

POLICY COMMITTEE
Liverpool Central School District Board of Education
February 25, 2021 7am
Liverpool Central School District Office
Liverpool, New York 13090

Present: Dr. Mark Potter, Stacey Balduf, Joseph Morawski, Nicholas Blainey

Proposed New Policies:

Proposed New Policy 5633 - Gender Neutral Single-Occupancy Bathrooms

New required sample policy 5633, Gender Neutral Single-Occupancy Bathrooms, was developed in response to new Education Law Section 409-m which becomes effective March 23, 2021.

Education Law Section 409-m requires that the Board of every school district, BOCES, and charter school "develop policies and procedures requiring that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use."

Public Buildings Law Section 145(1)(d) defines "single-occupancy bathroom" as "a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security."

Additionally, the law requires that all gender-neutral bathroom facilities be "clearly designated by the posting of such on or near the entry door of each facility." At this time, neither law nor guidance designates a particular phrase or graphic that must be used. However, any signage denoting the facility as "male" or "female" will need to be removed and replaced.

District changing single use bathrooms to gender neutral.

Send to BOE.

Proposed New Policy 3421 – Title IX and Sex Discrimination

New required sample policy 3421, Title IX and Sex Discrimination, was developed in response to the United States' Department of Education (US DOE) amending regulations implementing Title IX of the Education Amendments Act of 1972 (Title IX). The amended regulations became effective August 14, 2020. Given the complex nature of these regulations and non-discrimination and anti-harassment laws in general, this policy was sent to BSK for their review and input. They assisted in its drafting. What appears in this policy is the legally required language. The standard of preponderance of evidence is used for resolving any complaints whether it involves a student or an employee.

BSK does not recommend replacing the existing Policy 3420 with this new Title IX policy nor would I recommend replacing existing Policy 6121 with this new Title IX policy.”

Ask BSK if use of “sexual harassment” specifically throughout policy is necessary, can discrimination be substituted. Goes to BOE if satisfactory answer.

Proposed New Policy 5580 – Continuing Disclosure Policies and Procedures for Bond Obligations

BSK suggested the District adopt this policy. Continuing disclosure procedures are now more important because the SEC recently amended its continuing disclosure rules (Rule 15c2-12) to add two new events which, if they occur, will require the filing of an event notice on EMMA. Most significantly, an issuer must file an event notice if it incurs a material “financial obligation” for which an Official Statement is not filed with EMMA. Examples of financial obligations that may require the filing of an event notice include capital leases and small bond anticipation note issues for which no Official Statement is prepared. Without good procedures in place, an issuer might enter into a capital lease and not realize an event notice must be filed.

An event notice regarding the incurrence of a “financial obligation” will be required if the School District incurs a “financial obligation” any time after June 27, 2019, which was the date of the District’s first continuing disclosure agreement containing this new requirement.

Send to BOE.

Proposed Policy Revisions:

Revised Policy 3420 - Non-Discrimination and Anti-Harassment in the District

Required sample policy 3420, Non-Discrimination and Anti-Harassment in the District, has been revised in light of various changes to federal and state non-discrimination and anti-harassment laws and regulations including, but not limited to, revisions to the implementing regulations for Title IX of the Education Amendments Act of 1972.

Sample policy 3420 provides a general approach to addressing complaints of discrimination and/or harassment over which a district would have jurisdiction. This policy applies to the dealings between or among the following parties on school property and at school functions: students; employees; applicants for employment; paid or unpaid interns; anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace; volunteers; and visitors or other third parties.

In revising the policy, this seeks to create consistency between it and our other sample policies related to non-discrimination and anti-harassment including new sample policy 3421, Title IX and Sex Discrimination.

Send to BOE

Revised Policy 1330 – Appointments and Designations by the Board

This sample policy was revised in response to the United States' Department of Education amending regulations implementing Title IX of the Education Amendments Act of 1972 (Title IX).

"Civil Rights Compliance Officer(s)" was added for consistency with terminology used throughout our sample policies. Title IX Officer was changed Title IX Coordinator(s). The revised Title IX regulations specifically require that each district designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX. This employee must be referred to as the "Title IX Coordinator."

Send to BOE.

Revised Policy 1640 - Absentee Ballots

This sample policy was revised in response to changes to Education Law and Commissioner of Education regulations.

Education Law Section 2018-a was amended with respect to the application process for absentee ballots in districts that provide for the personal registration of voters. The revised law amended provisions relating to the information which must be included on applications for absentee ballots for district elections.

Section 2018-d was added to the Education Law and provides military voters the opportunity to vote by military ballot for the election of Board members and District public library trustees, the adoption of the annual budget, and District public library budget and referenda. Part 122 was added to Commissioner of Education regulations in order to implement the requirements of Education Law Section 2018-d. Other revisions were made for clarity and consistency purposes.

Send to BOE.

Revised Policy 5681 - School Safety Plans

This sample policy was revised in response to amendments to Education Law Section 2801-a and the addition of Labor Law Section 27-c. Education Law Section 2801-a was revised to require that District-wide school safety plans include protocols for responding to a declared public health emergency involving a communicable disease that are substantially consistent with the provisions of new Labor Law Section 27-c.

The New York State Education Department (NYSED) issued guidance on the amendments to Education Law Section 2801-a regarding pandemic planning stating that districts must adopt a continuation of operations plan in the event that Governor Cuomo declares a public health emergency involving communicable disease. (Our plan is in progress currently)

Governor Cuomo issued a press release stating that the plans must be submitted to unions and labor management committees within 150 days which results in plans being shared by February 4, 2021. Plans need to be finalized by April 1, 2021.

Send to BOE. Dr. Potter will explain this with JM's presentation.

Revised Policy 6471 - Use of Email in the District

This sample policy was substantially revised to reflect current issues with the use of email in the District, as well as the New York State Archives revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments. The new schedule, Retention and Disposition Schedule for New York Local Government Records (LGS-1), supersedes and replaces Records Retention and Disposition Schedule ED-1.

In addition to addressing issues such as sending emails with personal, private, and sensitive information (PPSI), the revised policy now addresses receiving suspicious emails and accessing district email services on personal devices.

Further, the "Record Management and Retention" section was revised to reference LGS-1 and provide notice that emails may be subject to disclosure under the Freedom of Information Law (FOIL), a court action, an audit, or as otherwise required or permitted by law or regulation. (Please note that Dan Farsaci has reviewed and approved the revisions from an IT standpoint).

Complete rewrite. Appropriate as we switched to GoogleMail.

Send to BOE.

Revised Policy 7420 - Sports and the Athletic Program

This sample policy was revised in response to the United States' Department of Education amending regulations implementing Title IX of the Education Amendments Act of 1972 (Title IX).

On page two, the reference to the "Civil Rights Compliance Officer" was changed to "Title IX Coordinator." The revised regulations require that the individual(s) who coordinates the districts' efforts to comply with Title IX be referred to as the "Title IX Coordinator."

Companion document tied to Title IV been around just an identification.

Send to BOE.

Next Meeting: April 8, 2021 7am.