

NEW PALTZ CENTRAL SCHOOL DISTRICT  
BOARD OF EDUCATION WORKSHOP MEETING

November 14, 2018

5:30 PM – Executive Session Subject to Board Approval

7:00 PM – Middle School Library

**2018-2019 Board of Education Focus Areas**

- Mental Health – Continuum of Well-Being
- Racial Equity
- Communications

1. CALL MEETING TO ORDER/ROLL CALL

2. PLEDGE TO THE FLAG

3. AGENDA CHANGES

4. SPOTLIGHT ON PROGRAM

- Duzine Elementary School: “The Monarch Project: Kindergartners as Citizen Scientists”

5. PUBLIC COMMENTS

Speakers are asked to please limit their comments to two minutes in order to ensure everyone has a chance to speak. Public comments are not meant to be a dialogue, rather a time for the board to hear comments from the public.

6. STUDENT REPRESENTATIVE REPORT

- Lily Sackett

7. SUPERINTENDENT’S REPORTS & DISCUSSION ITEMS

- SUPERINTENDENT’S COMMENTS

- Indigenous Peoples Month

- SUPERINTENDENT’S REPORTS

- Sharing Tables: Dr. Tarkan Ceng, Lenape Principal and William Ball, Duzine Interim Principal

- Racial Equity Action Plan: Maria C. Rice, Superintendent & Michelle Martoni, Deputy Superintendent

8. BOARD COMMUNICATIONS

- Capital Project Update: Bill Wisbauer, TetraTech and Luis Rodriguez, The Palombo Group

- Student Dress Code

9. COMMITTEE REPORTS

- Policy Committee: Kathy Preston, Chair

- Racial Equity Initiative Advisory Committee: Sophia Skiles, BOE Representative

- Legislative Action Committee: Michael O’Donnell, Chair

## 9.1 Transgender Statement of Support

### The New Paltz Central School District Affirms Support of our Transgender Community

The New Paltz Central School District Board of Education affirms its commitment to equal justice through our unwavering support and insurance of equal dignity for the transgender members of our District and the wider community. The Board's authority to make this statement is derived from the District's mission<sup>1</sup> and our sworn oaths to uphold the Constitution of the United States of America. The New Paltz Central School District's commitment to the whole child demands that we honor each student on his or her own terms and in the context of the rich plurality of our community.

The Board considers any effort by the Federal government to infringe upon transgender rights to be unethical, immoral, and antithetical to the guiding principles of the United States Constitution<sup>2</sup>.

A recent memo from the Department of Health and Human Services (HHS) claims to define gender in an artificially narrow and ideological manner by stating: "[s]ex means a person's status as male or female based on immutable biological traits identifiable by or before birth"<sup>3</sup>. A proper recognition of gender would recognize the growing body of scientific evidence<sup>4,5,6,7,8,9,10,11</sup> that supports the non-binary nature of gender and biological underpinnings of transgender identities.

Transgender people experience disproportionately high rates of discrimination<sup>12</sup>, which underscores the importance of recognizing their personhood, supporting their mental health, and maintaining their access to justice. Transgender students experience high rates of physical and sexual assault, are 9 times more likely than cisgender students to attempt suicide, and report reluctance to seek mental health care due to their gender identity<sup>13</sup>. If the Federal government effectively strips Title IX of transgender protection the District will leverage State law or local policies to maintain equal dignity for all members of our community. Legislation that targets individuals from one of our most vulnerable populations is cruel, reckless, and immoral. The District will continue to adopt policies and implement practices that honor and celebrate the equal dignity of all persons -- especially transgender people who face specific and statistically disproportionate risk<sup>14</sup>.

The foundations of support for equal dignity for transgender people in the United States trace back to the Enlightenment period which recognized that all persons, by their very nature are "ends in themselves (i.e., as not to be used merely as means)—which makes such a being an object of respect"<sup>15</sup>. That all persons are endowed with inherent rights, value, and equal dignity was articulated by the Declaration of Independence<sup>16</sup>, enshrined in the Constitution<sup>17</sup>, and further strengthened and protected by the 9th<sup>18</sup> and 14th<sup>19</sup> amendments.

Throughout this nation's history, our society and laws have sought and found specious methods and spurious justifications to deny specific classes of Americans their inherent rights. Our collective moral conscience and our commitment to the US Constitution demand that we resolutely affirm the dignity of transgender members of our school community.

The District recognizes that full equality and dignity for all is an ongoing process that can - and must - only move forward.

With liberty and justice for all,

Michael O'Donnell, President

Sophia Skiles, Vice President  
Diana Armstead  
Glenn LaPolt  
Kathy Preston  
Teresa Thompson  
Matthew Williams

## References and Annotations

1. "New Paltz Central School District Mission" *New Paltz Central School District*, 2018, [www.newpaltz.k12.ny.us/](http://www.newpaltz.k12.ny.us/).

"The New Paltz Central School District exists for the children of the community. The focus of its programs and activities is the commitment to measured excellence and continuous growth and development for all."

2. United States, "The Constitution of the United States.", *Constitutional Convention*, 1789. [www.archives.gov/founding-docs/constitution-transcript](http://www.archives.gov/founding-docs/constitution-transcript).

Preamble: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

9th Amendment: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

14th Amendment, Section I. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

3. Green, Erica L, et al. "'Transgender' Could Be Defined Out of Existence Under Trump Administration." *The New York Times*, 21 Oct. 2018, [www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html](http://www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html).

"The department argued in its memo that key government agencies needed to adopt an explicit and uniform definition of gender as determined "on a biological basis that is clear, grounded in science, objective and administrable." The agency's proposed definition would define sex as either male or female, unchangeable, and determined by the genitals that a person is born with, according to a draft reviewed by The Times. Any dispute about one's sex would have to be clarified using genetic testing."

4. Diamond, Milton. "Transsexuality Among Twins: Identity Concordance, Transition, Rearing, and Orientation." *International Journal of Transgenderism*, vol. 14, no. 1, May 2013, pp. 24–38., doi:10.1080/15532739.2013.750222.

"Combining data from the present survey with those from past-published reports, 20% of all male and female monozygotic twin pairs were found concordant for transsexual identity. This was more frequently the case for males (33%) than for females (23%). The responses of our twins relative to their rearing, along with our findings regarding some of their experiences during childhood and adolescence show their identity was much more influenced by their genetics than their rearing."

5. Luders, Eileen, et al. "Regional Gray Matter Variation in Male-to-Female Transsexualism." *NeuroImage*, vol. 46, no. 4, 2009, pp. 904–907., doi:10.1016/j.neuroimage.2009.03.048.

"These findings provide new evidence that transsexualism is associated with distinct cerebral pattern, which supports the assumption that brain anatomy plays a role in gender identity."

6. Rametti, Giuseppina, et al. "White Matter Microstructure in Female to Male Transsexuals before Cross-Sex Hormonal Treatment. A Diffusion Tensor Imaging Study." *Journal of Psychiatric Research*, vol. 45, no. 2, 2011, pp. 199–204., doi:10.1016/j.jpsychires.2010.05.006.

"Our results show that the white matter microstructure pattern in untreated FtM transsexuals is closer to the pattern of subjects who share their gender identity (males) than those who share their biological sex (females). Our results provide evidence for an inherent difference in the brain structure of FtM transsexuals."

7. "Transgender People, Gender Identity and Gender Expression." *American Psychological Association*, [www.apa.org/topics/lgbt/transgender.aspx](http://www.apa.org/topics/lgbt/transgender.aspx).

"A psychological state is considered a mental disorder only if it causes significant distress or disability. Many transgender people do not experience their gender as distressing or disabling, which implies that identifying as transgender does not constitute a mental disorder."

8. Burke, Sarah M., et al. "Hypothalamic Response to the Chemo-Signal Androstadienone in Gender Dysphoric Children and Adolescents." *Frontiers in Endocrinology*, vol. 5, 2014, doi:10.3389/fendo.2014.00060.

"We present here a unique data set of boys and girls diagnosed with GD at two different developmental stages, showing that these children possess certain sex-atypical functional brain characteristics and may have undergone atypical sexual differentiation of the brain."

9. Hare, Lauren, et al. "Androgen Receptor Repeat Length Polymorphism Associated with Male-to-Female Transsexualism." *Biological Psychiatry*, vol. 65, no. 1, 2009, pp. 93–96., doi:10.1016/j.biopsych.2008.08.033.

"A significant association was identified between transsexualism and the AR allele, with transsexuals having longer AR repeat lengths than non-transsexual male control subjects (p=.04)."

10. Saraswat, Aruna, et al. "Evidence Supporting the Biologic Nature of Gender Identity." *Endocrine Practice*, vol. 21, no. 2, 2015, pp. 199–204., doi:10.4158/ep14351.ra.

“Although the mechanisms remain to be determined, there is strong support in the literature for a biologic basis of gender identity.”

11. “Gender and Genetics.” *World Health Organization*, 1 Dec. 2010, [www.who.int/genomics/gender/en/index1.html](http://www.who.int/genomics/gender/en/index1.html).

“Humans are born with 46 chromosomes in 23 pairs. The X and Y chromosomes determine a person’s sex. Most women are 46XX and most men are 46XY. Research suggests, however, that in a few births per thousand some individuals will be born with a single sex chromosome (45X or 45Y) (sex monosomies) and some with three or more sex chromosomes (47XXX, 47XYY or 47XXY, etc.) (sex polysomies). In addition, some males are born 46XX due to the translocation of a tiny section of the sex determining region of the Y chromosome. Similarly some females are also born 46XY due to mutations in the Y chromosome. Clearly, there are not only females who are XX and males who are XY, but rather, there is a range of chromosome complements, hormone balances, and phenotypic variations that determine sex.”

12. Grant, Jaime M, et al. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, [transequality.org/sites/default/files/docs/resources/NTDS\\_Report.pdf](http://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf).

“Sixty-three percent (63%) of our participants experienced serious acts of discrimination—events that would have a major impact on a person’s quality of life and ability to sustain themselves financially or emotionally.”

13. James, Sandy E, et al. *Executive Summary of the Report of the 2015 U.S. Transgender Survey*. National Center for Transgender Equality, 2016, [transequality.org/sites/default/files/docs/usts/USTS-Executive-Summary-Dec17.pdf](http://transequality.org/sites/default/files/docs/usts/USTS-Executive-Summary-Dec17.pdf).

“The majority of respondents who were out or perceived as transgender while in school (K–12) experienced some form of mistreatment, including being verbally harassed (54%), physically attacked (24%), and sexually assaulted (13%) because they were transgender. Further, 17% experienced such severe mistreatment that they left a school as a result.” “Among the starkest findings is that 40% of respondents have attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).” “nearly one-quarter (23%) of respondents reported that they did not seek the health care they needed in the year prior to completing the survey due to fear of being mistreated as a transgender person”

14. “NASP Affirms Support for Civil Rights Protections of Transgender People in Title IX.” *National Association of School Psychologists*, 2018, [www.nasponline.org/about-school-psychology/media-room/press-releases/nasp-affirms-support-for-civil-rights-protections-of-transgender-people-in-title-ix](http://www.nasponline.org/about-school-psychology/media-room/press-releases/nasp-affirms-support-for-civil-rights-protections-of-transgender-people-in-title-ix).

"The threat of the loss of legal protections, increased incidents of verbal or physical attacks, and the psychological toll of being “invalidated” as person can all undermine the well-being, safety, and learning for some of our most vulnerable students."

15. Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. 1785.

"Practical principles are formal when they abstract from all subjective ends; they are material when they are based on subjective ends and thus on certain action-drivers. All of the ends—material ends—that a rational being voluntarily already marks them out as ends in themselves (i.e. as not to be used merely as means)—which makes such a being an object of respect, and something that sets limits to what anyone can choose to do. Such beings are not merely subjective ends whose existence as a result of our action has value for us, but are objective ends, i.e. things [Dinge] whose existence is an end in itself. It is indeed an irreplaceable end: you can't substitute for it something else to which it would be merely a means. If there were no such ends in themselves, nothing of absolute value could be found, and if all value were conditional and thus contingent, no supreme practical principle for reason could be found anywhere."

16. United States, "The Declaration of Independence" *Second Continental Congress*, 4 July 1776. [www.archives.gov/founding-docs/declaration](http://www.archives.gov/founding-docs/declaration).

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

17. United States, "The Constitution of the United States.", *Constitutional Convention*, 1789. [www.archives.gov/founding-docs/constitution-transcript](http://www.archives.gov/founding-docs/constitution-transcript).

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

18. United States, "The Constitution of the United States.", *Constitutional Convention*, 1789. [www.archives.gov/founding-docs/constitution-transcript](http://www.archives.gov/founding-docs/constitution-transcript).

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

19. United States, "The Constitution of the United States.", *Constitutional Convention*, 1789. [www.archives.gov/founding-docs/constitution-transcript](http://www.archives.gov/founding-docs/constitution-transcript).

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

## Relevant US Supreme Court Precedents

1. US Supreme Court. *Obergefell v. Hodges*. 25 June 2015.

“If rights were defined by who exercised them in the past, then received practices could serve as their own continued justification and new groups could not invoke rights once denied. This Court has rejected that approach, both with respect to the right to marry and the rights of gays and lesbians.”

“These new insights have strengthened, not weakened, the institution of marriage. Indeed, changed understandings of marriage are characteristic of a Nation where new dimensions of freedom become apparent to new generations, often through perspectives that begin in pleas or protests and then are considered in the political sphere and the judicial process.”

“The dynamic of our constitutional system is that individuals need not await legislative action before asserting a fundamental right. The Nation's courts are open to injured individuals who come to them to vindicate their own direct, personal stake in our basic charter. An individual can invoke a right to constitutional protection when he or she is harmed, even if the broader public disagrees and even if the legislature refuses to act.”

2. US Supreme Court. *West Virginia State Board of Education v. Barnette*. 14 June 1943.

“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.”

3. US Supreme Court. *Planned Parenthood of Southeastern PA v. Casey*. 29 June 1992.

“These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.”

## **9.2 Resolution on Acceptance, “Acceptance of Belief/Good Neighbors”**

*WHEREAS recent public statements by political leaders seem to give license to expressions of hatred toward Muslim-Americans;*

*AND WHEREAS we also see many examples of hatred directed toward Christians, Jews, Sikhs and others;*

*AND WHEREAS we see, historically and in the present-day, acts of violence and discrimination directed toward African-Americans, Asian Americans, Latinos and all groups seen as “other”;*

*AND WHEREAS acts of religious and racial bigotry undermine the civic fabric of our country in the eyes of the world;*

*AND WHEREAS acts of religious and racial bigotry diminish the civic discourse of our country;*

*AND WHEREAS the need for peaceful civic discourse, without resort to violence, is the key to maintaining a civil society that addresses the needs of all;*

*AND WHEREAS the embrace and acceptance of our neighbors, no matter their religious affiliation or their racial heritage, is a cornerstone of the American way;*

*AND WHEREAS a tradition of religious freedom and pluralism has been part of the fabric of life in New Paltz since its founding in the 17th Century by Huguenots seeking a place to worship without fear;*

*AND WHEREAS the community of New Paltz acknowledges the truth of Rev. Martin Niemöller's admonition during the Nazi era in Germany: First they came for the Socialists, and I did not speak out- Because I was not a Socialist. Then they came for the Trade Unionists, and I did not speak out- Because I was not a Trade Unionist. Then they came for the Jews, and I did not speak out- Because I was not a Jew. Then they came for me-and there was no one left to speak for me.*

*AND WHEREAS the community of New Paltz embraces the statement of John Stuart Mill that "bad men need nothing more to compass their ends, than that good men should look on and do nothing";*

*AND WHEREAS the community of New Paltz is mindful of the warning from Albert Einstein that "the world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing";*

*AND WHEREAS the community of New Paltz takes to heart the statement by Dr. Martin Luther King, Jr., that "history will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people";*

*THE COMMUNITY OF NEW PALTZ RESOLVES AND AFFIRMS FIRST, that acts of violence against any group based on religion or ethnicity, whether Muslims today or any other group tomorrow, are intolerable and will be considered actions taken against our entire community; SECOND, that the members of the New Paltz community who are not Muslim offer support and friendship toward our Muslim neighbors; THIRD, that New Paltz is a welcoming community that honors individuals from all walks of life and all beliefs or non-belief, and is a place where neighbors live and work together cooperatively for the benefit of all; AND FOURTH, that the Community of New Paltz calls upon other New York State and American communities to join us in public expressions that honor the importance of acceptance, diversity and nonviolence.*

#### 10. MINUTES OF MEETING

Recommendation - that the New Paltz Central Schools Board of Education accept the minutes of the Regular Business Meeting of October 24, 2018.

#### 11. PERSONNEL (CONSENT AGENDA)

##### **11.1 Certify Evaluator of Classroom Teachers Pursuant to Education Law Section 3012-d**

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

BE IT RESOLVED, that the Board of Education, pursuant to the provisions of Education Law Section 3012-d and Part 30-3.10 of the Regents Rules, hereby certifies that the following individual has completed all of the necessary training to be certified as Evaluator of classroom teachers: This certification is effective through June 30, 2019.

**Name**

Meri Lederer

##### **11.2 Instructional Appointment-Mentors**

Recommendation that the New Paltz Central School District Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following instructional employee as a mentor for the 2018/2019 school year with remuneration as per NPUT contract:

**Name**

Renee Reynolds

##### **11.3 Instructional Appointment-Substitutes**

Recommendation that the New Paltz Central School District Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following substitute teachers with remuneration as per rates established at the July 11, 2018 Organizational Meeting:

**Name**

**Effective Dates**

Sharon Battershall	11/15/2018 – 6/30/2019
Ronald Bonagura	11/15/2018 – 6/30/2019
Aaron Copenhagen	11/15/2018 – 6/30/2019
Alexandria Seymour	11/15/2018 – 6/30/2019



#### 11.4 Non-Instructional Leave of Absence

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

<b>Name</b>	<b>Title</b>	<b>Effective Dates</b>
Gina Roggio	Food Service Helper	10/23/2018 – 12/3/2018

#### 11.5 Create New Position – Non-Instructional

BE IT RESOLVED, that the New Paltz Central School District Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby create the following non-instructional position:

<b>Position</b>	<b>Effective Date</b>
Teacher Aide 1.0 FTE	11/15/2018

#### 11.6 Non-Instructional Appointment – Substitutes

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

<b>Name</b>	<b>Title</b>	<b>Effective Date</b>	<b>Salary</b>
Stephen Lopez	Substitute School Bus Driver	10/29/2018	\$20.00/hr
Colleen Richter	Substitute School Bus Attendant	10/30/2018	\$13.50/hr

#### 11.7 Non-Instructional Appointments

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

<b>Name</b>	<b>Title</b>	<b>Effective Date</b>	<b>Salary</b>
Joanne Layton	School Bus Driver (full-time)	11/15/2018	\$28.00/hr
Stephen Lopez	School Monitor	11/15/2018	\$11.00/hr
Lindsay Decker	Account Clerk/Typist	12/03/2018	\$41,000/yr (pro-rated)

#### 11.8 Advisorships

The New Paltz Central Schools Board of Education upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following advisors for the 2018/2019 school year, with remuneration as per NPUT contract:

<b>Name</b>	<b>Title</b>	<b>Stipend</b>
Laura Faure	All County Chorus	\$1,480
David Finch	All County Band	\$1,480

#### 11.9 Home Tutors

Recommendation - that the New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following employee for the 2018-2019 school year:

<b>Name</b>
Heather L. O'Donnell (retroactive as of November 13, 2018)

#### 11.10 Coaching Appointments

The New Paltz Central Schools Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby appoint the following coaches for the 2018/2019 school year, with remuneration as per NPUT contract:

<b>Name</b>	<b>Title</b>	<b>Stipend</b>
Olivia Pacheco	Modified Boys Basketball	\$2,340
Dylan Scribani	Boys Indoor Track Assistant	unpaid
Dagi Tadesse	Boys Indoor Track Assistant	unpaid
Renne Salamone	Boys Indoor Track Assistant	unpaid

#### 11.11 Administrative Appointment Extension– Interim

Recommendation that the New Paltz Central School District Board of Education, upon the recommendation of Maria C. Rice, Superintendent of School, hereby approve the following resolution:

**BE IT RESOLVED**, that the Board of Education hereby appoints Mary Fassett as Interim Coordinator of Student Support Services, effective November 1, 2018 through November 15, 2018 at a rate of \$500 per day.

12. OLD BUSINESS

13. NEW BUSINESS

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

Recommendation - that the following resolution be approved: BE IT RESOLVED, that the Board of Education of the New Paltz Central School District approve the Committee on Special Education (CSE) and Committee on Pre-School Special Education (CPSE) recommendations and student placements. 14436, 13821, 14379, 14418, 14438, 14841, 14929, 14930, 10964, 12437, 11020, 12141, 11290, 13776, 14812, 14979, 14459

**13.2 Request for Approval to Establish Student Scholarship Award**

BE IT RESOLVED, that the New Paltz Central School District Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the establishment of the LBGTQ Leadership Award in the amount of \$2500.00. The board further directs the District Clerk to send a letter of thanks for this donation.

**13.3 Removal of Policy 3421 from District Policy Manual**

BE IT RESOLVED, that the New Paltz Central School District Board of Education, upon the recommendation of the board’s Policy Committee, does hereby remove Policy 3421, Policy on Sexual Harassment, from the District’s official policy manual.

**13.4 First Reading of Policy 6121 Sexual Harassment of District Personnel**

2018 6121  
1 of 3  
Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**

The Board of Education recognizes that harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender, gender presentation, and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which employees and “non-employees” can work productively.

**Sexual Harassment**

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

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

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

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on gender presentation and sexual stereotypes.

**Prohibited Conduct**

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

employment in a way that violates their legal rights, including when employees and "non-employees" travel on District business, or when harassment is done by electronic means (including on social media). Sexual harassment is considered a form of employee misconduct.

Retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful. Remedial and/or disciplinary action will be taken against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation.

Sexual harassment may subject the District to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, employees and "non-employees" have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the District. The District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District will promptly investigate all complaints of sexual harassment, whether formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the District will determine if accommodations need to be made until the issue is resolved.

Complaints will be investigated based upon the totality of circumstances noting that not all unacceptable conduct will rise to the level of sexual harassment. Behaviors must be sufficiently severe and/or pervasive (and may even be based upon a single severe incident), and objectively offensive in the context of this policy to give rise to findings of sexual harassment.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to a Title VII Compliance Officer.

If, after appropriate investigation that should be conducted within a 30 calendar day time period, absent exigent circumstances, the District finds that an employee, "non-employee" or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, District policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all District contracts and agreements.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would

keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

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

This policy shall be posted in a prominent place in each District facility, on the District's website, and shall also be published in staff informational materials, employee handbooks, and other appropriate school publications.

A committee of administrators, teachers, parents and the school attorney shall be convened periodically to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to the Board of Education.

### **External Remedies**

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The DHR can be contacted at (888) 392-3644, [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint), or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458. The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, [info@eeoc.gov](mailto:info@eeoc.gov), or at 33 Whitehall Street, 5<sup>th</sup> Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202.

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No District contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to court.

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*  
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*  
Executive Law §296-d (prohibition of sexual harassment of non-employees)  
Labor Law §201-g (required sexual harassment policy and training)  
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)  
General Obligations Law §5-336 (nondisclosure agreements optional)  
*Davis v. Monroe County Board of Education*, 526 U.S. 629, 652 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*  
Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*  
Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Adopted: **XX/XX/2018**

**13.5 First Reading of Policy 5662 Charging School Meals**

2018 5662

1 of 3

Non-Instructional/Business Operations

**SUBJECT: CHARGING SCHOOL MEALS**

The Board of Education recognizes the importance of good nutrition and the impact on student learning. The Board of Education recognizes that, on occasion, students may not have enough funds to pay for a meal. To ensure that students do not go hungry, and minimize the fiscal burden to the District, the Board will allow students who do not have enough funds to “charge” the cost of meals to be paid back at a later date subject to the terms in this policy.

1. All students may charge meals without limit;
2. Only regular reimbursable meals may be charged, excluding extras, à la carte items, and snacks;
3. All elementary and middle school student communications regarding unpaid meal charges shall be directly and solely with the parent/guardian (“parent”). No student in elementary or middle school will be told of unpaid meal charges.
4. A computer-generated point of sale system which identifies and records all meals, allows for automatic replenishment, as well as collects repayments will be used. Parents are encouraged to utilize the automatic replenishment option; and
5. Charged meals must be counted and claimed for reimbursement on the day that the student charged (received) the meal, not the day the charge is paid back. When charges are paid, these monies may not be considered “à la carte” transactions.

When a student's account balance is a negative balance and a meal is thereafter charged, the District will discreetly notify the parent of the balance, the process to refill the account, and the District's policy on charging school meals. This notification will continue regularly until the account is replenished. Parents must repay all unpaid charges remaining at the end of the year or before their child leaves the district, whichever occurs first.

The District shall also discreetly notify parents of students with ongoing negative balances of the application process for free and/or reduced price meals. If a parent regularly fails to provide meal money and does not qualify for free or reduced price meals, the District may take other actions as appropriate, including notifying the local department of social services if neglect is suspected.

The District will consider the written request of a parent/guardian that his/her child not be permitted to charge school meals and not be provided with school meals or alternate meals, as long as the parent/guardian assures the District, in writing, that his/her child will bring lunch or will have money to purchase lunch each day. If the request is granted and the District becomes aware that a child does not have a lunch meal or the ability to purchase a school meal on a regular basis, the District will notify the parent/guardian of the circumstance and will take other actions as appropriate.

The school District shall notify parents/guardians in writing on an annual basis, at the start of the school year, and to families transferring into the district during the year, of the requirements of this policy. The policy shall also be published on the District website and may be included, as appropriate, in other District publications. All staff involved in implementing and enforcing this policy shall also be notified of these requirements and their responsibilities.

#### Unpaid Meal Charges and Debt Collection

Unpaid meal charges shall be considered "delinquent" in accordance with the District's accounting practices. The District shall attempt to recover unpaid meal charges before the end of the school year, but may continue efforts into the next school year. The District shall notify parents of unpaid meal charges at regular intervals, and may engage in collection activities. The District shall offer repayment plans, and may take other actions that do not result in harm or shame to the child, until unpaid charges are paid.

#### Account Balances

Remaining funds will be carried over to the next school year. When students leave the District or graduate, the District will attempt to contact the parents to return remaining funds. Parents may request, in writing, that funds be transferred to other students (e.g., siblings) or to unpaid accounts. Unclaimed funds remaining after three months may be absorbed by the school meal account.

#### Staff

Staff members are allowed to purchase food from the District's food services. However, all purchases must be paid for at the point of sale in cash or credit/debit card. Staff members are not allowed to charge meals to be repaid later.

Cross-ref: Policy 5660 (School Food Service Program [Lunch and Breakfast])

Ref: 42 USC §1779 (Child Nutrition Act of 1966)  
42 USC §§1758(f)(1); 1766(a) (National School Lunch Act)  
2 CFR §200.426 (accounting for debt in federal programs)  
7 CFR §§210.9 210.12; 210.19; 220.13; 245.5 (accounting in federal school meal programs)  
Healthy, Hunger-Free Kids Act (Public Law 111-296), §143  
USDA Report to Congress, Review of Local Policies on Meal Charges and Provision of Alternate Meals, June 2016, [www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf](http://www.fns.usda.gov/sites/default/files/cn/unpaidmealcharges-report.pdf)  
Unpaid Meal Charges: Local Meal Charge Policies, USDA FNS Memo SP 46-2016 (07/08/16), [www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies](http://www.fns.usda.gov/unpaid-meal-charges-local-meal-charge-policies)  
Unpaid Meal Charges: Guidance and Q&A, USDA FNS Memo SP 57-2016 (09/16/16), <https://fns-prod.azureedge.net/sites/default/files/cn/SP57-2016os.pdf>  
Unpaid Meal Charges: Guidance and Q&A, USDA FNS Memo SP 23-2017 (03/23/17), <https://fns-prod.azureedge.net/sites/default/files/cn/SP23-2017os.pdf>  
Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, USDA FNS Memo SP 47-2016 (07/08/16), [www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf](http://www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf)  
Overcoming the Unpaid Meal Challenge - Proven Strategies from Our Nation's Schools, USDA FNS Guidance Document (May 2017), <https://fns-prod.azureedge.net/sites/default/files/cn/SP29-2017a1.pdf>

Adoption date: 12/20/17  
Revised: 5/2/18  
Revised: 6/6/18  
Revised: XX/XX/2018

### 13.6 First Reading of Policy 1511 Board Member Communications

2017 1511  
1 of 3  
By-Laws

**SUBJECT: BOARD MEMBER COMMUNICATIONS**

The Board of Education acknowledges the importance of clear lines of communication and authority to promote transparency, consistency and responsiveness among themselves and with the public. Board of Education members will communicate primarily through the Board President and Superintendent of Schools.

The Board further acknowledges that effective communication requires knowledge of the means and methods of communication and how to use them responsibly. Along with traditional media and print communication tools, communication may be made through video, electronic/digital means, and Internet-based vehicles (e.g., social media).

In recognition of the myriad and changing communication platforms, technologies and on-line communities available, and the changing behavioral norms they bring, this policy will provide Board members with the tools to communicate effectively and responsibly on behalf of the District.

**1. Communication as an Individual, not as a Representative of the Board.** Members of the Board have legal authority only when acting as a body at a properly convened meeting. Individual Board members have no authority over District affairs unless the Board has explicitly delegated such authority. The Board President shall have the authority to speak on behalf of the Board. This authority may be delegated to another Board member on a specific issue. Individual Board members are free to speak publicly about District matters but must not divulge confidential information and must clarify that their statements reflect their own views and not necessarily the official position of the Board. The Board will not be bound in any way by an individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member. Without the above statement, any individual Board member's statements would be deemed as outside the scope of their office and the individual Board member may be denied statutory defenses and indemnification.

**2. Quorum of the Board.** The Board of Education shall conduct its deliberations and voting upon resolutions and policies only during a duly convened public meeting, except as provided by law. Board members may confer with one another regarding School District business by telephone, via mail or electronic mail as long as such communications do not result in a collective decision. The use of telephone conference calls, instant e-mail or communications in a chat room among a quorum or more of members of the Board of Education for deliberation or decision making regarding School District business is strictly prohibited.

**3. Board Members Digital Conduct.** Board members should assume that all email/digital communications are subject to disclosure under the Freedom of Information Law, may be subject to disclosure in litigation and are subject to the records retention requirements of the District. Board members, therefore, are required to use the District's designated email system, including the District provided email address for all emails regarding District business. Email communications among Board members may be used for housekeeping purposes, including but not limited to communicating agenda items, meeting times or dates, requesting or communicating factual information, analyzing information, etc.. Email by Board members for communicating information or making inquiries regarding District personnel, contractors or students because of the risk of improper disclosure of confidential information is not allowed. Posting information that has not been verified and made public by the District or outside posting anonymously about District business is prohibited. The Board member's postings would be deemed as outside the scope of their office and the Board member may be denied statutory defenses and indemnification.

**4. Direct Complaints or Concerns.** Complaints about District personnel, programs and operations must be handled and resolved as close to their origin as possible. Any complaint or concern made to a Board member, whether verbally, in writing, through electronic/digital means or social media technologies, should be directed to the Superintendent or other appropriate administrator according to the chain of command (teacher, principal, superintendent).

**5. Opinions on Pending Matters.** It is expected that the Board of Education, when hearing grievances or other disputes, will be neutral, will listen to all viewpoints and will make a decision based upon all available information. If, for example, a Board member posts comments or opinions on social media or other forms of communication, prior to the Board having deliberated and made a decision, the Board member's neutrality will be called into question. This is particularly important where an appeal to the Board is available to the complainant and would require that the Board member recuse him/herself from the decision making process.

**6. Confidential Matters in Executive Session or Board Packet Materials.** It is imperative that Board members post/share only content that has already been released to the public such as information discussed at or presented at a public meeting or that is posted on the District website. It is appropriate to use links to the District website when posting information. A breach of confidentiality regarding a matter that legitimately may be discussed in executive session could result in the Board member's removal from the Board. If confidential materials are lost or stolen, it must be reported to the district immediately.

**7. Official Record of the Board Meetings.** Only the official District video of the Board meeting and the approved Minutes of the Board meeting are official records of the District.

**8. Loss or Theft of a District-Issued or Personal Electronic Device.** Board members must safeguard all electronic devices used to receive or send information related to the District and its operations, whether provided by the District or a personal electronic device, to ensure that all District information received by the Board member is secure. It is imperative that Board members immediately report to the District any potential security breach so that proper steps can be taken to minimize the impact and provide any necessary notification to affected persons.

**9. Acceptable Use Policy.** Any use of the District's technology, including but not limited to, the District's network and electronic devices, must be in accordance with the District's Acceptable Use Policy and any applicable laws, regulations and policies.

Cross-Ref: Policy #1110, School District Legal Status  
Policy #1120, Board of Education Authority and Membership  
Policy #3110, News Media Relations  
Policy #3230, Complaints and Grievances  
Policy #6110, Code of Ethics for All District Personnel  
Policy #6111, Board-Staff Communications  
Policy #6471, Computer Network and Internet Acceptable Use Policy

Adopted: 7/16/08

Revised: 3/1/17

Revised: **XX/XX/2018**

**13.7 Recognition of Official School-Related Organization-New Paltz Arts in the Schools Association**

BE IT RESOLVED, that the New Paltz Central School District Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby recognize and approve the New Paltz Arts in the Schools Association as an official school-related organization.

14. OTHER DISCUSSION

15. PUBLIC COMMENTS

16. EXECUTIVE SESSION – SUBJECT TO BOARD APPROVAL

17. ADJOURN