

**LONG BEACH PUBLIC SCHOOLS**  
**Long Beach, NY**

November 14, 2023

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 time 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 for each agenda item upon which comment is made. 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  
Lido Elementary School Multipurpose Room  
Tuesday, November 14, 2023**

**AGENDA**

**AUDIT COMMITTEE MEETING** **6:45 PM**

**REGULAR MEETING** **7:00 PM**

- I. Pledge of Allegiance/Call to Order/Opening Remarks – Board President
- II. Report of the Superintendent of Schools
  - ***Student Showcase: Science/Marine Research***
  - ***Presentation: Long Term Capital Plans***
- III. Board of Education Comments
- IV. Student Organization Announcements
- V. Questions and Comments from the Public on Tonight's Agenda Only
- VI. Treasurer's Report for September 2023
- VII. Approval of Minutes for Executive Session and Regular Meeting of October 11, 2023 and Executive Session and Work Session Meeting of October 26, 2023
- VIII. Presentations of the Superintendent:
  1. Personnel Matters: Certificated
  2. Personnel Matters: Non-Certificated
  3. Acceptance of Financial Statements, Audit Report and Corrective Action Plan
  4. Approval of APPR Lead Evaluator Recertification
  5. Approval of Piggyback Agreement – Town of Islip
  6. Approval of Agreement – Transportation
  7. Approval of Extension of Emergency Expenditure for Temporary Boiler
  8. Approval of CTE Courses for ALC
  9. Approval of Disposition of Obsolete Textbooks
  10. First Reading of Amended Policy #8230 School Counseling/Guidance Programs
  11. Adoption of Revised Policy #6121 Sexual Harassment in the Workplace
  12. Adoption of Revised Policy #3420 Non-Discrimination and Anti-Harassment in the District
  13. Acceptance of Recommendations of CPSE/CSE
  14. Payment of Legal Bills: Legal Services
  15. Approval of Use of Schools Applications
- IX. Board of Education – Additional New/Old Business if any
- X. Questions and Comments from the Public
- XI. Announcements:
  1. Long Beach Classroom Teachers' Association
  2. Administrative, Supervisory and PPS Group
  3. LBSEA -Long Beach Schools Employees' Association – Group C
  4. Parent/Teacher Association
- XII. Adjournment

## RESOLUTIONS

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

### I. CERTIFICATED PERSONNEL

#### (a) Resignation or the Purpose of Retirement

Name: Terriann Eidt  
Assign./Loc. Elementary Teacher/Lindell School  
Effective Date: January 26, 2024 close of day

#### (b) Leaves of Absence

Name: Mary Radin  
Assign./Loc. Full Time Teacher Assistant/Lindell School  
Effective Dates: January 29, 2024-April 3, 2024  
Reason: Educational

Name: Caitlin Breglia  
Assign./Loc. Part Time Teacher Assistant/East School  
Effective Dates: January 16, 2024-May 10, 2024  
Reason: Educational

Name: Cherie Mannarino  
Assign./Loc. Science Teacher/LBHS  
Effective Dates: October 16, 2023-January 19, 2024  
Reason: Medical/FMLA/Catastrophic

Name: Noelle Bach  
Assign./Loc. Music Teacher/Lindell School  
Effective Dates: February 18, 2024-May 31, 2024 (on or about)  
Reason: Maternity/FMLA

Name: Samantha Silverman  
Assign./Loc. English Teacher/LBHS  
Effective Dates: October 19, 2023-November 20, 2023  
Reason: Medical/FMLA

Name: Christopher Webel  
Assign./Loc. Assistant Principal/Lido School  
Effective Dates: November 29, 2023-January 2, 2024  
Reason: Medical/FMLA

**I. CERTIFICATED PERSONNEL**

**(b) Leaves of Absence continued**

Name: Courtney Elliott  
Assign./Loc: Elementary Teacher/Lindell School  
Effective Dates: November 29, 2023-January 8, 2024  
Reason: Medical/FMLA

Name: Michael Vasikauskas  
Assign./Loc: Permanent Substitute Teacher/LBMS  
Effective Dates: December 19, 2023-January 9, 2024  
Reason: FMLA

Name: Calie Yousha  
Assign./Loc: Science Teacher/LBHS  
Effective Dates: December 22, 2023-March 27, 2024 (on or about)  
Reason: Maternity/FMLA

**(c) Appointment: Regular Substitute Science Teacher**

Name: Joseph Malizia  
Assign./Loc: Regular Substitute Science Teacher/LBHS  
Certification: Initial  
Effective Date: December 22, 2023-June 30, 2024 (or earlier at the district's discretion)  
Tenure Area: Science  
Salary Classification: MA/Step 1 (\$72,177 per annum)  
Reason: To fill a vacancy

**(d) Appointment: Part Time Social Worker (.4)**

Name: Malorie Saccone  
Assign./Loc.: Part Time Social Worker (.4)/LBCRS  
Certification: Provisional School Social Work (pending)  
Effective Dates: November 15, 2023-June 24, 2024 (or earlier at the district's discretion)  
Rate of Pay: .4 of MA/Step 3 (\$31,060 per annum) prorated  
Reason: To fill a vacancy

**I. CERTIFICATED PERSONNEL**

**(e) Appointment: Permanent Substitute Teachers**

Name: Sydney Sharpe  
Assign./Loc.: Permanent Substitute Teacher/East School  
Certification: Initial Childhood Education 1-6  
Initial Students with Disabilities (all grades)  
Effective Dates: November 15, 2023-June 24, 2024 (or earlier at the district's discretion)  
Rate of Pay: \$241.02 per day  
Reason: To fill a vacancy

Name: Jayna Gordon  
Assign./Loc.: Permanent Substitute Teacher/LBMS  
Certification: Initial Childhood Education 1-6  
Initial Students with Disabilities 1-6  
Initial Literacy 1-6  
Initial Early Childhood Education B-2  
Effective Dates: November 29, 2023-June 13, 2024 (or earlier at the district's discretion)  
Rate of Pay: \$241.02 per day  
Reason: To fill a vacancy

Name: Kelleen Batchelor  
Assign./Loc.: Permanent Substitute Teacher/LBMS  
Certification: Initial Childhood Education 1-6  
Effective Dates: November 27, 2023-June 13, 2024 (or earlier at the district's discretion)  
Rate of Pay: \$241.02 per day  
Reason: To fill a vacancy

**(f) Appointment: Acting Assistant Principal**

Name: Christine La Marca  
Assign./Loc.: Acting Assistant Principal/Lido School  
Certification: Initial School Building Leader  
Professional Childhood Education 1-6  
Professional ENL  
Effective Dates: November 29, 2023-January 2, 2024 (or earlier at the district's discretion)  
Rate of Pay: \$55.00 per day  
Reason: To fill a leave

**I. CERTIFICATED PERSONNEL**

**(g) Appointment: Part Time Special Education Teachers (.2)**

Name: Paige Bade Ankudovych  
Assign./Loc: Part Time Special Education Teacher (.2)/LBHS  
Certification: Professional Students with Disabilities, Generalist 7-12  
Professional English 7-12  
Effective Dates: October 23, 2023-June 30, 2024 (or earlier at the district's discretion)  
Salary Classification: .2 of MA+80/Step 13 (\$24,549 per annum) prorated  
Reason: To meet a district need  
Comment: Continues in full time position

Name: Paula Podber  
Assign./Loc: Part Time Special Education Teacher (.2)/LBHS  
Certification: Permanent Special Education  
Social Studies-Special Class, SOCE  
Effective Dates: October 23, 2023-June 30, 2024 (or earlier at the district's discretion)  
Salary Classification: .2 of MA+80/Step 28 (\$26,533 per annum) prorated  
Reason: To meet a district need  
Comment: Continues in full time position

Name: Eva Mastrantuono  
Assign./Loc: Part Time Special Education Teacher (.2)/LBHS  
Certification: Professional Students with Disabilities 7-12  
Professional Biology  
Professional Chemistry 7-12  
Effective Dates: October 23, 2023-June 30, 2024 (or earlier at the district's discretion)  
Salary Classification: .2 of MA+80/Step 7 (\$20,486 per annum) prorated  
Reason: To meet a district need  
Comment: Continues in full time position

**(h) The following Short Term Substitute Teachers are recommended for approval for the dates below. \$241.02 per day**

<u>Name</u>	<u>Dates</u>
Wilbur Thorsen	October 16, 2023-January 29, 2024

**I. CERTIFICATED PERSONNEL**

**(i) Appointment: Advisors for LBMS Co-Curricular Activities 2023-2024 School Year**

MS Club Activity	Name	Stipend
Cooking and Crafts	Shakeina Green/Marisol Burgos	\$1,649 split

**(j) Appointment Part Time Pre K Teacher Assistants-Afternoon Shift 25 hours per week Start Date-through June 26, 2024 (or earlier at the district's discretion). Rate according to contract**

Name	Step	Rate	Location	Reason	Shift	Start Date
Brooke Silberman	1	\$18.81	Lindell	Pre K	pm	11/15/23

**(k) Appointment Part Time Teacher Assistant-17.5 hours per week Start date -through June 26, 2024 (or earlier at the district's discretion). Rate according to contract**

Name	Step	Rate	Location	Reason	Shift	Start Date
Sharon Digiorgio <i>*resigns teacher assistant pre k position</i>	12	\$27.88	Lido	CSE	am	11/2/23
Thomas Farrell <i>*resigns teacher aide position</i>	1	\$18.81	LBMS	CSE	pm	11/15/23
Michael Breglia	1	\$18.81	Lido	CSE	pm	11/15/23

**(l) The following Substitute Teachers are recommended for approval for the 2023-2024 school year-rate of pay \$150 per day.**

NAME	CERTIFICATION AREA
Jennifer Rett Wertovitch	Permanent N-6
Gwenyth Price	Initial Childhood Education 1-6

**(m) Appointment: Summer 2023 Curriculum Writer-Rate of Pay \$42.85 per hour**

Course/Goal	# hrs total	Teachers
Pre-K	180	Jessica Biscardi, Christina Graziano, Beth Ann Snow

**(n) Appointment: Elementary Enrichment Coordinators-2023-2024 School Year-\$7,728 per session- American Rescue Plan Federal Grant**

Coordinators	Sessions
Kathleen Connolly	2
Ivelisse Hernandez	1
Christopher Webel	1
Anna McGovern	1
Jennifer Pullara	1
Amy Dirolf	1
Sarah Kugelman	1

**I. CERTIFICATED PERSONNEL**

- (o) **Appointment: Enrichment Program Instructors for Session 1 of the 2023/2024 School Year- rate of pay \$79.67 per hour-per class-November 14, 2023-February 8, 2023-American Rescue Plan Federal Grant-Total District Hours 1118.**

<b>TEACHERS</b>	<b>ENRICHMENTS</b>	<b>SCHOOL</b>
Jacqui Byrne	Mindful Movement	East
Lisa Collins	Coding (2)	East
Edward Courtney	Chess (2)	East
Jennifer Diamond	Mathletes	East
Gabriella Febrizio	Scrapbooking	East
Matthew Jones	3D Printing (2)	East
Jennifer Madrid	STEAM & Jewelry Design (3)	East
Mayela Molina	Physics Adventure	East
Mayela Molina	Math Mania	East
Gina Patronaggio	Escape the Classroom	East
Esmeralda Roberts	Readers Craft	East
Nina Arlotta	Poetry-Lieracy	Lido
Danielle Bruno	Lido School Helpers (2)	Lido
Emily Ciavarella	Directed Drawing	Lido
Emily Ciavarella	Escape Rooms	Lido
Deb Cupani	Guided Drawing	Lido
Michelle Frank	Fun with Poetry	Lido
Susan Garcia	Beautiful Us	Lido
Jennifer Hoffmann	Book Love	Lido
Jean Kushel	ASL/Yoga/Math	Lido
Ashley Lee	Art for Kids	Lido
Ashley Lee	Economics for Kids	Lido
Ashley Lee	Lido News Crew	Lido
Marisa Lorenzo	Let's Get Creative: Watercolor Painting	Lido
Megan Lyons	Elementary Explorers Nature Program	Lido
Keely McEachern	Engineering	Lido
Dana Monti	Best Buddies Mentor Program	Lido
Lori Parenti	For the Love of Books	Lido
Janine Riomao	Arts & Crafts	Lido
Janine Riomao	Materials Explorations	Lido
Scott Scheinson	Advanced Recorder Class	Lido
Emily Siegel	Reading Explorers (2)	Lido
Erica Yoo	Origami Creations	Lido
Christina Causi	Break Out!	Lindell



**I. CERTIFICATED PERSONNEL**

(o) **Appointment: Enrichment Program Instructors for Session 1 of the 2023/2024 School Year-rate of pay \$79.67 per hour-per class-November 14, 2023-February 8, 2023-American Rescue Plan Federal Grant-Total District Hours 1118. continued**

<b>TEACHERS</b>	<b>ENRICHMENTS</b>	<b>SCHOOL</b>
Halle Conklin	STEAM & Jewelry Design	Lindell
Chelsey DiRocco	Virtual Field Trips	Lindell
Felice Dolger	Super Smart Strategies	Lindell
Edith Guzman	Lights! Camera! Action!	Lindell
Edith Guzman	So You Think You Can Dance!	Lindell
Danielle Kaplowitz	Scrapbooking and Making Memories	Lindell
Danielle Kaplowitz	Let's Type!	Lindell
Danielle Lopez	Lindell Spirit Ambassadors	Lindell
Jackie Nyman	Technology Den	Lindell
Jackie Nyman	Highlight Reel!	Lindell
Heather Puckhaber	Don't get Bored, Play BOARD Games!	Lindell
Lisa Rundo	Science Inquiry (2)	Lindell
Lisa Rundo	STEM	Lindell
Jessica Biscardi	Scrapbooking	West
Laura Borawski	Cookbook Creations Jr.	West
Hayley Brander	Virtual Field Trips	West
Erin Cain	Chess	West
Brittany Clancy	Mathletes Jr.	West
Brittany Clancy	Mathletes	West
Claudine Clark	Sculpting and Storytelling	West
Jessica Donato	Interior Design	West
Melissa Flood	Yoga	West
Sarah Franzino	Art Masters	West
Hannah Gallo	Coding/Makerspace Fun!	West
Hannah Gallo	Gallo's Art Gallery	West
Maryann Hommel	Textile Designs	West
Stephanie Kornacki	Mural Masters	West
Sue Masloja	Game Masters	West
Brittany McManus	Directive Drawing	West
Brian Morgan	Seahorse Scoop	West
Courtney O'Donnell	Drama	West
Nicole Petrullo	Comic Book Authors	West
Bryan Rosen	History and Strategies of Team Sports	West
Mariana Rotenberg	HEART Ambassadors	West

**I. CERTIFICATED PERSONNEL**

- (o) **Appointment: Enrichment Program Instructors for Session 1 of the 2023/2024 School Year- rate of pay \$79.67 per hour-per class-November 14, 2023-February 8, 2023-American Rescue Plan Federal Grant-Total District Hours 1118. continued**

<b>TEACHERS</b>	<b>ENRICHMENTS</b>	<b>SCHOOL</b>
Nicolette Samardich	Lego Engineers	West
Nicolette Samardich	Fashion Designers	West
Michelle Spreckels	Global Travel	West
Yasmee Valentin	Cookbook Creations	West
Dana Wachter	ASL	West
Dana Wachter	Movement and Rhythm	West
Chelsea Way	Comic Book Authors	West
Stephanie Zimmerman	Podcasting	West
Stephanie Zimmerman	Meditation/Yoga	West
Anthony LaPenna	Substitute	
Christina Franceschini	Substitute	
Christine Smith	Substitute	
Dana Monti	Substitute	
Deb Cupani	Substitute	
Eileen Bauer	Substitute	
Jackie Kupferman	Substitute	
Kelly McNamara	Substitute	
Megan Lyons	Substitute	
Melissa Canner	Substitute	
Edward Courtney	Substitute Coordinator	
Christine Zawatson	Substitute Coordinator	

- (p) **The Following administrators have completed their APPR recertification**

Monica Martin	Kathleen Connolly	Elizabeth Walsh-Bulger
Francine Newman	Cristie Tursi	Theresa Scudiero
Denis Pettis	Christopher Webel	Sarah Kugelman
Evelyn Daza	Kim Liguori	Jeffrey Myers
Erica Northcutt	Amy Dirolf	Jake Baron
Serena Whitfield	Andrew Smith	Michele Natali
Lorraine Radice	Jana Ostroff	Arnold Epstein
Anna McGovern	Christopher Francaviglia	Cristine Zawatson
Jaclyn McMahan	Jennifer Pullara	Keith Biesma
Ivelisse Hernandez	Julia Lang-Shapiro	Jennifer Gallagher
Maria Vasquez-Wright	Michele Vivona	Sabrina Brancaccio

**I. CERTIFICATED PERSONNEL**

- (q) **Approval of Applications for Participation in Group A Study Programs-Fall 2023-The following staff members have applied for funding for coursework as indicated under the appropriate provision of their contract. Recommend approval of the tuition/fees.**

<b>Name</b>	<b>Allocation</b>	<b>Name</b>	<b>Allocation</b>
Megan Lyons	\$945	Anne LaPenna	\$580
William Papetti	\$1245	Esmeralda Roberts	\$400
Janine Riomaso	\$855	Daniel Bailey	\$350
Marisa Lorenzo	\$855	Debra Cupani	\$1113
Carina Morales Hauser	\$323		

- (r) **Approval of Applications for Participation in Group B Study Programs-Fall 2023-The following staff members have applied for funding for coursework as indicated under the appropriate provision of their contract. Recommend approval of the tuition/fees.**

<b>Name</b>	<b>Allocation</b>
Anna McGovern	\$3,500

- (s) **Approval of Applications for Participation in Study Programs-The following Group B staff member has applied for funding for coursework as indicated under the appropriate provision of their contract. Recommend approval of the tuition/fees.**

<b>Name</b>	<b>Allocation</b>
Shelly Cepeda	\$780

**II. NON CERTIFICATED PERSONNEL**

**(a) Termination**

Name: Thomas Purizaca  
Assign./Loc. Part Time Teacher Aide/LBHS  
Effective Date: October 25, 2023 close of day

Name: Olivia Grillo  
Assign./Loc. Part Time Teacher Aide/Lindell School  
Effective Date: November 6, 2023 close of day

**(b) Resignation**

Name: Deborah Gallinaro  
Assign./Loc. Part Time Teacher Aide/West School  
Effective Date: October 27, 2023 close of day

**(c) Leave of Absence**

Name: Adalgiza Rosales  
Assign./Loc. Bus Driver/Transportation Department  
Effective Date: November 28, 2023-March 4, 2024  
Reason: FMLA/Family Illness

Name: Maris Lynch  
Assign./Loc. Data Specialist/Lido School  
Effective Date: November 3, 2023-June 30, 2024 (or earlier at the district's discretion)  
Reason: FMLA/Medical

Name: Lorraine Riglietti  
Assign./Loc. Part Time Food Service Worker/Lido School  
Effective Date: November 30, 2023-December 18, 2023  
Reason: Medical

Name: Tasha Phillips  
Assign./Loc. Part Time Teacher Aide/East School  
Effective Date: November 1, 2023-December 1, 2023  
Reason: Family Illness

**II. NON CERTIFICATED PERSONNEL**

**(d) Amended Leaves of Absence**

Name: Tamaia Smith  
Assign./Loc.: Part Time Building Aide/LBMS  
Effective Date: September 5, 2023-May 5, 2024  
Original Dates: September 5, 2023-November 5, 2023  
Reason: Personal

Name: Tiffany Canner  
Assign./Loc.: Part Time Teacher Aide/Lindell School  
Effective Dates: September 5, 2023-January 15, 2024  
Original Dates: September 5, 2023-December 22, 2023  
Reason: Educational

**(e) Appointment: Probationary Payroll Clerks (12 months)**

Name: Keri Cohen  
Assign./Loc.: Probationary Payroll Clerk/Business Office  
Effective Date: July 5, 2023  
Probationary End Date: July 4, 2024  
Salary Classification: \$49,273 per annum  
Step: Grade VI/Step 5  
Reason: Promulgation of Civil Service eligibility list

Name: Diana Toback  
Assign./Loc.: Probationary Payroll Clerk/Business Office  
Effective Date: June 1, 2023  
Probationary End Date: May 31, 2024  
Salary Classification: \$49,273 per annum  
Step: Grade VI/Step 5  
Reason: Promulgation of Civil Service eligibility list

**(f) Appointment: Probationary Secretary I (12 months)**

Name: Sandra Yanowitch  
Assign./Loc.: Probationary Secretary I/Technology Office  
Effective Date: October 30, 2023  
Probationary End Date: October 29, 2024  
Salary Classification: \$47,921 per annum-prorated  
Step: Grade IV/Step 8  
Reason: To fill a vacancy  
Comment: Takes a leave from Data Specialist position

**II. NON CERTIFICATED PERSONNEL**

**(g) Appointment: Probationary Data Specialist (10 months)**

Name: Grace Buonocore-Mitchell  
 Assign./Loc.: Probationary Data Specialist  
 Effective Date: November 27, 2023 (or earlier)  
 Probationary End Date: November 26, 2024  
 Salary Classification: \$33,477 per annum-prorated  
 Step: Grade II/Step 5  
 Reason: To fill a vacancy

**(h) Appointment: Probationary Night Cleaner**

Name: Joseph Villani  
 Assign./Loc.: Probationary Night Cleaner/LBMS  
 Effective Date: November 15, 2023  
 Probationary End Date: November 14, 2027  
 Salary Classification: \$41,069 per annum  
 Step: Grade I/Step 3  
 Reason: To fill a vacancy

**(i) Appointment: Part Time Lunch Aides (15 hours per week)**

Name: Jennifer Hiraldo  
 Assign./Loc.: Part Time Lunch Aide/Lindell School  
 Effective Date: November 15, 2023  
 Salary Classification: \$17.58 per hour  
 Grade/Step: Grade I/Step 1  
 Reason: To fill a vacancy

Name: Elizabeth Colon  
 Assign./Loc.: Part Time Lunch Aide/Lido School  
 Effective Date: November 13, 2023  
 Salary Classification: \$17.58 per hour  
 Grade/Step: Grade I/Step 1  
 Reason: To fill a vacancy

**(j) Appointment Part Time Teacher Aides 17.5 hours per week Start date-through June 26, 2024 (or earlier at the district's discretion). Rate according to contract**

Name	Step	Rate	Location	Reason	Start date
Heather Flint <i>*resigns teacher assistant position</i>	2	18.40	LBHS	CSE	11/15/23
Brianna Cantore	1	17.58	Lido	CSE	11/15/23
Sandra Tuccillo	1	17.58	East	Program	11/15/23

**II. NON CERTIFICATED PERSONNEL**

**(k) Appointment: Translator for the 2023/2024 school year-\$25.00 per hour as needed**

Liset Vazquez

**(l) The following Per Diem Substitutes are recommended for approval for the 2023-2024 school year.**

<b>Name</b>	<b>Position</b>
Soshana Markowitz	Lunch Aide/Teacher Aide
Mollie Medrano	Nurse
Maryann Zelaya	Nurse
Edgardo Vasquez	Cleaner
Gwenyth Price	Teacher Aide/Teacher Assistant

**3. ACCEPTANCE OF FINANCIAL STATEMENTS, AUDIT REPORTS AND CORRECTIVE ACTION PLAN**

**BE IT RESOLVED**, that the Board of Education of the Long Beach City School District, based on the recommendation District's Audit Committee, accepts the Financial Statements and Independent Auditor's Reports, Extra Classroom Audit and Management Letter for the year ended June 2023 as presented by the District's independent external auditor, Jill Sanders, approves the Corrective Action Plan and authorizes and directs the Administration to implement the Corrective Action Plan.

**FURTHER BE IT RESOLVED**, that the Board of Education hereby directs the District Clerk to file a certified copy of this resolution and the District's Corrective Action Plan with the Commissioner of Education and the Office of the State Comptroller.

**4. APPROVAL OF ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN LEAD EVALUATOR RECERTIFICATION**

**WHEREAS**, the Long Beach City School District Board of Education has been provided evidence that the following Administrators have completed training which meets the requirements of 8 NYCRR Part 30-2 and the Long Beach City School District's Annual Professional Performance Review Plan:

Monica Martin	Kathleen Connolly	Elizabeth Walsh-Bulger
Francine Newman	Cristie Tursi	Theresa Scudiero
Denis Pettis	Christopher Webel	Sarah Kugelman
Evelyn Daza	Kim Liguori	Jeffrey Myers
Erica Northcutt	Amy Dirolf	Jake Baron
Serena Whitfield	Andrew Smith	Michele Natali
Lorraine Radice	Jana Ostroff	Arnold Epstein
Anna McGovern	Christopher Francaviglia	Cristine Zawatson
Jaclyn McMahan	Jennifer Pullara	Keith Biesma
Ivelisse Hernandez	Julia Lang-Shapiro	Jennifer Gallagher
Maria Vasquez-Wright	Michele Vivona	Sabrina Brancaccio

**NOW, THEREFORE, BE IT RESOLVED**, that, upon the recommendation of the Superintendent of Schools, those individuals have been certified as lead evaluators. This certification has been issued in accordance with the process for certifying lead evaluators described in the Long Beach City School District's Annual Professional Performance Review Plan.

Required training elements as prescribed in the Commissioner's Regulation are:

- (1) the New York State teaching standards and their related elements and performance indicators and the leadership standards and their related functions, as applicable;
- (2) evidence-based observation techniques that are grounded in research;
- (3) application and use of the student growth percentile model and any other growth model approved by the department as defined in section 30-3.2 of this Subpart;
- (4) application and use of the State-approved teacher or principal rubric(s) selected by the district for use in evaluations, including training on the effective application of such rubrics to observe a teacher or principal's practice;
- (5) application and use of any assessment tools that the district utilizes to evaluate its classroom teachers or building principals;



(6) application and use of any locally selected measures of student growth used in the optional subcomponent of the student performance category used by the district to evaluate its teachers or principals;

(7) use of the statewide instructional reporting system;

(8) the scoring methodology utilized by the department and/or the district to evaluate a teacher or principal under this Subpart, including the weightings of each subcomponent within a category; how overall scores/ratings are generated for each subcomponent and category and application and use of the evaluation matrix(es) prescribed by the commissioner for the four designated rating categories used for the teacher's or principal's overall rating and their category ratings; and

(9) specific considerations in evaluating teachers and principals of English language learners and students with disabilities.

#### **5. APPROVAL OF PIGGYBACK AGREEMENT – TOWN OF ISLIP**

**WHEREAS**, the Board of Education of the Long Beach City School District (“District”) is authorized to purchase apparatus, materials, equipment and supplies, and contract for services related to the installation, maintenance or repair of those items, pursuant to General Municipal Law Section 103(16); and

**WHEREAS**, the Town of Islip, by Town Board resolution adopted June 16, 2020, awarded to Integrated Wireless Technologies, LLC a contract for Two-Way Radio System Maintenance & Equipment (Contract #520-84) (the “Integrated Wireless Contract”) which has been extended by its terms to other governmental entities and political subdivisions in accordance with General Municipal Law section 103(16), the term of which was renewed and runs through May 16, 2024; and

**WHEREAS**, the District seeks to procure two-way radio system maintenance and equipment pursuant to the Integrated Wireless Contract.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Education hereby approves the use of the Integrated Wireless Contract for two-way radio system and maintenance procurement in the amount of approximately \$10,000.00 and authorizes Superintendent or her designee to executed such documents as are necessary in connection with such procurement.

#### **6. APPROVAL OF AGREEMENT - TRANSPORTATION**

**BE IT RESOLVED**, the Board of Education hereby approves a transportation contract dated September 27, 2023 with Scholastic Bus Corporation in connection with Darchei, TAG, BBY, HAFTR, Brandeis, Shulamith and SKA AM only in the total sum of \$88,290, and authorizes the President of the Board of Education to execute the contract on behalf of the District.

#### **7. APPROVAL OF EXTENSION OF EMERGENCY EXPENDITURE FOR TEMPORARY BOILER**

**WHEREAS**, on December 14, 2021, the Board of Education approved a resolution authorizing an emergency expenditure for a temporary boiler, which boiler was rented and installed for the purpose of providing heat to parts of the Long Beach Middle School and Lido Elementary School pursuant to that resolution (“Emergency Boiler Resolution”); and

**WHEREAS**, the District, despite best efforts, has been unable to obtain certain parts and materials necessary for a more permanent solution to the boiler issues; and

**WHEREAS**, the District is unable to safely heat the Long Beach Middle School and Lido Elementary School without the boiler leased pursuant to the Emergency Boiler Resolution; and

**WHEREAS**, continued utilization of the leased boiler is essential to protect the life, health, and safety of District students, staff and residents.

**NOW, THEREFORE, BE IT RESOLVED**, upon the recommendation of the Superintendent of Schools, the Board of Education of the Long Beach City School District hereby authorizes continuation of the leased boiler procured pursuant to the Emergency Boiler Resolution with the total cost of the procurement, installation and removal of such boiler in an amount not to exceed the sum of \$150,000.

**8. APPROVAL OF CTE COURSES FOR THE ADULT LEARNING CENTER (GRANT-FUNDED)**

**RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby approves the following CTE Courses for 2023-24 for the Long Beach City School District Adult Learning Center: Hospitality, Guest Service Gold; Certified Guest Service Professional with Certified Guestroom Attendant; Certified Guest Service Professional with Certified Breakfast Attendant; Certified Guest Service Professional with Certified Maintenance Employee; and Certified Guest Service Professional with Certified Front Desk Representative.

**9. APPROVAL OF DISPOSITION OF OBSOLETE TEXTBOOKS**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the disposal of obsolete textbooks which are no longer useful or necessary for school district purposes and of no value to the School District as indicated on a list attached to and made part of this resolution

**10. FIRST READING OF AMENDED POLICY #8230 SCHOOL COUNSELING/GUIDANCE PROGRAMS**

**11. ADOPTION OF REVISED POLICY #6121 SEXUAL HARASSMENT IN THE WORKPLACE**

**BE IT RESOLVED**, that the Board of Education hereby adopts revised Policy #6121 Sexual Harassment in the Workplace.

**12. ADOPTION OF REVISED POLICY #3420 NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT**

**BE IT RESOLVED**, that the Board of Education hereby adopts revised Policy #3420 Non-Discrimination and Anti-Harassment in the District.

**13. ACCEPTANCE OF RECOMMENDATIONS FROM THE COMMITTEE ON PRE-SCHOOL SPECIAL EDUCATION AND COMMITTEE ON SPECIAL EDUCATION**

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

**A) VOLZ & VIGLIOTTA, PLLC**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$5,000.00 to Volz & Vigliotta, PLLC for the monthly retainer for general counsel legal services for the period of December 1, 2023 through December 31, 2023; \$ 269.50 for general legal professional services on August 31, 2023; \$1,274.00 for general legal professional services for the period of September 8, 2023 through September 29, 2023; \$3,583.33 for the monthly retainer for labor counsel legal services for the period of December 1, 2023 through December 31, 2023; \$1,764.00 for labor counsel services for the period of August 18, 2023 through August 29, 2023; and \$147.00 for labor counsel services on September 22, 2023.

**B) HARRIS BEACH, PLLC**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$1,182.50.00 to Harris Beach, PLLC for professional legal services pertaining to the Lido Complex steam conversion for the period of August 10, 2023 through August 16, 2023.

**15. APPROVAL OF USE OF SCHOOLS APPLICATIONS**

**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 and/or rescheduled based on building schedule.

**APPLICATIONS FOR USE OF SCHOOLS**

<u>Organization</u>	<u>Purpose</u>	<u>Facility Requested</u>	<u>Date Requested</u>
City of Long Beach	Recreational Fitness	Long Beach Middle School Tennis Courts	Sundays Nov. 5 and Nov. 12, 2023 9:00am – 1:00pm
City of Long Beach	Recreational Basketball	Long Beach Middle School Gymnasium	Saturdays 1/6/2024 – 5/11/2024 12:30pm – 3:30pm
Long Beach Wrestling Club	Wrestling Practice	Long Beach Middle School Wrestling Room	Mon. – Fri. 9/25/2023 – 6/14/2024 6:00pm – 9:00pm
Long Beach Wrestling Club	Wrestling Camp	Long Beach High School Gymnasium, Cafeteria and Boys Locker Room	Thurs. – Wed. 6/27/2024 – 7/3/2024 Mon. – Thurs. 7/22/2024 – 7/25/2024 8:30am – 3:00pm
Long Beach Football Club	Football Intramurals	Long Beach Middle School Tennis Courts	Saturdays 11/4/2023 – 11/25/2023 8:00am – 10:00am
Long Beach Lacrosse Club	Lacrosse Games and Practices	Long Beach Middle School Soccer/Lacrosse Field	Sundays 3/3/2024 – 6/30/2024 8:00am – 5:00pm Mon. – Fri. 3/4/2024 – 6/28/2024 6:00pm – 8:00pm
Long Beach Lacrosse Club	Lacrosse Games and Practices	Long Beach Middle Veterans Field	Sundays 3/3/2024 – 6/30/2024 8:00am – 9:00pm Mon. – Fri. 3/4/2024 – 6/28/2024 6:00pm – 9:00pm

<p>Long Beach Theatre Guild</p>	<p>Rehearsals and Performances</p>	<p>Lindell Auditorium, Cafeterias, Lobby, Art Gallery</p>	<p>Saturdays 5:30pm – 10:00pm Sundays 12:30pm – 5:00pm 10/28/2023 – 11/5/2023</p>
<p>O'Neill Theatre Company</p>	<p>Rehearsals and Performances</p>	<p>Lindell Auditorium</p>	<p>Weekdays 11/8/2023 – 12/22/2023 1/8/2024 – 1/27/2024 6:30pm – 9:00pm Saturdays 1/13/2024 – 1/27/2023 12:30pm – 9:00pm</p>
<p>Long Island Swimming, Ltd.</p>	<p>Swim Practice</p>	<p>Long Beach High School Pool</p>	<p>Mon. and Thurs. 11/2/2023 – 11/30/2023 6:15pm – 8:00pm Tues. and Wed. 11/1/2023 – 11/29/2023 6:45pm – 8:15pm Fridays 11/3/2023 – 11/17/2023 6:45pm – 8:15pm Saturdays 11/4/2023 – 11/25/2023 11:00am – 2:30pm</p>

**Math Books to be Discarded**

Name	Copyright	Course	ISBN	Quantity	Reason
Mathematics for the international student SL	2010	IB AA	978-1-921500-09-1	360	outdated
The Practice of Statistics sixth ed	2018	AP Stats	978-1-319-11-333-9	70	outdated
Big Ideas Algebra 1 Common Core	2015	Algebra 1	978-1-60840-838-2	54	New standards
Algebra 1 Common Core Amsco	2015	Algebra 1	978-1-62974-528-2	60	New standards

## Instruction

**SUBJECT: SCHOOL COUNSELING/GUIDANCE PROGRAMS**

The Board of Education believes that guidance is an integral plan of the total instructional program at all grade levels. Thus, teachers shall incorporate guidance activities into the curriculum to aid students in making informed and responsible decisions in all aspects of their lives and to provide students with a positive approach to problem solving.

Long Beach Public Schools has a comprehensive developmental school counseling/guidance program, for all students in kindergarten through grade 12.

1. For all grades kindergarten through twelve, district and building level comprehensive developmental school counseling/guidance programs shall prepare students to participate effectively in their current and future educational programs as age appropriate and be designed to address multiple student competencies including career/college readiness standards, and academic and social/emotional development standards. The comprehensive developmental school counseling/guidance program (“program”) shall include the following activities or services:
  - (a) In grades kindergarten through five, the program shall be designed by a certified school counselor in coordination with the teaching staff, and any appropriate pupil personnel service providers, for the purpose of preparing students to participate effectively in their current and future educational programs, to provide information related to college and careers, and to assist students who may exhibit challenges to academic success, including but not limited to attendance or behavioral concerns, and where appropriate make a referral to a properly licensed professional and/or certified pupil personnel service provider, as appropriate, for more targeted support.
  - (b) For students in grades six through twelve, certified school counselors shall provide an annual individual progress review plan, which shall reflect each student's educational progress and career plans. For a student with a disability, the plan shall be consistent with the student's individualized education program;
  - (c) School counseling/guidance core curriculum instruction for the purpose of addressing student competencies related to career/college readiness, academic skills, and social/emotional development by a certified school counselor(s).
  - (d) Other direct student services which may include, but need not be limited to, responsive services, crisis response, group counseling, individual counseling, appraisal, assessment, and advisement, for the purpose of enabling students to benefit from the curriculum, assisting students to develop and implement postsecondary education and career plans, assisting students who exhibit attendance, academic, behavioral or adjustment concerns and encouraging parental involvement. Provided that nothing herein shall prohibit certified or licensed school psychologists or certified or licensed school social workers pursuant to Part 80 of the Commissioner's regulations from providing other direct student services within their applicable scope of practice.

## Instruction

- (e) Indirect student services which may include but need not be limited to, referrals to appropriately licensed or certified individuals, consultation, collaboration, leadership, advocacy, and teaming.
2. Long Beach School shall develop district-wide and building-level comprehensive developmental school counseling/guidance plans which set forth the manner in which the district shall comply with the requirements of this subdivision. Such district and building level plans shall be developed by or under the direction of certified school counselor(s) and be updated annually, available for review at the district offices and each school building and made available on the district's website.
- (a) Each plan shall be developed annually and shall include program objectives, activities, program development and maintenance planning, school counseling curriculum, professional development planning, evaluation methods based on data analysis of program results and closing the gap analysis reports to inform program improvement, and assessment of the resources necessary to support positive student outcomes.
- (b) Each plan shall also include the preparation of a program outcomes report that includes an analysis of all systematic components of a comprehensive developmental school counseling/guidance program as defined by this subdivision. Such report shall be annually presented to the board of education.
3. Long Beach Schools shall establish a comprehensive developmental school counseling/guidance program advisory council to be comprised of representative stakeholders (such as parents, members of the board of education, school building and/or district leaders, community-based service providers, teachers, certified school counselors and other pupil personnel service providers in the district including school social workers and/or school psychologists).

**OVERVIEW OF LONG BEACH  
SCHOOL COUNSELING GOALS**

**A: Guidance Goals for Grades K-6**

- Goal A1: Prepare students to participate effectively in their current and future educational programs.
- Goal A2: Help students who exhibit attendance, academic, behavioral or adjustment problems.
- Goal A3: Educate students concerning personal safety.
- Goal A4: Encourage parental involvement in their children's education.

**B: Guidance Goals for Grades 7-8**

- Goal B1: Review each child's educational progress and career plans annually.
- Goal B2: Teach students about various careers and help them to develop career planning skills.
- Goal B3: Provide assistance to enable students to benefit from the

## Instruction

curriculum, as well as the following:

- i. Develop and implement post-secondary education and career plans.
- ii. Help students who exhibit attendance, academic, behavioral, and/or adjustment problems.

Goal B4: Encourage parental involvement in the educational process.

**C: Guidance Goals for Grades 9-12**

Goal C1: Review each child's educational progress and career plans annually.

Goal C2: Teach students about various careers and help them to develop career planning skills.

Goal C3: Provide assistance to enable students to benefit from the curriculum, as well as the following:

- i. Develop and implement post-secondary education and career plans.
- ii. Help students who exhibit attendance, academic, behavioral, and/or adjustment problems.

Goal C4: Encourage parental involvement in the educational process.

Ref: 8NYCRR 100.2(j)

Note: Policy added

First Reading of Amended: November 14, 2023



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

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

In accordance with applicable federal and state laws and regulations, the District does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the District prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class or category including, but not limited to:

- a) Age;
- b) Race;
- c) Creed;
- d) Religion;
- e) Color;
- f) National origin;
- g) Citizenship or immigration status;
- h) Sexual orientation;
- i) Gender identity or expression;
- j) Military status;
- k) Sex;
- l) Disability;
- m) Predisposing genetic characteristics;

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

- n) Familial status;
- o) Marital status; and
- p) Status as a victim of domestic violence.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination and/or harassment. The District will promptly respond to reports of discrimination and/or harassment, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)).

Scope and Application

This policy outlines the District's general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:

- a) Students;
- b) Employees;
- c) Applicants for employment;
- d) Paid or unpaid interns;
- e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f) Volunteers; and
- g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

**What Constitutes Discrimination and Harassment**

Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the District; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide for individuals in determining what may constitute discrimination and/or harassment. These examples should not be construed to add or limit the rights that individuals and entities possess as a matter of law.

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of their membership in a protected class; denying an individual access to facilities or educational benefits on the basis of their membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Generally stated, harassment consists of subjecting an individual, on the basis of their membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures.

This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Under New York State Human Rights Law (NYSHRL), discrimination or harassment does not need to be severe or pervasive to be illegal. It can be any discriminatory or harassing behavior that rises above petty slights or trivial inconveniences. Every instance of discrimination or harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether discriminatory or harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

**Civil Rights Compliance Officer**

\*The District has designated the following District employee(s) to serve as its CRCO(s):

Civil Rights Compliance Officers

Dr. Sabrina Brancaccio or  
Dr. Michele Natali  
Long Beach City School District  
235 Lido Blvd.  
Lido Beach, NY 11561  
sbrancaccio@lbeach.org  
mnatali@lbeach.org  
516-897-2200 or 516-897-2112

Title IX Coordinators

Michael I. DeVito, Esq. or  
Dr. Michel Natali  
Long Beach City School District  
235 Lido Blvd.  
Lido Beach, NY 11561  
mdevito@lbeach.org  
mnatali@lbeach.org  
516-897-2090 or 516-897-2112

The CRCO(s) will coordinate the District's efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.

Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

**Reporting Allegations of Discrimination and/or Harassment**

Anyone who experiences, witnesses, or becomes aware of potential instances of discrimination or harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Individuals should not feel discouraged from reporting discrimination or harassment because they do not believe it is bad enough or conversely because they do not want to see someone punished for less severe behavior.

Reports of discrimination and/or harassment may be made verbally or in writing. A written complaint form is posted on the District's website if an individual would like to use it, but the complaint form is not required. Individuals who are reporting discrimination and/or harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

Reports may be made to a CRCO in person, by using the contact information for a CRCO, or by any other means that results in a CRCO receiving the person's verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for a CRCO.

Reports of discrimination and/or harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

In addition to complying with the reporting requirements in this policy, District employees must comply with any other applicable reporting requirements contained in District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

**Supervisory Responsibilities**

Supervisors, building principals, other administrators, and the CRCOs are responsible for helping to maintain a discrimination and harassment-free educational and work environment.

All supervisors, building principals, and other administrators who receive a complaint or information about suspected discrimination or harassment, observe what may be discriminatory or harassing behavior, or for any reason suspect that discrimination or harassment is occurring, are required to report the suspected discrimination or harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Supervisors, building principals, and other administrators should not be passive and wait for an individual to make a claim of discrimination or harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in discriminatory or harassing behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected discrimination or harassment or allowing discrimination or harassment to continue after they know about it.

While supervisors, building principals, and other administrators have a responsibility to report discrimination and harassment, they must be mindful of the impact that discrimination and/or harassment and a subsequent investigation has on victims. Being identified as a possible victim of discrimination or harassment and questioned about discrimination or harassment can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced discrimination or harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

**Grievance Process for Complaints of Discrimination and/or Harassment**

All complaints or information about discrimination or harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination or harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a discrimination or harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

The CRCO will generally oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

District employees may be required to cooperate as needed in an investigation of suspected discrimination or harassment. The District recognizes that participating in a discrimination or harassment investigation can be uncomfortable and has the potential to retraumatize an individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

Various District policies and documents address discrimination and harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Dignity Act Coordinators (DACs) or Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination and/or harassment based on a legally protected class has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

**Knowingly Makes False Accusations**

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

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

The District prohibits all retaliation. Any individual that reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint is protected from retaliation. No one should fear reporting discrimination or harassment if they believe it has occurred. Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Any District employee who retaliates against anyone involved in a discrimination or harassment investigation will face disciplinary action, up to and including termination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

**Confidentiality**

To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.

**Training**

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

**Notification**

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or legal guardians, employees, and other relevant individuals of the District's established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The District's website will reflect current and complete contact information for the CRCO(s).

A copy of this policy and its corresponding regulations and/or procedures will be available upon request and will be posted and/or published in appropriate locations and/or District publications.

(Continued)



**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)****Additional Provisions**

Regulations and/or procedures will be developed for reporting, investigating, and remediating allegations of discrimination and/or harassment.

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.

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

Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.

Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.

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

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

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

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.

28 CFR Part 35

29 CFR Chapter I – National Labor Relations Board

29 CFR Chapter XIV – Equal Employment Opportunity Commission

34 CFR Parts 100, 104, 106, 110, and 270

45 CFR Part 86

Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a

Civil Service Law Sections 75-b and 115

Correction Law Section 752

Education Law Sections 10-18, 313, 313-a, 2801, 3201, and 3201-a

Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, 215, and 740

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

Military Law Sections 242, 243, and 318

8 NYCRR Section 100.2

9 NYCRR Section 466 et seq.

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination  
#6120 -- Equal Employment Opportunity  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
#8130 -- Equal Educational Opportunities  
#8220 -- Career and Technical (Occupational) Education  
District *Code of Conduct*

First Reading of Revised: September 26, 2023

Second Reading of Revised: October 11, 2023

Adopted: November 14, 2023

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

The District is committed to creating and maintaining an environment which is free from harassment and discrimination. This policy addresses sexual harassment and gender discrimination in the workplace. It is intended to inform covered individuals of: their right to work in an environment that is free from sexual harassment and discrimination; what sexual harassment and discrimination look like; how they can prevent and report sexual harassment and discrimination; how they are protected from retaliation after taking action; and the general process for investigating a claim of sexual harassment and discrimination that falls under this policy. This policy is just one component of the District's overall commitment to maintaining a harassment and discrimination-free educational and work environment.

Under New York State Human Rights Law (NYSHRL), it is illegal for an employer to discriminate based on age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, or criminal history. These different identities impact an individual's perception and understanding of the world. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the process for reporting and investigating discrimination based on other protected classes is generally the same. However, the exact process may vary depending on a number of factors including, but not limited to, who is involved. Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* detail the specific process for reporting and investigating discrimination based on other protected identities.

Sexual harassment is a form of workplace discrimination that subjects individuals to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the District recognizes that discrimination can be related to or affected by other identities beyond gender.

Discrimination of any kind, including sexual harassment, is unlawful, a violation of District policy, and may subject the District to liability for the harm experienced by targets of discrimination. All individuals are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace.

Harassers may also be individually subject to liability and supervisors who fail to report or act on harassment may be liable for aiding and abetting sexual harassment and discrimination. Employees at every level who engage in harassment or discrimination, including supervisory personnel who engage in harassment or discrimination or who allow such behavior to continue, will be subject to remedial and/or disciplinary action by the District.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sexual harassment in the workplace. The District will promptly respond to reports of sexual harassment in the workplace, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).

Civil Rights Compliance Officers

Dr. Sabrina Brancaccio or  
Dr. Michele Natali  
Long Beach City School District  
235 Lido Blvd.  
Lido Beach, NY 11561  
sbrancaccio@lbeach.org  
mnatali@lbeach.org  
516-897-2200 or 516-897-2112

Title IX Coordinators

Michael I. DeVito, Esq. or  
Dr. Michel Natali  
Long Beach City School District  
235 Lido Blvd.  
Lido Beach, NY 11561  
mdevito@lbeach.org  
mnatali@lbeach.org  
516-897-2090 or 516-897-2112

Scope and Application

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

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace. These non-employees include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are non-employees providing equipment repair, cleaning services, or any other service through a contract with the District.

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to sexual harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved and where the alleged sexual harassment occurred. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)****What Constitutes Sexual Harassment**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating individuals differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression, and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Under NYSHRL, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which a covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of District policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- a) The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The impacted individual does not need to be the intended target of the sexual harassment;
- b) Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of the behavior. These decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- a) Hostile work environment which includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- b) Quid pro quo harassment which occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.

Any covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

**Examples of Sexual Harassment**

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any covered individual who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- a) Physical acts of a sexual nature, such as:
  - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another individual's body, or poking another individual's body; or
  - 2. Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.
- b) Unwanted sexual comments, advances, or propositions, 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;

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

2. Subtle or obvious pressure for unwelcome sexual activities; or
  3. Repeated requests for dates or romantic gestures.
- c) Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- d) Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
1. Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  2. Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as:
1. 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;
  2. This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, 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;
  4. Intentional misuse of an individual's preferred pronouns; or

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

5. Creating different expectations for individuals based on their perceived identities:
  - (a) Dress codes that place more emphasis on women's attire;
  - (b) Leaving parents/caregivers out of meetings.

**Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. This policy applies to all instances of sexual harassment perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student.

Sexual harassment does not happen in a vacuum and discrimination experienced by an individual can be impacted by biases and identities beyond an individual's gender. For example:

- a) Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- b) An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- c) Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

**Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can occur while covered individuals are traveling for District business or at District or industry-sponsored events or parties. Calls, texts, emails, and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Sexual harassment can occur when covered individuals are working remotely. Any behaviors outlined above that leave a covered individual feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the covered individual is working remotely when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

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

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. Adverse actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- a) Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- b) Publicly releasing personnel files;
- c) Refusing to provide a reference or providing an unwarranted negative reference;
- d) Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- e) Undermining an individual's immigration status; or
- f) Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Retaliation is unlawful under federal, state, and (where applicable) local law. The NYSHRL protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- b) Testified or assisted in a proceeding involving sexual harassment or discrimination under the NYSHRL or any other anti-discrimination law;

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Opposed sexual harassment or discrimination by making a verbal or informal complaint, or by simply informing a supervisor, building principal, other administrator, or the CRCO of suspected harassment;
- d) Reported that a covered individual has been sexually harassed or discriminated against; or
- e) Encouraged a covered individual to report harassment.

The District prohibits all retaliation. Any individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment or discrimination if they believe it has occurred. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of sexual harassment or discrimination.

Any District employee who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All covered individuals who believe they have been subject to retaliation should inform a supervisor, building principal, other administrator, or the CRCO.

All employees and covered individuals who believe they have been a target of retaliation may also seek relief from government agencies, as explained in this policy.

**Reporting Allegations of Sexual Harassment**

Anyone who experiences, witnesses, or becomes aware of potential instances of sexual harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough or conversely because they do not want to see someone fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and could include education counseling, suspension, or termination.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is posted on the District's website if a covered individual would like to use it, but the complaint form is not required. Individuals who are reporting sexual harassment on behalf of another individual may use the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Reports may be made to a CRCO in person, by using the contact information for a CRCO, or by any other means that results in a CRCO receiving the person's verbal or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for a CRCO.

Reports of sexual harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

District employees must comply with reporting requirements in any other applicable District policy or document.

Covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained in this policy.

**Supervisory Responsibilities**

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors, building principals, other administrators, and the CRCOs have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report the suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Supervisors, building principals, and other administrators should not be passive and wait for a covered individual to make a claim of harassment. If they observe such behavior, they must act.

Supervisors, building principals, and other administrators can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors, building principals, and other administrators, can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

While supervisors, building principals, and other administrators have a responsibility to report harassment and discrimination, they must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

**Bystander Intervention**

Any individual witnessing harassment as a bystander is encouraged to report it. A supervisor, building principal, or other administrator that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

- a) A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
- b) A bystander who feels unsafe interrupting on their own can ask a third-party to help intervene in the harassment;
- c) A bystander can record or take notes on the harassment incident to benefit a future investigation;
- d) A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
- e) If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace.

**Grievance Process for Complaints of Sexual Harassment in the Workplace**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

The CRCO will generally oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

District employees may be required to cooperate as needed in an investigation of suspected sexual harassment. The District recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize a covered individual. Individuals receiving claims and leading investigations will handle complaints and questions with sensitivity toward participants.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the CRCO:

- a) Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate.

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

- b) Will investigate all complaints of sexual harassment regardless of how those complaints are reported and treat all complaints with equal priority. For verbal complaints, the individual will be encouraged to complete, in writing, the complaint form. If the individual reporting prefers not to fill out the complaint form, a complaint form or equivalent documentation based on the verbal reporting will be prepared. The individual reporting the harassment will be provided a copy of the completed complaint form.
- c) Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails, or phone records that may be relevant to the investigation. The CRCO will consider and implement appropriate document request, review, and preservation measures, including for electronic communications.
- d) Will seek to interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- e) Will create written documentation of the investigation (such as a letter, memo, or email), which contains the following:

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  2. A list of names of those interviewed, along with a detailed summary of their statements;
  3. A timeline of events;
  4. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- f) Will keep the written documentation and associated documents in a secure and confidential location.
- g) Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document. Any corrective action taken will be in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.
- h) Will inform the individual(s) who reported the harassment of the right to file a complaint or charge externally as outlined in this policy.

Other District policies and documents address sexual harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

**Annual Training**

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

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

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

**Notification**

The District will provide this policy to all employees in-person or digitally through email upon hiring and will be posted prominently in all work locations. In addition to sending the policy through email, this policy will also be available on the District's website.

At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as their primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

**Legal Protections and External Remedies**

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

The District's internal process outlined in the policy above is one way for covered individuals to report sexual harassment. Covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, covered individuals may also seek the legal advice of an attorney.

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

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**New York State Division of Human Rights (NYSDHR)

The NYSHRL, NY Executive Law, Art. 15, Section 290 et seq., applies to all employers in New York State and protects covered individuals, regardless of immigration status. A complaint alleging violation of the NYSHRL may be filed either with the NYSDHR or in New York State Supreme Court.

Complaints of sexual harassment filed with NYSDHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with NYSDHR, they can bring a lawsuit directly in state court under the NYSHRL, **within three years** of the alleged sexual harassment. An individual may not file with NYSDHR if they have already filed a NYSHRL complaint in state court.

Complaining internally to the District does not extend the time to file with NYSDHR or in court. The three years are counted from the date of the most recent incident of harassment.

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

NYSDHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, NYSDHR has the power to award relief. Relief varies, but it may include requiring the employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

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

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with NYSDHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to NYSDHR. The website also contains contact information for NYSDHR's regional offices across New York State.

Call the NYSDHR sexual harassment hotline at **1-800-HARASS-3 (1-800-427-2773)** for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

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**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 USC Section 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 calendar days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto:info@eeoc.gov). To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

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

Title IX

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance. The United States Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments Act of 1972.

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

Local Protections

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

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
29 CFR Section 1604.11(a)  
34 CFR Subtitle B, Chapter I  
Civil Service Law Section 75-b  
New York State Human Rights Law, Executive Law Section 290 et seq.  
Labor Law Sections 201-g and 740

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#6122 -- Employee Grievances  
#7551 -- Sexual Harassment of Students

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