

**LONG BEACH PUBLIC SCHOOLS**  
**Long Beach, New York**

September 13, 2011

Ladies and Gentlemen:

The Long Beach Board of Education is the authorized state agency responsible for setting educational policy in the District. It consists of five trustees, each serving a three-year term. Board members pay school taxes at the regular rate and receive no salary or other financial compensation.

All meetings, except executive sessions, are held before the public. Members of the public may address the Board of Education on any specific agenda item during special times reserved for that purpose prior to Board discussion and action. The public may also address the Board of Education on any matter of concern at a second public session after the Board of Education completes agenda action items. Visitors should not address the Board in public relative to questions or comments regarding specific staff members or specific students. Such concerns should be brought to the attention of appropriate staff or to Board members by telephone, in writing, or by scheduling a personal meeting, as appropriate to the circumstances.

Visitors' comments will be limited to three (3) minutes per agenda item to each individual speaker on items on the business meeting agenda and five (5) minutes to speak under new or old business. An individual may speak only once on a specific topic. Visitors are precluded from speaking on any agenda item more than once during each meeting.

Sincerely,

Your Board of Education

**BOARD OF EDUCATION  
Long Beach Public Schools  
Regular Board Meeting – September 13, 2011  
Long Beach Middle School**

**AGENDA**

**REGULAR MEETING**

**7:30 P.M.**

- I. Pledge of Allegiance and Opening Remarks – Board President
- II. Report of Superintendent of Schools
- III. Board of Education Comments
- IV. Questions and Comments from the Public - Items on Tonight's Agenda Only
- V. Approval of Minutes of Board of Education Regular Meeting and Executive Session of August 30, 2011
- VI. Presentations of the Superintendent:
  1. Personnel Matters: Certificated
  2. Personnel Matters: Non-Certificated
  3. First Reading of Revised Policy #6121: Sexual Harassment of District Personnel
  4. First Reading of Policy #7551: Sexual Harassment of Students
  5. Approval of Special Education Agreements
  6. Approval of Staff Development Agreement
  7. Designation of Petty Cash Appointee
  8. Appointment of Section 504 Compliance Officer
  9. Appointment of Chairperson/Director of Committees for Special Education and Pre-School Special Education and Sub-Committee for Special Education
  10. Acceptance of Donations
  11. Payment of Legal Bills: Legal Services
  12. Use of Schools
- VII. Questions and Comments from the Public

VIII. Announcements:

1. Long Beach Classroom Teachers' Association
2. Administrative, Supervisory and PPS Group
3. Long Beach Schools Employees' Association
4. Parent/Teacher Association
5. Student Organization

IX. Board of Education - Additional New/Old Business, if any

X. Adjournment

## RESOLUTIONS

**BE IT RESOLVED THAT**, upon the recommendation of the Superintendent of Schools, the Board of Education approves the following personnel actions.

### 1. CERTIFICATED PERSONNEL

#### (a) Resignations

1. Name: Mary Beth Errico  
Assign./Loc: Part Time Teacher Assistant/West School  
Effective Date: September 6, 2011
2. Name: Tara Denk  
Assign./Loc: Part Time Teacher Assistant/West School  
Effective Date: September 7, 2011

#### (b) Discontinuance

1. Name: Kim Knox  
Assign./Loc: Part Time Teacher Assistant/middle school  
Effective Date: September 6, 2011
2. Name: Sally Dunne  
Assign./Loc: Part Time Teacher Assistant/Blackheath  
Effective Date: September 6, 2011

#### (c) Rescissions

##### 1. Interscholastic Coaches

Name: Michael Jimenez  
Assignment: 8<sup>th</sup> grade Boys Soccer Coach

Name: John Dunne  
Assignment: 7<sup>th</sup> grade Boys Soccer Coach

##### 2. **Appointment: Team Leader for the Middle School – 2011-2012 School Year- Stipend: \$1,848.06 per annum (per team)**

Name	Team
Shari Steier	6-2

#### (d) Amended Leave of Absence: Pregnancy/Maternity

Name: Monica Geller  
Assign./Loc: Foreign Language Teacher/high school  
Effective Dates: September 6, 2011-November 29, 2011  
Original Dates: October 11, 2011-November 28, 2011

**1. CERTIFICATED PERSONNEL**

**(e) Request for Leave of Absence: Personal**

Name: Kristina Ryan  
Assign./Loc: Part Time Teacher Assistant/high school  
Effective Dates: September 26, 2011-November 4, 2011  
Reason: Maternity

**(f) Appointment: Regular Substitute Elementary Teacher**

Name: Meghan Gallagher  
Assign./Loc: Regular Substitute Elementary Teacher/East School  
Certification: Initial Childhood Education 1-6  
Initial Early Childhood Education B-2 (in process)  
Effective Dates: September 1, 2011-January 27, 2012 (or earlier at the district's discretion)  
Tenure Area: Elementary  
Salary Classification: BA/Step 1 (\$60,237 per annum)  
Reason: To replace Katherine McCullagh

**(g) Appointment: Part Time Mathematics Teacher (.5)**

Name: Kelly Honerkamp  
Assign./Loc: Part Time Mathematics Teacher (.5)/middle school  
Certification: Initial Mathematics 7-12  
Initial Mathematics 5-9  
Effective Dates: September 14, 2011-June 30, 2012 (or earlier at the district's discretion)  
Salary Classification: MA+30/Step 1 (\$34,835 per annum)  
Reason: To meet a district need

**(h) Appointment Part Time Temporary Teacher Assistants 17.5 hours per week  
September 7, 2011 through June 22, 2012 (or earlier at the district's discretion)  
According to CSE recommendation or 504 plan. Rate according to contract.  
\*Subject to negotiations**

Name	Location	Certification	Grade/Step	Hourly Rate \$*
1. Karolyn Cregan	East	Level I	II/Step 3	18.37
2. Deidre Phelan	West	Level I	II/Step 1	16.90
3. Victoria Guma	Lindell	Level I	II/Step 1	16.90
4. Kara Shelley	Lindell	Initial Childhood Ed 1-6	II/Step 1	16.90

**1. CERTIFICATED PERSONNEL**

**(i) Appointment: Advisors for High School Co-Curricular Activities 2011-2012  
School Year**

<b>HS Clubs</b>	<b>Names</b>	<b>\$ Stipend</b>
<b>Co-Curricular Activity (Comprehensive Arts)</b>		
1. Vocal Workshop	Michael Capobianco	4,534
2. Musical Production- Vocal Director	Michael Capobianco	3,022

**(j) Appointment: Interscholastic Coaches/Fall 2011**

**Middle School**

<b>Sport</b>	<b>Coach</b>	<b>Stipend</b>
1. 7 Boys Soccer	Kyle Pearl	4,523
2. 8 Boys Soccer	John Dunne	4,523

**(k) Appointment: Odyssey of the Mind-Rate of Pay: \$54.97 per hour-for the 2011-2012  
School Year-maximum 100 hours each**

1. Beverlee Bertinetti
2. Caitlin Fuentes

**(l) Appointment: Team Leader for the Middle School – 2011-2012 School Year-  
Stipend: \$1,848.06 per annum (per team)**

<b>Name</b>	<b>Team</b>
Robert Gallopini	6-2

**(m) The following Mentor is recommended for approval for the 2010-2011 school  
year-Grant funded-Stipend \$1,200 per annum/per mentee**

Tamara Filloramo

**(n) The following Mentor is recommended for approval for the 2011-2012 school  
year-Grant funded-Stipend \$1,200 per annum/per mentee**

Jeanne Richards

**1. CERTIFICATED PERSONNEL**

**(o) The following Per Diem Substitute Teachers are recommended for approval for the 2011-2012 school year:**

	<b>NAME</b>	<b>CERTIFICATION AREA</b>
1.	Anita Bickman	Permanent Pre K-6
2.	James Bocca	Initial English Language Arts 7-12
3.	Daniel Cassidy	Initial Social Studies 7-12
4.	Elaina Infantino	Initial Visual Arts
5.	Lauren Kaminsky	Permanent Pre K-6
6.	Bruce Kaplan	Permanent Music
7.	Kara Novak	Initial Childhood Education 1-6 (pending)
8.	Grace Parisi	Professional Mathematics 7-12
		Professional Mathematics 5-9
9.	Courtney Schroedel	Initial Childhood Education 1-6
10.	Jessica Yandoli	Initial Mathematics 7-12

**(p) Reclassifications:**

	<b>Name</b>	<b>Assignments</b>	<b>New Class</b>	<b>Effective Date</b>
1.	Jennifer Cifarelli	Teacher/Elementary	MA+80	9/1/11
2.	Lori DeVivio	Teacher/Physical Education	MA+70	9/1/11
3.	Christina Dillard	Teacher/Special Education	MA+40	9/1/11
4.	Eric Heck	Teacher/Technology	MA+60	9/1/11
5.	Mandy Kovel	Teacher/Elementary	MA+10	9/1/11
6.	Eric Krywe	Teacher/Technology	MA+80	9/1/11
7.	Stacey Rice	Teacher/Reading	MA+10	9/1/11
8.	Jenna Schebler	Teacher/Mathematics	MA+10	9/1/11
9.	Lindsay Van Sickle	Teacher/Foreign Language	MA+30	9/1/11

**2. NON CERTIFICATED PERSONNEL**

**(a) Resignation**

Name: William Whittaker  
Assign./Loc: Full Time Building Aide/NIKE  
Effective Date: September 1, 2011

**(b) Appointment: Part Time Food Service Worker**

Name: Cassandra Miles  
Assign./Loc: Part Time Food Service Worker (17.5 hrs per week)/high school  
Effective Dates: September 7, 2011  
Salary Classification: \$11.99\* per hour  
Grade/Step: Grade 1/Step 1  
Reason: To replace Corinne DiBari  
\*Subject to negotiations

**(c) The following Per Diem personnel are recommended for approval for 2011-2012 school year:**

	<b>NAME</b>	<b>POSITION</b>
1.	Daniel Butler	Clerical
2.	Melissa Merman	Teacher Assistant



3. **FIRST READING OF REVISED POLICY #6121: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**
  
4. **FIRST READING OF POLICY #7551: SEXUAL HARASSMENT OF STUDENTS**
  
5. **APPROVAL OF SPECIAL EDUCATION AGREEMENTS**

(a) **AGREEMENT WITH WEST ISLIP UNION FREE SCHOOL DISTRICT**

**WHEREAS**, the Long Beach City School District ("District") desires to enter into an agreement with the West Islip Union Free School District ("West Islip ") for special education services for the period of July 1, 2010 through June 30, 2011;

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement with West Islip for special education services for the period of July 1, 2010 through June 30, 2011; and

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the District Chief Operating Officer to execute the agreement with West Islip on its behalf.

(b) **AGREEMENT WITH THE DEVEREUX FOUNDATION**

**WHEREAS**, the Long Beach City School District ("District") desires to enter into an agreement with The Devereux Foundation ("Devereux ") for special education services for the period of July 1, 2011 through June 30, 2012;

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement with Devereux for special education services for the period of July 1, 2011 through June 30, 2012; and

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the District Chief Operating Officer to execute the agreement with Devereux on its behalf.

**6. APPROVAL OF PROFESSIONAL/STAFF DEVELOPMENT AGREEMENT**

- (a) **WHEREAS**, the Long Beach City School District ("District") desires to enter into an agreement with Kuzmich Consulting Service, Inc. ("Kuzmich") for staff development services for the period of July 1, 2011 through June 30, 2012;

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement with Kuzmich for staff development services for the period of July 1, 2011 through June 30, 2012; and

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the District Chief Operating Officer to execute the agreement with Kuzmich on its behalf.

- (b) **WHEREAS**, the Long Beach City School District ("District") desires to enter into an agreement with Scholastic Inc. for professional development services for the period of July 1, 2011 through June 30, 2012;

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement with Scholastic Inc. for professional development services for the period of July 1, 2011 through June 30, 2012; and

**BE IT FURTHER RESOLVED**, that the Board of Education authorizes the District Chief Operating Officer to execute the agreement with Scholastic Inc. on its behalf.

**7. DESIGNATION OF SABRINA BRANCCIO-CANTORE AS PETTY CASH APPOINTEE FOR PUPIL SERVICES DEPARTMENT AS OF OCTOBER 3, 2011**

**8. APPOINTMENT OF SECTION 504 COMPLIANCE OFFICER**

Appointment of Sabrina Brancaccio-Cantore as Section 504 Compliance Officer for students and staff effective October 1, 2011.

**9. APPOINTMENT OF CHAIRPERSON/DIRECTOR (PPS) FOR PRE-SCHOOL SPECIAL EDUCATION COMMITTEE, COMMITTEE FOR SPECIAL EDUCATION AND SUB-COMMITTEE FOR SPECIAL EDUCATION FOR THE 2011-12 SCHOOL YEAR**

Appointment of Sabrina Brancaccio-Cantore as Chairperson/Director (PPS) for Pre-School Special Education Committee, Committee for Special Education and Sub-Committee for Special Education for the 2011-2012 school year effective October 3, 2011.

**10. ACCEPTANCE OF DONATIONS**

**(a) ACCEPTANCE OF DONATION FROM THE FRIENDS OF LONG BEACH FOOTBALL**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the donation of a camera and tripod for the Long Beach High School Football Program to be left under the supervision of Mr. Arnold Epstein with an approximate value of \$6,300.00 from Mr. Rob Richards and The Friends of Long Beach Football.

**(b) ACCEPTANCE OF DONATION FROM BEACH TENNIS USA**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the donation of beach tennis equipment with an approximate value of \$199.00 from Beach Tennis USA.

**11. PAYMENT OF LEGAL BILLS: LEGAL SERVICES**

**BE IT RESOLVED** that, upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$9,572.68 to the firm of Ingerman, Smith, L.L.P. for the monthly retainer and extraordinary legal services rendered during the period of July 1, 2011 through July 31, 2011.

**12. USE OF SCHOOLS**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the use of schools, as attached, not to conflict with District events. However, please note that events may have to be modified/rescheduled based on building construction schedules.

Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. 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 and in another state. Since sexual violence is a form of sexual harassment, the term "sexual harassment" as used in this policy will implicitly include sexual violence even if it not explicitly stated.

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and
- c) 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.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

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Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly, thoroughly and equitably investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough, prompt and equitable investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or reasonably should know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. All procedures developed by the District will provide for the prompt and equitable resolution of the sexual harassment.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

**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 sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

**Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender

(Continued)

Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

**Knowingly Makes False Accusations**

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

**Privacy Rights**

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

**Development and Dissemination of Administrative Regulations**

Regulations have been developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure has also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations were developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs are in place for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

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Personnel

**SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

[Ref to R9100/6122 Complaints and Grievances by Employees]  
Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)  
29 Code of Federal Regulations (CFR) Section 1604.11(a)  
Civil Service Law Section 75-B  
Education Law Section 2801(1)  
Executive Law Sections 296 and 297  
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.  
34 Code of Federal Regulations (CFR) Section 100 et seq.

Original Policy 9010.2 Adopted: February 11, 1992

First Reading of Revised Policy: September 13, 2011

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. 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 on a school bus at locations off school premises or those that take place in another state. Since sexual violence is a form of sexual harassment, the term, "sexual harassment" in this policy will implicitly include sexual violence even if it is not explicitly stated.

**Sexual Harassment**

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

**Sexual Violence**

Sexual violence is defined by New York Penal Law as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes but is not limited to acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

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Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

A person may be unable to consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability. In order to encourage victims of sexual violence to come forward, a District must inform students that the District's primary concern is with their safety. The school should assure victims that any broken rules or violations made by them will be addressed separately from the sexual harassment allegation. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the offender and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. A single incident of sexual harassment may be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from off-campus sexual harassment when in the school setting. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. Such report shall be directed to or forwarded to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable, and thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

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Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

**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 sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

**Finding That Sexual Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

**Knowingly Makes False Accusations**

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

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

**Privacy Rights**

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

**Development and Dissemination of Administrative Regulations**

Regulations have been developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure has also been provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations were developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

[Ref to R5311.3/7550 Complaints and Grievances by Students]  
Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)  
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.  
34 Code of Federal Regulations (CFR) Section 100 et seq.  
29 Code of Federal Regulations (CFR) Section 1604.11(a)  
Civil Service Law Section 75-B  
Education Law Section 2801(1)  
Executive Law Sections 296 and 297

First Reading: September 13, 2011

**APPLICATIONS FOR USE OF SCHOOL FACILITIES**

<u>Organization</u>	<u>Purpose</u>	<u>Facility Requested</u>	<u>Date Requested</u>
City of Long Beach Recreation Dept.	Community Sports Programs	West School Gym	Wednesdays, 1/4/12 – 4/25/12, from 6:00 p.m. – 9:00 p.m. Must follow school calendar.
City of Long Beach Recreation Dept.	Community Sports Programs	West School Gym	Saturdays, 1/7/12 – 4/28/12, from 9:00 a.m. – 4:00 p.m. Must follow school calendar.
City Long Beach Recreation Dept.	Community Sports Programs	Middle School Wrestling Room	Mondays and Wednesdays, 12/5/11 through 3/28/12 from 7:00 p.m. – 9:00 p.m. Must follow school calendar.
City of Long Beach Recreation Dept.	Community Sports Programs	Middle School Gym	Saturdays, 1/7/12 through 4/28/12 from 12:00 p.m. – 4:00 p.m. Must follow school calendar.
Girl Scouts Troop 2481	Meetings	West School Cafeteria	Thursdays, 10/13/11, 11/14/11, 12/15/11, 1/19/12, 2/9/12, 3/22/12, 4/16/12 and 5/31/12 from 6:30 p.m. – 8:00 p.m. Must follow school calendar.

