperson, the Superintendent or his/her designee shall issue all news releases concerning the District. All news releases of the Board will be released through the Office of the Superintendent and/or the Community Relations Coordinator, after first coordinating with the Board of Education and/or Board President.

## **District Website**

In order to support the vision and mission of the Kenmore-Town of Tonawanda Union Free School District, the District will create and maintain a website as a means of access for District information. In addition, the website shall be a gateway to District resources. Also, it shall be a means of communication for District personnel, District organizations/activities, and associated community organizations.

The District website may not be used for any unauthorized commercial promotional activity.

## **Municipal Governments**

It is the policy of the Board to establish and maintain a positive working relationship with the governing bodies of the municipality. The Board shall also cooperate with municipal, county and state agencies whose work affects the welfare of the children of the District, including but not limited to the County Social Service Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency service agencies.

## **Senior Citizens**

The Board of Education will consider school related programs for senior citizens in accordance with Education Law and/or Regulations of the Commissioner of Education. Such programs include special use of school buildings or school buses, school lunches and partial tax exemptions.

Education Law §§ 1501-b(1)(a), 1501-b(1)(b), and 1709(22) Real Property Tax Law § 467

## **SOCIAL MEDIA – 3121**

The Board of Education recognizes that new and rapidly changing technologies open doors both to opportunities and to risks for school districts, their communities, and their individual members. This policy primarily addresses the risks of such technologies, particularly Internet-based social media, and the responsibility of all Kenmore-Town of Tonawanda Union Free School District personnel to be aware of and to avoid the pitfalls.

While such expressions may be intended to be private, the nature of the internet often spreads them to the public in rapid, dramatic, and devastating ways. And as new technologies and new ways of using them continue rapidly to emerge, such abuses may take different forms which hurt individuals and disrupt the educational context in ways as yet unknown.

The Board of Education has no interest in curtailing the right to free speech of any members of its community. However, the Board expects all students, staff and parents to maintain mutually respectful and professional relationships toward one another at all times, whether in cyberspace or in school. The Board considers each individual responsible for maintaining the privacy of any

thoughts or communications that may disrupt the Kenmore-Town of Tonawanda Union Free School District educational atmosphere or harm individuals. In addition, each individual is fully responsible for understanding that an expectation of privacy in cyberspace is likely to be illusory.

Board Policy #6180 -- Staff-Student Relations (Fraternization) requires staff to "establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety." That expectation applies to all contexts, including social media and cyberspace.

In the event that postings on social media or the internet result in the disruption of the Kenmore-Town of Tonawanda Union Free School District or its classrooms or inflict harm on any of its people, the District will consider its response on a case-by-case basis. Depending on the seriousness of the disruption or the extent of harm, the District will explore and may apply whatever appropriate consequences are within its power to impose, up to and including suspension, termination, or legal action.

As the dynamics and impact of electronic social media continue to change, and as related laws and court decisions evolve, the Board will monitor and adjust this policy to assure its legitimacy and effectiveness.

#### Cross References

6110 - Code of Ethics for Board Members and All District Personnel

6180 - Staff-Student Relations (Fraternization)

6410 - Staff Acceptable Use Policy

7315 - Student Use of Computerized Information Resources (Acceptable Use Policy)

### **ADULT SCHOOL VOLUNTEERS – 3150**

The Board recognizes the need to develop an adult school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program will be to:

- a) Assist employees in providing more individualization and enrichment of instruction;
- b) Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process;
- c) Strengthen school/community relations through positive participation.

Volunteers are persons who are willing to donate their time and energies to assist principals, teachers, and other school personnel in implementing various phases of school programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the District's insurance program.

There are two levels of volunteer involvement with the schools:

Volunteers seeking to assist the schools on an occasional basis, e.g., chaperoning a field trip or helping with a class day activity, should contact the school several days before the event to notify the principal that the volunteer will be in building and the purpose for his/her presence. The principal shall make a note of the volunteer's presence in the building.

Individuals volunteering time in school on a regular basis, e.g., monitoring a math lab one morning a week, shall meet with the principal to discuss the responsibilities of the volunteer, learn about the routines of the building, and provide the principal with some background about the volunteer and past experiences working with children.

An application shall be filled out by each prospective volunteer and forwarded to the District Office for evaluation. The Building Principal will forward his/her decisions concerning selection, placement and replacement of volunteers to the Superintendent for final evaluation. Following approval from the Superintendent of Schools, volunteers selected for work in the District shall be placed on the list of approved volunteers. However, the Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.

Administrative regulations will be developed to implement the terms of this policy.

Volunteer Protection Act of 1997, 42 USC § 14501 et seq.  
Education Law §§ 3023 and 3028  
Public Officers Law § 18

### **CIVILITY POLICY – 3180**

Members of the School District staff will treat parents and other members of the public with respect, and expect the same in return. The District must keep schools and administrative offices free from disruptions and prevent unauthorized persons from entering school/District grounds.

Accordingly, this policy promotes mutual respect, civility, and orderly conduct among District employees, parents, and the public. We do not intend this policy to deprive any person of his or her right to freedom of expression. Rather, we seek to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interest of presenting teachers and other employees as positive role models, we encourage positive communication and discourage volatile, hostile, or aggressive actions. This District seeks public cooperation with this endeavor.

#### **Disruptive Individual Must Leave School Grounds**

Any individual who disrupts or threatens to disrupt school office operations, threatens the health and safety of students or staff, willfully causes property damage, uses loud and/or offensive language that could provoke a violent reaction, or who has otherwise established a continued

pattern of unauthorized entry on School District property, will be directed to leave school or School District property promptly by the school's principal or other administrative officer.

### **Directions to Staff in Dealing with Abusive Individual**

If any member of the public uses obscenities or speaks in a demanding, loud, insulting, and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely warn the speaker to communicate civilly. If the abusive individual does not stop the behavior, the District employee will verbally notify the abusing individual that the meeting, conference or telephone conversation is terminated; and, if the meeting or conference is on District premises, the employee shall direct the abusive individual to leave promptly. If the person refuses to leave, the local police will be called to respond and to escort the individual from the premises.

### **Provide Policy and Report Incident**

When a staff member determines that a member of the public is in the process of violating the provisions of this policy, the staff member should provide a written copy of this policy at the time of occurrence. The staff member will then immediately notify his/her supervisor and provide a written report of the incident.

## **COMPLAINT PROCEDURES (FOR COMPLAINTS THAT DO NOT INVOLVE DISCRIMINATION AND/OR HARASSMENT) – 3231**

The Board of Education is committed to sustaining a productive, supportive, healthy and harmonious environment throughout its programs and venues and to promptly address and resolve complaints and issues brought to its attention.

Toward those ends, the Superintendent will establish and maintain procedures for reporting, investigating, and resolving complaints, grievances, allegations, or other questions for which it has responsibility and over which the District has authority. This set of procedures will address issues that do not involve discrimination and/or harassment. Cases involving discrimination and/or harassment will be addressed through separate procedures. (See Policy #3430 and Regulation #3430R)

The procedures authorized through this policy will provide for prompt, thorough, equitable, and objective investigation and resolution of issues. They will also establish levels of appeal for dissatisfied parties up to and including appeal to the Board of Education.

The Superintendent and/or designees will continuously monitor the procedures for effectiveness and efficiency and will make whatever adjustments will enhance their ability to meet their goals.

## **SOLICITATION OF CHARITABLE DONATIONS – 3271**

### **Students**

Direct solicitation of charitable donations from District students on school property during regular school hours is prohibited. It is a violation of District policy to ask District students directly to contribute money or goods for the benefit of a charity during the hours in which they are compelled to be on school grounds.

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

- a. Fund raising activities which take place off school grounds, 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. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity;
- c. Indirect forms of charitable solicitation on school grounds 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.

The Superintendent will ultimately 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.

### **Personnel**

Soliciting of funds from school personnel by persons or organizations representing public or private organizations is prohibited. The Superintendent has 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 will be notified of these instances.

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

New York State Constitution Article 8, § 1  
Education Law § 414  
8 NYCRR § 19.6

## **ADVERTISING IN THE SCHOOLS – 3272**

Neither the facilities, the staff, nor the students of the School District shall be employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual or organization, except that:



- a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent of Schools may, at his/her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;
- d) The schools may, upon approval of the Superintendent of Schools, cooperate with any agency in promoting activities in the general public interest that are non-partisan and noncontroversial, and that promote the education and other best interests of the District's learners.

Individual school and District-wide partnerships with private sector business, focusing on educational objectives, may be crafted by school officials. It is recognized that partnering with private business will result in a certain level of commercial presence in the schools. That presence may take the form of incidental advertising; but may not involve solicitation of students nor employees. In each case, such partnerships must be approved by the Superintendent of Schools. Concerns regarding commercialism in the schools are to be directed to the Superintendent of Schools. The Board of Education must be notified of all working relationships with businesses.

No materials of a commercial nature shall be distributed through the children in attendance in the Kenmore-Town of Tonawanda Union Free Schools except as authorized by law or the Commissioner's Regulations.

### **USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT – 3280**

It shall be the policy of the Board to encourage the greatest possible use of school facilities, in accordance with the law, for community-wide activities; provided such facilities are not scheduled for use by students, as part of the District's program of continuing education, or programs associated with parents, teachers or students of the District.

Individuals or groups wishing to use the school facilities or school owned facilities and equipment must complete and receive approval using the applicable request form (#3280F.1 or #3280F.2). Such use is conditioned upon the individual(s) and/or organization abiding by the regulations and rules established for such use (#3280R). All visitors must comply with the District's Code of Conduct. The Superintendent, at his/her discretion, may consult with the Board of Education and monthly reports may be made to the Board regarding community use of the school facilities.

District sponsored groups and Parent Teacher Groups will be allowed to use District facilities without charge. All other groups will be invoiced for costs incurred by the District in connection with the use of the facilities by the group (for instance heat, electricity, custodian/maintenance costs) in accordance with the Board adopted fee schedule (#3280F.3). The fee schedule will be reviewed on an annual basis and adopted at the District's Annual Organizational Meeting.

The Kenmore-Town of Tonawanda Union Free School District may not aid or perpetuate discrimination on the basis of race, creed, color, county of natural origin, religion, sex, sexual orientation, age, marital status or disability in accordance with law, and/or regulation. Community groups and organizations should review their use of school facilities request for conformity. The District reserves the right to require evidence of compliance with civil rights law. However, in accordance with law, the District will not discriminate in its community use of school facilities against any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code. Nor will the District deny such access or opportunity for reasons based on the membership or leadership criteria or oath of allegiance to God and country. However, such use must be in accordance with the District's community use of school facilities policy and regulations.

### **Materials and Equipment**

Except when issued in connection with or when rented under provisions of Education Law Section 414, school-owned materials and equipment may be used by members of the community or by District employees and/or students for school related purposes only. Private and/or personal use of school-owned materials and equipment is strictly prohibited.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and loaned to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations.

### **Specific Requirements Relating to Boy Scouts and Other Title 36 Patriot Youth Groups**

The District will not discriminate against the Boy Scouts of America or any other youth group designated in Title 36 as a patriotic society. Access to facilities and/or materials will be provided to such groups on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

Education Law § 414  
NY Constitution Article 8

### **EMPLOYEE USE OF DISTRICT-OWNED VEHICLES – 3281**

All District vehicles are the legal property of the Kenmore-Town of Tonawanda Union Free School District, are to be marked with the District name or logo, and are to be operated in a safe and lawful manner.

The following rules apply to all use of school vehicles:

- a. Employees are to use District vehicles in a safe, lawful-and courteous manner.
- b. District vehicles are to be operated only by District employees.
- c. All operators of District vehicles must have a current and valid New York State license for the class of vehicle operated.
- d. School vehicles are intended for the benefit of the school and should not be used for personal use.
- e. Employees will report any vehicle problems to their supervisor and abide by any maintenance schedules.
- f. Reckless use or deliberate abuse of District vehicles is prohibited and will subject the operator to disciplinary action.
- g. Vehicles are to be parked or stored in safe and secure locations, based on the following conditions:
  1. The location is not a public street or thoroughfare;
  2. It is legal to park in such location;
  3. Parking the vehicle in such place does not create the perception of impropriety by a District employee.
- h. All accidents are to be promptly reported to both the law enforcement agency where the accident takes place and to the Assistant Superintendent for Finance.
- i. Any traffic violation while using a District-owned vehicle is the sole responsibility of the person incurring such violation. However, all such violations must be promptly reported to the Assistant Superintendent for Finance.

### **CODE OF CONDUCT ON SCHOOL PROPERTY – 3410**

The District will maintain a written *Code of Conduct* for the maintenance of order on school property and at school functions. The *Code* will govern the conduct of students, teachers and other school personnel, as well as visitors. The District will further provide for the enforcement of its *Code of Conduct*.

The *Code of Conduct* will be reviewed on an annual basis and amended as necessary in accordance with law. The Board will reapprove any updated *Code* or adopt revisions only after at least one public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The District will communicate the terms of the *Code* broadly throughout the school community. The District will provide all teachers with a copy of the *Code* at the beginning of the school year or upon employment. The District will also provide a summary of the *Code* to all students and parents at the beginning of each school year. The full *Code* will be available for review by students, parents, other staff and community members at any time.

The District will post the complete *Code of Conduct* (including all amendments and annual updates of the *Code*) on the District's website. A link to the District's posting will be provided to the Commissioner of Education as requested through the Uniform Violent Incident Reporting System (VADIR).

Education Law §§2801 and 3214  
Family Court Act Articles 3 and 7  
Vehicle and Traffic Law § 142  
8 NYCRR

### **PROHIBITION OF A WEAPON UPON SCHOOL GROUNDS – 3411**

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written permission of the Board of Education or its designee, no person may have in his/her possession any weapon on school grounds, in any District building, on a school bus or District vehicle, or at any school-sponsored activity or setting under the control and supervision of the District. This prohibition shall include, but not be limited to: any of the objects or instruments referred to in Section 265.01 of the New York State Penal Law; any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge; and any object that could be considered a reasonable facsimile of a weapon.

### **NON-DISCRIMINATION – 3420**

#### **Notice of Non-discrimination**

The Kenmore-Town of Tonawanda Union Free School District does not discriminate on the basis of an individual's actual or perceived race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation (the term "sexual orientation" means heterosexuality, homosexuality, bisexuality, or asexuality), political affiliation, age, marital status, military status, veteran status, disability, domestic violence victim status, arrest or conviction record, genetic information or any other basis prohibited by New York state and/or federal non-discrimination laws in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. In addition, students are also afforded protection based on weight.

#### **Civil Rights Compliance Officers**

The Board will annually appoint no less than two Civil Rights Compliance Officers, one male and one female, whose duties will include coordinating efforts to comply with and carry out

District responsibilities with respect to all provisions of its non-discrimination policies and procedures.

### **Public Notification**

Prior to the beginning of each school year, the District will issue an appropriate public announcement which advises students, parents, employees and the general public that all employment and educational opportunities the District operates will be offered consistent with the terms of this non-discrimination policy. In addition, the District will include its Notice of Non-discrimination in other bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, or employees.

### **Complaint Procedures**

The Superintendent will establish and maintain procedures for reporting, investigating, and resolving all complaints, grievances, allegations, or other issues relating to discrimination and/or harassment.

The procedures authorized through this policy will provide for prompt, thorough, equitable, and objective investigation and resolution of issues. They will also establish levels of appeal for dissatisfied parties up to and including appeal to the Board of Education. (See Regulation 3420R.)

The Superintendent and/or designees will continuously monitor the procedures for effectiveness and efficiency and will make whatever adjustments will enhance their ability to meet their goals.

Age Discrimination in Employment Act, 29 USC § 621

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

Prohibits discrimination on the basis of disability.

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

Prohibits discrimination on the basis of disability.

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

Prohibits discrimination on the basis of race, color or national origin.

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

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

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

Prohibits discrimination on the basis of sex.

Civil Rights Law § 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

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

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or recognized guide dogs, hearing dogs or service dogs.

Military Law §§242 and 243

## **DISCRIMINATION, HARASSMENT AND THE DIGNITY FOR ALL STUDENTS ACT – 3430**

### **General**

The Board of Education prohibits discrimination and harassment of anyone by anyone on District grounds or at District-sponsored functions. Discrimination involves negative or unequal treatment of an individual or individuals based on actual or perceived personal characteristics or membership in a group or category as set forth in law. Harassment involves hostile words or actions, including but not limited to bullying, hazing, taunting, and intimidation, that have the purpose or effect of interfering with an individual's rights to learn, teach or otherwise function in the District or which may reasonably cause an individual to fear for his/her safety or well-being. This policy includes, but is not limited to, discrimination and harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, or sex.

The Board also prohibits acts of discrimination or harassment, including cyberbullying, that occur off school grounds or outside of school sponsored events and which can reasonably be expected to materially and substantially disrupt the educational atmosphere. Such acts may be subject to District intervention and response, and may result in disciplinary consequences.

As part of this policy, the Board adopts all provisions of and definitions in the Dignity for All Students Act of 2010 (DASA). The purpose of that act, and of this policy, is to "to foster civility in public schools and to prevent and prohibit conduct which is inconsistent with a school's educational mission." While all harassment and unlawful discrimination is prohibited under this policy, District resources and training will focus on the protection of students, pursuant to the Act.

Moreover, the Board embraces its commitment to maintaining the school environments in which all students, staff, parents, and other members of the school community feel safe, supported, and fully included. Not only is the District committed to protecting individuals from discrimination and harassment, but also to affirmatively addressing the fit between particular individual needs and the physical, emotional, cultural, and interpersonal dimensions of the school environment. Where such needs may be in conflict with one another, the administration is directed to seek outcomes that protect the integrity of that environment as well as of the individuals involved.

### **Staff Training**

The Board directs the Superintendent to establish training programs for staff aimed at sustaining a school environment that is free from discrimination and harassment, and to provide guidelines for such programs designed to:

- a. Raise the awareness and sensitivity of school employees to potential discrimination and/or harassment;
- b. Enable employees to prevent and respond to discrimination or harassment.

The District will also develop and maintain non-discriminatory instructional and counseling methods. The Superintendent will establish guidelines to be followed in the development and training of staff in these methods.

### **Dignity Act Coordinator (DAC)**

In each school, the District will maintain at least one Board-appointed Dignity Act Coordinator (DAC) who is trained in dealing with human-relations situations with respect to the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, and sex. The DACs will oversee programs designed to raise the sensitivity of students and staff to these human relations situations in their respective locations and will play an active role in prevention, intervention, and follow up to incidents of harassment or discrimination.

### **Reporting of and Response to Suspected Discrimination or Harassment**

The Superintendent will establish procedures by which reports or complaints of harassment or discrimination are received and responded to expeditiously by the District officials who are responsible for addressing them. Because of the emotionally-charged tensions that generally accompany situations of harassment or discrimination, the procedures will be applied with sensitivity toward all individuals involved and, to the extent possible, with care to avoid unintended negative consequences.

Staff members who become aware of an incident of harassment, bullying, hazing, or discrimination against a student must submit an oral report to the principal or DAC within one school day, and a written report within two school days of the time they learned of the possible offense.

Procedures will include provisions for receiving and investigating reports of harassment or discrimination and of determining appropriate corrective action, and will include opportunities for parties who are dissatisfied with the outcome of an investigation to appeal.

The District will maintain a minimum of two Compliance Officers, one male and one female. Compliance Officers will play a central role in provisions for investigating reports of harassment or discrimination as specified in procedures established by the Superintendent. In addition, Compliance Officers will be responsible for reviewing cases to determine whether any District policies, procedures, training, or programs should be adjusted in order to better prevent harassment and discrimination, and to advance a culture of respect for individuals and for the District's educational environment. Officers will submit any concerns and recommendations that emerge from their reviews to the Superintendent.

The District notice of non-discrimination, including names and contact information of Compliance Officers responsible for assuring non-discrimination in the District, is available in all main offices.

Complaint procedures for issues involving discrimination and/or harassment (Regulation 3420R) are available in District main offices.

## **Prohibition of Retaliatory Behavior (Whistleblower Protection)**

A person who, acting reasonably and in good faith, reports suspected discrimination or harassment or participates in a related investigation will not be subject to any retaliation on the part of District or its employees. Steps to prevent and respond to attempts at retaliation are set forth in the Complaint Procedures.

## **Knowingly Making False Accusations**

Employees and/or students who knowingly make false accusations of discrimination or harassment may also face disciplinary consequences.

## **Reporting to the Commissioner**

Pursuant to the Dignity for All Students Act, the District will report incidents of discrimination and of harassment of students to the Commissioner through the channels and in the manner that the Commissioner requires.

## **Code of Conduct and Summary**

The District will include an age-appropriate, plain-language version of the terms of this policy, particularly as they affect students, in its *Code of Conduct* and in the Summary of its *Code of Conduct*.

Education Law §§ 10-18 and 801-a

8 NYCRR § 100.2(1)(2)

Age Discrimination in Employment Act, 29 USC § 621

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

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

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

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.

Civil Rights Law § 40-c

Civil Service Law § 75-B

Education Law § 2801(1)

New York State Human Rights Law Executive Law § 290 et seq.

Military Law §§ 242 and 243

Age Discrimination Act of 1975

## **EMERGENCY CLOSINGS – 3510**

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement thereof shall be made over local radio stations designated by the Board of Education. When school is closed, all related activities, including athletic events and student activities, will ordinarily be suspended for that day and evening.



## **Snow Days**

Days on which school is closed for children because of hazardous driving, poor visibility, or some similar situation existing when buses normally deliver children to school, will be designated as “Snow Days.” In general, retail businesses are open, public transportation operates, industrial plants are in operation, and other services are available, perhaps with some delays.

## **Emergency Days**

Days on which the Superintendent declares the School District or a specific building in the District closed because of severe weather, a disaster such as a fire or flood, or any unusual circumstance under which normal work cannot be performed will be designated “Emergency Days.”

## **SMOKING/TOBACCO USE – 5640**

### **School Grounds**

Tobacco use will not be permitted and no person will use tobacco on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this does not apply to smoking in a residence, or within the real property boundary lines of residential real property. For purposes of this policy, "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 all District vehicles, including vehicles used to transport children or school personnel.

"Tobacco" is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.

The District also prohibits use of electronic cigarettes or e-cigarettes, and any refill, cartridges and any other component of an electronic cigarette or e-cigarette (collectively known as e-cigarette) on school grounds or in District vehicles.

The use of vaporizers or any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

### **Off-School Grounds**

Tobacco use and e-cigarette use is prohibited by students at any school-sponsored event or activity off school grounds.

### **Posting/Notification of Policy**

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in District

buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District will also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

### **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 school vehicles;
- c. At school-sponsored events, including those that take place off school premises and in another state;
- d. In school publications;
- e. On clothing, shoes, accessories, gear, and school supplies in accordance with the District *Code of Conduct* and applicable collective bargaining agreements.

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

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

Safe and Drug-Free Schools and Communities Act, 20 USC § 7101 et seq.  
Pro-Children Act of 2001, 20 USC §§ 7181-7184, as amended by the Every Student Succeeds Act (ESSA) of 2015  
Education Law §§ 409, 2801(1) and 3020-a  
Public Health Law Article 13-E, Article 13-F, §§ 1399-aa(13), 1399-o

### **WELLNESS POLICY – 5661**

The Kenmore-Tonawanda School District is committed to supporting a healthy environment where students and staff learn and participate in practices that enhance the development of life-long wellness behaviors. Such behaviors include healthy eating, regular physical activity, and knowledge of nutrition and nutritional choices. Adopting these behaviors within a healthy school environment will lead to a more successful school experience and improved quality of living.

A District-wide Wellness Committee will be maintained to protect and support the health and safety of students, staff, and others. The committee's composition may include representatives from all areas of the school community such as parents, students, staff (including health and physical education teachers), Board members and others. The committee will focus on school wellness, including policy development, implementation, evaluation and revision. The Superintendent's designee will serve on this committee and will be responsible for oversight of this policy.

All Kenmore-Tonawanda programs are expected to support the following goals intended to promote healthy nutritional choices, physical activity, and social and emotional wellness.

### **Nutritional Goals**

- a. Where relevant to course content and student needs, classroom programs will emphasize nutritional knowledge and skills, including the benefits of healthy eating and weight management, understanding of food labels, and the ability to assess the effects of nutritional choices.
- b. Under the supervision of the Director of Food Services, the Kenmore-Tonawanda Food Service Program will meet or exceed the nutritional standards of all federal regulations and guidelines as they apply to schools and will provide balanced meals and a variety of healthy food choices. Medically authorized special diet requests will be honored. In addition, access to nutritional information of the Food Service Program will be available to the Kenmore-Tonawanda community.
- c. The District will maintain a program for free and reduced price meals for all students who qualify. The program will adhere to all federal and state laws and regulations. Applications will be kept strictly confidential.
- d. Foods and beverages sold outside the school meal programs, on the school campus in student accessible areas, and at any time during the school day-will follow, at a minimum, the nutrition standards specified by the Healthy, Hunger-Free Kids Act.

### **Physical Activity Goals**

- a. Physical Education classes will promote student understanding of, engagement with, and commitment to the development of motor skills and regular exercise of sufficient intensity and duration to provide significant health benefits.
- b. Where appropriate, other programs and the school environment itself will encourage healthy physical activity for students and staff.

### **Social and Emotional Goals**

- a. Classroom and school activities will encourage healthy group dynamics, such as collaboration, cooperation, mutual respect, and mutual support.

- b. Students will be encouraged to express thoughts and feelings in a responsible manner.
- c. School and community support services will be available for students and staff as needed and available to promote emotional and social well-being. See Board approved District Wellness Plan.

42 USC § 1758b  
7 CFR § 210.11  
79 FR 10693  
Education Law § 915

## **SCHOOL SAFETY PLANS – 5681**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies.

These plans will be reviewed by the appropriate team on at least an annual basis and updated as needed by September 1. Specifically, the Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plans may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Additionally, the District-wide school safety plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

### **District-Wide School Safety Plan**

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

The plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves (e.g., suicide).

## **Building-Level Emergency Response Plan**

Building-level emergency response plan means a plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

The building-level emergency response plan will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

## **Training Requirement**

The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

## **Filing/Disclosure Requirements**

The District will file a copy of its District-wide school safety plan and any amendments with the Commissioner of Education no later than 30 days after its adoption. A copy of each building-level emergency response plan and any amendments will be filed with the appropriate local law enforcement agency and with the state police within 30 days of its adoption. Building-level emergency response plans will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD- Education Law §§ 807, 2801-a  
Public Officers Law Article 6  
8 NYCRR § 155.17 Education Law §§ 807, 2801-a  
Public Officers Law Article

## **EXPOSURE CONTROL PROGRAM – 5690**

The Superintendent shall establish and implement an exposure control program designed to prevent and control exposure to blood-borne pathogens. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.
- i) The Superintendent/designee will be responsible for including these guidelines in the Health Services Manual.

## **CODE OF ETHICS FOR ALL DISTRICT PERSONNEL – 6110**

### **General Provisions**

Officers and employees of the Kenmore-Town of Tonawanda Union Free 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.

The provisions of this policy are intended to supplement Article 18 of the General Municipal Law 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/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.

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. Employees, officers, and agents will not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer or employee 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/he 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 four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer or employee in one or more positions of public employment, 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 or employee 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 or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board. 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.

## **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 on behalf of his or her employer in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment with the District or which was under his or her active consideration while he or she was with the District.

## **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.

## **Penalties**

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law § 410  
General Municipal Law Article 18 and §§ 800-809  
2 CFR § 200.318(c)



## **EQUAL EMPLOYMENT OPPORTUNITY – 6120**

The District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, creed, national origin, religion, sex, sexual orientation, gender (including gender identity and gender expression), disability, age, military status, predisposing genetic characteristics, 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 School 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 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.

The provisions of this policy will be made available to interested citizens and groups. Complaint procedures for issues involving discrimination and/or harassment are available in District Main Offices or on the District website.

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

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 (CRCO). In the event the CRCO is the alleged offender, the report will be directed to another CRCO, 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 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 § 621  
Americans with Disabilities Act, 42 USC § 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 § 794 et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.  
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.  
Civil Rights Law § 40-c  
Civil Service Law § 75-B  
Executive Law § 290 et seq.  
Military Law §§ 242 and 243

## **SEXUAL HARASSMENT PREVENTION – 6121**

### **Sexual Harassment is Strictly Prohibited**

The Board of Education affirms its commitment to maintaining an environment free from unlawful sexual harassment. Sexual harassment, including sexual violence, is a violation of law and District policy, subjects the District and the harasser to potential liability, constitutes employee misconduct, and will not be tolerated. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises or those that take place in another state. Appropriate sanctions and/or disciplinary action, up to and including termination, in accordance with relevant laws, regulations, and collective bargaining agreements, will be enforced against individuals engaging in sexual harassment and against supervisory and/or administrative District personnel who knowingly allow such behavior to continue.

### **Sexual Harassment Definition**

Sexual harassment is a form of sex discrimination and includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment includes unwelcome conduct which is either of a sexual nature or directed at an individual because of his or her 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 complaining individual is not the intended target of the sexual harassment;
- b. Submission to or rejection of such conduct is used as a basis for employment decisions affecting an individual's employment; or
- c. Such conduct is made either explicitly or implicitly a term or condition of employment.

Sexual harassment in the form of "hostile environment" harassment consists of 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. Hostile environment harassment also consists of unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the workplace which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment in the form of "quid pro quo" harassment occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other term, condition, or privilege of employment.

Sexual harassment can occur between males and females, or between persons of the same sex. Sexual harassment that occurs because the target is transgender is also unlawful.

## **Sexual Harassment Examples**

The following describes some of the types of acts that may be unlawful sexual harassment:

- a. Unwanted sexual advances, propositions or other sexual comments, such as:
  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;
  2. Subtle or obvious pressure for unwelcome sexual activities;
  3. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience which are sufficiently severe or pervasive to create a hostile work environment.
- b. Sexual or discriminatory displays or publications anywhere in the workplace, such as:

Displaying 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.
- c. Physical acts of a sexual nature, such as:
  1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body;
  2. Rape, sexual battery, molestation, or attempts to commit these assaults.
- d. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or 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;
  3. Bullying, yelling, or name-calling.
- e. Sex stereotyping -- 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.

## **Complaint and Investigation Procedure**

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it.

Anyone who believes he or she has been subjected to behavior that may constitute sexual harassment in the school environment or otherwise violates this policy, or any other person who witnesses, becomes aware of, or suspects an occurrence of behavior that may constitute sexual harassment is strongly encouraged to immediately report such behavior to his or her principal or supervisor and/or a designated District Compliance Officer. If an individual is not comfortable reporting to his or her principal or supervisor and/or a designated District Compliance Officer, he or she should report to the Assistant Superintendent for Human Resources.

Reports of sexual harassment or any other violation of this policy should be made in writing, though verbal reports will be accepted. A Complaint Form for the submission of reports of sexual harassment or any other violation of this policy is included with this policy and is available from the Human Resources Department, and all personnel are encouraged to use this Form. If the report is verbal, the complainant will be asked to complete a written Complaint Form. If he or she declines, the Company may prepare a Complaint Form based on the verbal report.

All supervisory and/or administrative District personnel who receive a report or information about, observe, or suspect any potential sexual harassment or other violation of this policy must immediately report it to the Human Resources Department. Any supervisory and/or administrative District personnel who fail to make such a report or otherwise knowingly allows sexually harassing or retaliatory behavior to continue will be subject to disciplinary action, up to and including termination of employment, in accordance with applicable laws, regulations, and collective bargaining agreements.

The District will conduct an investigation of any report or complaint of sexual harassment or any other violation of this policy that it receives. Investigations will be conducted in a prompt and timely manner, and will be confidential to the extent possible. The District will take prompt and appropriate corrective action whenever it determines that sexual harassment or another violation of this policy has occurred.

All persons involved, including complainants, witnesses, and alleged harassers, will be accorded due process, as outlined below. While the process may vary from case to case depending on the circumstances, an investigation of a report of sexual harassment or other violation of this policy will generally include the following steps:

- a. Upon receipt of a report of sexual harassment or other violation of this policy, the District will conduct an immediate review of the allegations and take any appropriate interim action;
- b. Relevant documents and electronic communications will be collected and reviewed;
- c. The complainant, witnesses, and accused will be interviewed;
- d. Create confidential written documentation of the investigation;

- e. Notify the complainant(s) and the alleged harasser(s) that the investigation has concluded and any other relevant information where appropriate;
- f. Implement any corrective action.

All employees are required to fully cooperate with any investigation conducted under this policy.

### **Prohibition of Retaliatory Behavior**

The District strictly prohibits and does not tolerate any retaliatory behavior directed against an individual because he or she has in good faith: (1) made a complaint of, reported, or opposed sexual harassment, either internally or with any government agency, or encouraged another to do so; or (2) testified, assisted or participated in, an investigation or proceeding involving a complaint of sexual harassment under the Human Rights Law or other anti-discrimination law. Such retaliation is unlawful and contrary to District policy. An individual is protected from retaliation if he or she had a good faith belief that the practice complained of was unlawful, even if it ultimately does not rise to the level of a legal violation. This policy, however, does not protect any person making an intentionally false charge of harassment.

Retaliation consists of adverse action taken against the individual because he or she engaged in any of the protected activities described above. The action need not be job-related or occur in the workplace. Unlawful retaliation can be any action, more than trivial, that would have the effect of dissuading a reasonable worker from engaging in any protected conduct.

An adverse employment action is not retaliatory simply because it occurs after the protected activity in question. Employees continue to be subject to all job requirements and disciplinary rules after having engaged in protected activity. In order to make a claim of retaliation, the individual must be able to prove that the adverse action was retaliatory.

### **Compliance Officers**

Compliance Officers shall be informed of any report and investigation of a sexual harassment complaint that occur. They will provide oversight, guidance and, where appropriate, direct involvement. In addition, they will seek to identify any patterns and/or systemic problems regarding sexual harassment in the District and will offer corrective recommendations to the Superintendent.

### **Awareness**

The Superintendent will provide training and/or awareness programs to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment including the procedures for reporting and investigating cases and measures designed to help prevent them.

Furthermore, special training in the investigation and follow up of sexual harassment complaints will be provided for designated administrators and other staff whose responsibilities may include prevention and response to cases of sexual harassment.

## **Statutory Provisions, Redress Rights, and Adjudication Forums for Sexual Harassment**

Sex harassment and discrimination is unlawful pursuant to the New York Human Rights Law § 296.1 (codified as NY Executive Law, Article 15), and the federal Civil Rights Act of 1964, Title VII (codified as 42 USC § 2000e et seq.).

The Human Rights Law applies to all employers in New York State with respect to sexual harassment and protects employees, paid or unpaid interns, and non-employees, regardless of immigration status. A complaint alleging a violation of the Human Rights Law may be filed with either the Division of Human Rights (DHR) or in New York State Supreme Court. Additional information about the DHR can be found at [www.dhr.ny.gov](http://www.dhr.ny.gov). If sexual harassment is found to have occurred, the DHR or a court has the authority to award appropriate relief.

Title VII of the Civil Rights Act of 1964 applies to private employers with at least 15 employees. A complaint alleging a violation of Title VII may be filed with the Equal Employment Opportunity Commission (EEOC). If the EEOC determines that there is reasonable cause to believe that harassment occurred, it will issue a Right to Sue letter permitting the complainant to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may pursue cases in federal court on behalf of a complainant. Additional information about the EEOC can be found at [www.eeoc.gov](http://www.eeoc.gov). If harassment is found to have occurred, federal courts may award appropriate relief.

There may also be applicable local laws that protect individuals from sexual harassment. An individual may contact the county, city, town, or village in which they live to determine whether such a local law exists.

The remedies available to victims of sexual harassment vary depending on the circumstances and forum involved, but may include requiring the defendant(s) to take action to stop the harassment, or redress the damage caused, including reinstatement/instatement to a job, payment of monetary damages (e.g. back pay, out-of-pocket expenses), compensatory damages, punitive damages in certain circumstances, reasonable attorneys' fees, and civil fines.

If the sexual harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Redress can be sought by contacting the local police department.

### **Administration of Policy**

This policy is intended to comply with and implement New York law regarding sexual harassment policies (Labor Law §201-g) and any accompanying regulations. To the extent that this policy is inconsistent therewith, the law and applicable regulations apply.

Civil Rights Act of 1991, 42 USC § 1981(a)

29 CFR § 1604.11(a)

Civil Service Law § 75-B

Executive Law §§ 296 and 297

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.  
34 CFR § 100 et seq.

## **EVALUATION OF PERSONNEL – 6130**

### **All Staff Members**

The administration shall undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the School District. The primary purposes of the evaluations shall be to encourage and promote improved performance and to make decisions about the occupancy of positions.

### **Teachers and Administrators**

The Kenmore-Town of Tonawanda Union Free School District is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and principals shall be developed in accordance with applicable laws, Commissioner's regulations, and Rules of the Board of Regents.

The primary purposes of these evaluations are:

- a. To encourage and promote improved performance;
- b. To guide professional development efforts; and
- c. To provide a basis for evaluative judgments by applicable school officials.

### **Disclosure of APPR**

The Commissioner is required to disclose professional performance review data for teachers and building principals on the New York State Education website and in any other manner to make this data widely available to the public. The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.

Annual professional performance reviews of individual teachers and principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law §§ 3012-c, 3012-d  
Public Officers Law §§ 87 and 89  
8 NYCRR §§ 80-1.1 and 100.2(o)

## **DRUG-FREE WORKPLACE – 6151**

It shall be the general policy of the Board of Education 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 School District.

The Board of Education 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 USC § 7101 et seq.  
21 USC § 812  
21 CFR §§ 1308.11-1308.15  
34 CFR Part 85

## **PROFESSIONAL GROWTH/STAFF DEVELOPMENT – 6160**

It is the policy of the District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the School District and its students. The Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, is directed to arrange in-service programs and other staff development opportunities which will provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

It is recommended that administration develop meaningful in-service and/or staff development programs which will achieve the following:

- a. Contribute to the instructional program of the schools;
- b. Contribute to improved education for students;
- c. Achieve state mandates; and
- d. Enhance the professional competencies and/or instructional abilities of staff members.



The Board of Education, therefore, encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities should be provided for:

- a. Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.
- b. Visits to other classrooms and schools, as well as attendance at professional meetings for the purpose of improving instruction and/or educational services.
- c. Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences and meetings.

Funds for participating at such conferences, conventions, and other similar professional development programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent of Schools or his/her designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, professional organizations and the like within budgetary constraints.

A conference request form/course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at such conference or other professional development program.

### **Mentoring Programs for First Year Teachers**

First year teachers must participate in a mentoring program as a component of the School District's Professional Development Plan. The purpose of the mentoring program is to increase the retention of new teachers and improve their ability to assist students in attaining State learning standards. The mentor's role is to provide guidance and support to a new teacher. However, additional mentor responsibilities may be negotiated and reflected in a collective bargaining agreement.

General Municipal Law §§ 77-b and 77-c  
8 NYCRR §§ 52.21(b)(3)(xvi), 52.21(b)(3)(xvii), 80-3.4(b)(2), 80-5.13, 80-5.14 and 100.2(dd)

### **STAFF-STUDENT RELATIONS (FRATERNIZATION) – 6180**

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. 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; personal communication with a student unrelated to course work, official school matters or concerns regarding a student's safety and welfare; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. (Personal communication with a student unrelated to course work, official school matters or concerns regarding a student's safety and welfare means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, blogging, instant messaging, text messaging or through social networking Web sites.)

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. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. 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.

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

The Board of Education 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.

### **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.

## **TEMPORARY PERSONNEL – 6220**

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case by case basis.

### **Student Teachers**

The Kenmore-Town of Tonawanda Union Free School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

In order to facilitate the participation of student teachers in the District's schools, the Superintendent or his designee is authorized to approve and assign student teachers to appropriate student teaching assignments within the District.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

### **Substitute Teachers**

A fully qualified substitute teacher will be employed, whenever possible, by the Superintendent in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

There are three categories of substitutes:

- a. Substitutes with valid teaching certificates or certificates of qualification may serve in any capacity for any number of days. If employed on more than an itinerant basis, these substitutes will be employed in their certification area.
- b. Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six semester hours per year may serve in any capacity for any number of days, in any number of school districts. If employed on more than an itinerant basis, these substitutes will be employed in their anticipated certification area.
- c. Substitutes without a valid certificate and who are not working toward certification may serve for no more than 40 days per school year. In extreme circumstances—where there is an urgent need for a substitute teacher—however, the District may employ this substitute teacher beyond the 40-day limit, for up to an additional 50 days (90 days total in a school year), if the Superintendent certifies that the District conducted a good-faith recruitment search and there are no certified teachers available who can perform the duties of the position.

In even more rare circumstances, the District may hire this substitute teacher beyond the 90 days only if the Superintendent attests that the District conducted a good-faith recruitment search, but there are still no certified teachers available who can perform the duties of the position and that the District needs a particular substitute teacher to work with a specific class or group of students until the end of the school year.

The Board will annually establish the rate for per diem substitute teachers.

### **Reporting**

The Superintendent will submit an annual report to the Commissioner concerning the employment of all uncertified teachers. The report will include:

- a. The number of substitute teachers authorized to be employed beyond the 40-day limit.
- b. The number of substitute teachers authorized to be employed beyond the 90-day limit.
- c. The required good-faith recruitment certifications for all teachers employed beyond the 40-day and 90-day limits.

### **Professional Intern**

Upon the approval of the Superintendent of Schools/designee, a student legally registered and attending a teacher educational program approved by the Commissioner which includes an internship experience may be permitted to intern in the School District provided the student has a valid internship certificate issued by the Commissioner. Such internship shall in no way involve those financial or other benefits accruing to professional personnel by virtue of their employment.

### **Visiting Lecturers**

Persons deemed by the Superintendent to have unusual qualifications may be employed on a temporary basis with approval of the Commissioner of Education. The appointment shall not exceed one year in duration.

### **Summer Employees**

Summer employees may be hired by the Board of Education and shall be selected in accordance with policies developed and approved by the Board.

## **STAFF ACCEPTABLE USE POLICY – 6410**

The Kenmore-Tonawanda Board of Education will provide staff 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" and the "Internet." It may include the opportunity for staff 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.

Use of Kenmore-Tonawanda computer resources is authorized only for purposes that are part of the District's educational mission, including but not limited to instruction, assessment, administration, research, professional development, or other tasks associated with staff assignments. Use for any other purpose is prohibited.

### **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.

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 created by federal and state law.

### **General Rules and Guidelines**

#### **a. Obscene Materials**

The use of District computer resources to view, make, transmit, receive or otherwise engage with obscene materials is strictly prohibited.

#### **b. Commercial and Political Activities**

Users of the District computer resources are prohibited from engaging in the promotion or sale of commercial or non-commercial products, services or advertising. Users are also prohibited from using the resources for political fundraising or lobbying.

**c. Personal and System Security**

No user may knowingly introduce or transmit viruses or other forms of sabotage into the District computer resources. No person may view, alter, or transmit data for which he/she does not have specific authorization. Users are responsible for maintaining the confidentiality of passwords as well as of their own and others' personally identifying information.

Unauthorized use of encryption techniques is prohibited.

Users are expected to report any problems (hardware, software, connectivity, etc.) to their immediate supervisor.

**d. Etiquette**

In language and in conduct, users are expected to employ the same standard of politeness and respect that is appropriate in other transactions within the school community.

Staff members 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. The District reserves the right to pursue legal action against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against any staff member who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

District administrators shall have the authority to determine whether a particular use is appropriate or inappropriate, authorized or prohibited, in their respective domains of supervisory responsibility. For uses that may be illegal, administrators have the authority to consult with law enforcement authorities. Administrators also have the authority to impose disciplinary consequences where warranted.

**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 District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites (SNS), have great potential to connect people around the globe and enhance communication. Therefore, the Board 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.

Public social media networks or 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 District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, Vine, Instagram, SnapChat, 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. Personal use of social media or SNS by employees during District time or on District-owned equipment is allowed on a limited basis. 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 or private data, including, but not limited to, protected student records, employee personal identifying information, and District assessment data, will 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. Similarly, staff are permitted to store confidential files on the District storage locations or in District approved Google Drive storage. Storage of confidential files on non-district cloud services is not permissible.

In addition, staff will not leave any devices unattended with confidential information visible. All devices must 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.

Data files and other electronic storage areas will be considered to be School District property subject to control and inspection. Authorized District personnel may access all staff data files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Staff members should not expect that information stored on the DCS will be private.

### **Notification**

The District's Acceptable Use Policy and any further guidelines or regulations that may exist will be disseminated to staff members in order to provide notice of the school's requirements and expectations, and of staff members' obligations when accessing the DCS.

## **USE OF EMAIL IN THE SCHOOL DISTRICT – 6411**

Electronic mail or email is a valuable business communication tool, however, users must use this tool in a responsible and lawful manner. Every employee and authorized user has a responsibility to be knowledgeable about the inherent risks associated with email usage and to avoid placing the District at risk. The same laws and business records requirements apply to email as to other forms of written communication. District employees and authorized users shall use the District's designated email system, such as Lotus Notes or Microsoft Exchange, for all business-related email, including emails in which students or student issues are involved. Personal accounts and instant messaging shall not be used to conduct official business.

### **Employee Acknowledgement**

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

### **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 filenames that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords shall not be transmitted 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 emails with comments or statements about the District that may negatively impact it; or
- 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.

### **Personal Use**

Employees and authorized users may use the District's email system for limited personal use. However, employees and authorized users have no expectation of privacy in email use. Personal use does not include chain letters, junk mail, and jokes. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network or 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 also shall not be used for personal gain or profit.

### **Receiving Unacceptable Mail**

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

### **Records Management and Retention**

Email shall be maintained and archived 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.

## **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 regarding harassment and/or charges of fraternization;
- 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; and
- 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 may 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 contacted.

## **Confidentiality Notice**

A standard confidentiality notice will automatically be added to each email as determined by the District.

Adopted: 2/9/16

Cross References

3320 - Confidentiality of Computerized Information

3430 - Discrimination, Harassment and the Dignity for All Students Act

5670 - Records Management

6410 - Staff Acceptable Use Policy

8271 - Internet Safety/Internet Content Filtering

## **EMPLOYEE ACTIVITIES – 6430**

### **Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

### **Solicitations by Staff Personnel**

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

### **THEFT OF SERVICES OR PROPERTY – 6450**

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP) – 6530**

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, tobacco abuse or personal problems such as those of a marital, family, or financial nature.

A joint District/employee organization committee will be established to assist in the implementation of this policy.

#### **Cross References**

3410 - Code of Conduct on School Property

6150 - Alcohol, Drugs and Other Substances

6151 - Drug-Free Workplace

## **FAMILY AND MEDICAL LEAVE ACT – 6551**

The District allows eligible employees to take unpaid FMLA leave for up to 12 work weeks in a 12-month period as determined by the District. Employees are eligible if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the previous 12-month period. Full-time teachers meet the 1,250-hour test.

The District uses a "rolling" 12-month period measured backward from the date of any FMLA leave usage to calculate the FMLA leave. In certain cases, FMLA leave may be taken on an intermittent or reduced schedule basis rather than all at once. The entitlement to leave for the birth or placement of a child expires at the end of the 12-month period beginning on the date of the birth or placement.

Eligible employees may be granted leave for one 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; or
- f. The employee's serious health condition prevents the employee from performing his or 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 healthcare provider that renders the person incapacitated for more than three consecutive calendar days. An employee claiming a serious health condition must first visit a healthcare provider within seven days of the incapacity; the second visit must occur within 30 days of the incapacitating event. An employee claiming the need for continuous treatment under FMLA for a chronic serious health condition must visit a healthcare provider at least twice per year, and the condition must continue over an extended period of time. The condition may cause episodic rather than a continuing period of incapacity.

### **Military Family Leave Entitlements**

#### **Military Caregiver Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take up to 26 weeks of leave during a single 12-month period to care for the service member.

#### **Qualifying Exigency Leave**

An "eligible" employee may take qualifying exigency leave when his or her spouse, son, daughter, or parent who is a member of the Armed Forces, National Guard, or Reserves is on covered active duty or has been notified of an impending call or order to covered active duty.

## **Concurrent (Substitute) Leave**

Employees must use paid leave concurrently with periods of FMLA leave.

### **Special Provisions for Instructional Employees**

An instructional employee's principal function is to teach and instruct students in a class, a small group, or an individual setting. 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 continuous leave. The period during summer vacation is not counted against an employee's FMLA leave entitlement; the employee will continue to receive any benefits that are customarily given over the summer break.

If an instructional employee requests intermittent leave or leave on a reduced schedule, and will be on that leave for more than 20% of the number of working days during that period, the District may:

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

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

If the instructional employee begins leave more than five weeks before the end of the term, the District may require him or her to continue taking leave until the end of the term if the leave lasts more than three weeks and the employee would return during the three weeks before the end of the term.

If the instructional employee begins leave less than five weeks before the end of the term for any FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two weeks and the employee would return to work during that two-week period at the end of the instructional term.

If the instructional employee begins taking leave during the three weeks before the end of the term for any FMLA-related reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave will last more than five working days.

Any additional time that is required by the District will not be charged against the employee as FMLA leave.

### **Benefits and Restoration**

An employee is entitled to have group health insurance and benefits maintained while on leave. If an employee was paying all or part of the premium payments before leave, the employee will continue to pay his or her share during the leave period.

In most instances, an employee has a right to return to the same or an equivalent position following a leave. The Superintendent or designee may reassign an employee in accordance with

any applicable collective bargaining agreement to a different grade level, building, or assignment consistent with the employee's certification and tenure area.

### **Employee Notice and Medical Certification**

When leave is foreseeable, the employee must give at least 30 days' advance notice of when and how much leave he or she needs. When leave is not foreseeable, the employee must provide notice as soon as practicable.

The District may require an employee to submit certification from a healthcare provider to substantiate a leave request. If the certification is incomplete or insufficient, the District will identify in writing what information the employee must provide to correct the deficiency within seven days. If the employee fails to timely provide the requested information, the District may deny his or her FMLA leave request.

The District may also request a second opinion regarding the employee's medical status from a healthcare provider of its choice at its expense, and a third opinion from a provider agreed upon by the District and the employee, to be paid for by the District.

### **FMLA Notice**

The District will display a general notice to employees about FMLA leave rights, that will include how to file a complaint, in each school building. The District will also provide a written general notice about the FMLA in the employee handbook to each new employee upon hire. The District has five days to supply this 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

### **LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES – 7311**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an un-emancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed \$5,000. Under certain circumstances, prior to the entering of a judgment in the sum total of \$500.00 or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of \$500.00, and enter a judgment in an amount within the

financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than \$500.00.

### **False Reporting of an Incident and/or Placing a False Bomb**

The School District is also authorized to seek restitution, as described in law, from a parent or guardian of an un-emancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

### **CORPORAL PUNISHMENT – 7350**

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

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

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

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

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

## WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT – 7360

With the exception of those students who receive prior written permission from the Board of Education or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school-sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with state and federal law and the District's *Code of Conduct*. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001, 18 USC §§ 921(a) and 930

Criminal Procedure Law § 1.20(42)

Education Law §§ 809-a and 3214

NOTE: Refer also to District *Code of Conduct*

Cross References

3411 - Prohibition of Weapons on School Grounds

7313 - Suspension of Students

## **ACCIDENTS – 7520**

Procedures shall be established and maintained by the Superintendent for the handling of student injuries that occur on school property and during school activities.

### **Student Emergency Treatment**

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR).

### **Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/guardian contact, have been made.

Insurance - The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

## **CHILD ABUSE AND NEGLECT – 7530**

The Kenmore-Town of Tonawanda Union Free School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused, neglected, and maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) mandatory reporting of child abuse/neglect;
- 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; and
- f) obligations for provision of services and procedures necessary to safeguard the life of a child.



A copy of each report shall be filed in the building and in the Office of Pupil Services. Upon receipt of a report from Child Protective Services that the charge is unfounded, all documentation shall be deleted from the records. Additionally, an ongoing training program for all professional staff is required for certification.

## **DIGNITY FOR ALL STUDENTS – 7550**

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 which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited that 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 and/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;

- 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/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or 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/or 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/or discrimination;
- e. Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or 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.

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, and/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 any investigation verifies that harassment, bullying, and/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.

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

## **STUDENT GENDER IDENTITY – 7552**

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

## **Key Terms**

Generally, District personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

**Cisgender:** a person whose gender identity corresponds to their assigned sex at birth.

**Gender:** actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones.

**Gender expression:** the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

**Gender identity:** a person's inner sense or psychological knowledge of being male, female, neither, or both.

**Gender nonconforming (GNC):** describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

**Transgender:** someone whose gender identity is different than their gender assigned at birth.

**Transition:** the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

## **Records**

As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.

If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the District may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the District will use the student's legal name and gender. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school. The District will maintain records with the student's assigned birth name and gender in a separate, confidential file.

## **Names and Pronouns**

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

## **Restrooms and Locker Rooms**

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative.

## **Physical Education and Sports**

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with his or her gender identity, the District will determine his or her eligibility in accordance with applicable law,

regulations, and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent or guardian, counselor, doctor, psychologist, psychiatrist, or other medical professionals. The student's gender identity should be the same as the identity used for District registration and other school purposes.

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

### **Other Activities**

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

### **Dress Code and Team Uniforms**

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

The District's dress code applies while its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g  
34 CFR Part 99  
Title IX of the Education Amendments of 1972  
Education Law Article 2 and §§ 2-d, 11(7), 3201-a  
8 NYCRR § 100.2

#### **Cross References**

3410 - Code of Conduct on School Property

3420 - Non-Discrimination

7550 - Dignity for All Students

7553 - Hazing of Students

## **EQUAL EDUCATIONAL OPPORTUNITIES – 8130**

Each student attending Kenmore-Tonawanda programs shall have equal access to educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities, school services, and extracurricular events on the basis of race, color, ethnicity, creed, religion, national origin, political affiliation, sex, sexual

orientation, age, weight, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog.

The Superintendent will establish and maintain procedures for reporting, investigating, and remedying allegations of discrimination with respect to equal educational opportunity. A copy of the procedures (3420R) may be obtained in any District main office.

The District statement of non-discrimination, along with names and contact information of Compliance Officers responsible for assuring non-discrimination in the District are available in all main offices.

### **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, witnesses, and/or any other individuals who participated in the investigation of a complaint related to this policy. The complaint procedures will include affirmative steps to prevent and respond to any retaliatory behavior.

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

Prohibits discrimination on the basis of disability.

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

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

Prohibits discrimination on the basis of race, color or national origin.

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

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

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

Prohibits discrimination on the basis of sex.

Civil Rights Law § 40-c Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

Executive Law § 290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

Age Discrimination Act

### **USE OF COPYRIGHTED MATERIALS – 8350**

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

All employees 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 employee who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall personally 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.

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.

### **Reproductive Health Decision Making- Labor Law Section 203-e**

The District affirms its commitment to provide an environment free from discrimination including discrimination based on an employee's or dependent's reproductive health decision making.

Therefore, in accordance with Labor Law Section 203-e, the District will not:

- a) Discriminate or take any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device, or medical service;
- b) Require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service; or
- c) Access an employee's personal information regarding the employee's or dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device, or medical service without the employee's prior informed affirmative written consent.

In this context, retaliation or retaliatory personnel action means discharging, suspending, demoting, or otherwise penalizing an employee for:

- a) Making or threatening to make a complaint to the District, co-worker, or to a public body that rights guaranteed under Labor Law Section 203-e have been violated;
- b) Causing to be instituted any proceeding under or related to Labor Law Section 203-e; or
- c) Providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule, or regulation by the District.

### Remedies

If an employee believes that the District has violated Labor Law Section 203-e, the employee may bring a civil action against the District in any court of competent jurisdiction for various remedies including monetary damages, injunctive relief, an order of reinstatement, and, in certain circumstances, liquidated damages.



## **FORMS**

Various forms are available in the Ken-Ton administrative office, as well as the schools' main offices.



A GUIDEBOOK FOR THE SAFE REOPENING OF  
THE KENMORE-TOWN OF TONAWANDA  
UNION FREE SCHOOL DISTRICT  
AUGUST 2020



**Kenmore-Town of Tonawanda  
Union Free School District**

Live Document Version:  
August 16, 2020

## REOPENING INFORMATION

Thank you for your cooperation and support as we continue to adapt to this ever-changing landscape. The Ken-Ton School District is taking planned steps to safely return to work following guidance from the Center for Disease Control and Prevention (CDC) and the New York State Department of Health (DOH). The guidelines and information in this document are aimed to promote a safe and healthy workplace. These guidelines take effect *immediately*, and will continue to be reviewed and adjusted to meet current situations and protocols. We ask for your continued patience as we navigate through this transition together.

## RETURN TO THE WORKPLACE

### **Workplace Expectations and Guidelines:**

All staff are expected to fully comply with the protocols and guidelines outlined in this handbook.

### **Symptom Monitoring Requirement:**

Staff are currently required to take their temperature and then attest that they are not experiencing symptoms, have not come in proximate contact with someone who is COVID positive and have not traveled to a restricted state or country in the last fourteen days before punching in/reporting to work. The District will be implementing a process whereby staff will take their temperatures at home and also attesting to not experiencing symptoms, have not come in proximate contact with someone who is COVID positive and have not traveled to a restricted state or country in the last fourteen days.

If you have any questions as to whether you should report to work based on the screening, please speak with your supervisor first.

### **At this time the current CDC definition of these symptoms includes:**

- Fever (100.0+)
- Cough or Sore Throat
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- New loss of taste or smell
- Nausea or vomiting
- Diarrhea
- Repeated shaking with chills
- Headache

Upon returning to work, you will be asked the questions listed below that must be answered at the start of each workday. If you have any symptoms, you must notify your supervisor/building administrator or call your health care provider for an assessment of your symptoms and COVID-19 testing. If you have any of these symptoms and/or answered “yes” to any of the questions, you are not to report to work.

**Questions:**

Please know that the following questions are intended to limit any exposure to COVID-19. All responses are confidential.

1. *Have you experienced any of the following symptoms in the last 14 days: Cough, Shortness of Breath or Trouble Breathing, Fever, Chills, Muscle Pain, Sore Throat, New Loss of Taste or Smell, Nausea, Vomiting, Diarrhea?*

Yes

No

2. Have you been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19?

Yes

No

3. Have you tested positive for COVID-19 within the last 14 days?

Yes

No

4. Have you traveled internationally or from a state identified per the New York State Travel Advisory in the past 14 days?

Yes

No

5. Is your temperature above 100 degrees Fahrenheit today?

Yes

No

Initially, an answer of **yes** must be reported to your direct supervisor/ building administration or Personnel, 874-8400 if your supervisor is not available.

Please answer these questions daily- at work if necessary, at home is preferred. Your supervisor will work with you to determine the appropriate procedures for your building/ department.

## PERSONAL HEALTH AND SAFETY PROTOCOLS

The following guidelines are aimed to promote a safe and healthy workplace. If you have any questions, you should first contact your supervisor. If further questions or clarification is needed, please contact the Director of Personnel at [pmoses@ktufsd.org](mailto:pmoses@ktufsd.org) or x 20338.

### **Face Covering:**

In general, bring and wear face coverings to work each day (the District will provide face coverings if necessary). Face covering must cover your nose and mouth when necessary. Face covering must be worn by all employees while in common areas and is required when you are not able to maintain six-foot social distancing with others. (e.g., hallway, copy room, staff room, conference room, when transitioning between rooms, etc). In other words, if you are working at your desk or workplace and are more than six feet away from your co-workers, you may remove your mask. When you are moving about your office or general areas, you are required to wear a mask. Disposable masks can only be worn for one day. Cloth masks or face coverings must be laundered every day. When students are in buildings, face masks should be worn essentially at all times- with limited exceptions.

### **Social Distancing:**

Keeping space between you and others is one of the best tools we have to avoid being exposed to the COVID-19 virus and slowing the spread. Since people can spread the virus before they know they are sick, it is important to stay away from others when possible, even if you do not have symptoms. Social distancing is important for everyone, especially to help protect people who are at higher risk of getting sick. Maintain a physical distance of at least six feet (about 2 arms' length) from other people at all times. If you cannot maintain six feet of distance, wear a face covering. Avoid any physical contact, such as shaking hands and hugging.

### **Hand washing:**

Wash your hands often with soap and water for at least 20 seconds (sing the happy birthday song twice), especially after you have been in a public space, blowing your nose, coughing, sneezing or touching your face. If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. It is highly recommended that you always carry and consider using your own sanitizer. Cover all surfaces of your hands and rub them together until they feel dry. Avoid touching your eyes, nose and mouth.

### **Coughing/Sneezing Hygiene:**

If you are in a private setting and do not have on your mask/face covering, remember to always cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow. Immediately throw used tissues in the trash and wash your hands with soap and water for at least 20 seconds. If soap and water are not available use hand sanitizer that contains at least 60% alcohol.

### **Shared Equipment:**

Limit the use of shared equipment, objects, and the touching of shared surfaces as much as possible. Consider assigning one person within a work section each day to operate all equipment. When shared equipment is used, such as a copy machine, please wear face covering and wash/sanitize hands before and after contact.

### **Special Education Consideration:**

- Encourage, but do not require students to wear acceptable face covering. Face coverings should not be used by children under the age of 2, or anyone who is unable to medically tolerate such covering, including students where such covering would impair either their physical health or mental health, or where such covering would present a challenge, distraction, or obstruction to education services and instruction.
- Reinforce proper hand hygiene and cough/sneeze covering among all students and staff.
- Provide and maintain adequate supplies to support healthy hand and respiratory hygiene, including soap, hand sanitizer with at least 60 percent alcohol (for staff and older students who can safely use hand sanitizer), paper towels, tissues, and lined trash receptacles.

### **Isolation Protocol:**

The isolation protocol for employees who become ill at work is:

- Staff who appear to have symptoms while at work or becoming sick during the workday will immediately be separated from other staff and sent home and/or to a healthcare provider.
- Medical clearance results will be needed to return to work.
- The documentation should include:
  - Name of physician
  - Date of visit
  - Results of COVID-19 (if diagnosed and/or when applicable)
  - Date of clearance to return to work
- The district will close off any areas used for prolonged periods of time by the sick employee. The Facilities department will sanitize the area.

- The district will notify the Erie County Department of Health and follow all protocols.
- If the employee is confirmed as COVID positive, the district/ECDOH will inform employees who had contact with the sick person of their possible exposure to COVID-19.
- The district will ensure that the suspected employee's work area is thoroughly cleaned and sanitized, in addition to all other common surfaces recently touched by the infected employee.

**Visitors:**

We will be limiting visitors at the building. Safety procedures are in place for visitors to buildings including temperature scans, attestation of lack of symptoms and sign-in for contact tracing.

**MAINTENANCE OF FACILITIES**

**Cleaning and Disinfecting:**

Facilities, including individual work areas and regularly touched surface, will be cleaned and disinfected daily. Please clear off desks (and paperwork) and other surfaces, as they will be cleaned/disinfected and may affect the quality of anything left behind. Hand sanitizer is available throughout the building. Please report any issues with social distancing of office space to your direct supervisor.

**FREQUENTLY ASKED QUESTIONS**

1. What is the difference between quarantine and isolation?

- Quarantine- you need to stay home if you might have been exposed to COVID-19.

<https://www.ktufsd.org/cms/lib/NY19000262/Centricity/Domain/51/Isolation%20and%20Quarantine%20Flow%20Chart.pdf>

- Isolation – you need to stay home and away from other people because you have COVID-19 symptoms.

<https://www.ktufsd.org/cms/lib/NY19000262/Centricity/Domain/51/Symptomatic%20or%20Positive%20COVID%20Protocol.pdf>

**When you can be around others (end home isolation) depends on different factors for different situations.**

2. If I think one of my co-workers is sick or if I have medical concerns, who should I speak to?

*Please speak to your supervisor.*

3. What happens if a staff member who has returned to work becomes positive for COVID-19?

*We will follow the Erie County Health Department guidance.*

4. Do I have to return to in-person work if I do not have childcare?

*The Families First Coronavirus Response Act (FFCRA) provides employees with additional benefits for specified reasons related to COVID-19. These provisions apply from April 1, 2020 through December 31, 2020. Documentation must be provided.*

5. If I recently travelled to a high-risk state, must I quarantine for 14 days?

*Yes, you must also contact your direct supervisor and personnel immediately.*

Please be advised that there are very specific parameters for applying COVID time to absences. They will be discussed by Personnel when you report your circumstances.

Read more at <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>. Please contact the Human Resources Department if you believe you are eligible.

