**RHINEBECK CENTRAL SCHOOL DISTRICT/POLICY COMMITTEE**

**Minutes of Meeting of January 17, 2013**

Present: Mark Fleischhauer, Diane Lyons, Lisa Rosenthal, Joe Phelan, Ed Davenport (second half of meeting), John Kemnitzer (second half of meeting, by phone)

The Committee discussed the following topics: (a) additional revisions to Policy No. 1400 (“Public Concerns”); and (b) issues regarding Policy No. 5305 (“Eligibility for Extracurricular Activities”).

**A. Policy No. 1400**: The committee reconsidered the revision to Policy No. 1400, which had its first reading at the Board’s January 8, 2013 meeting. During that meeting, questions were raised as to whether the policy clearly expressed to the public what they could expect if an issue were discussed with an individual Board member in an informal setting (such as, for example, during a conversation on the sidelines at a sporting event). The committee reviewed the policy, particularly the third and fourth paragraphs thereof, which deal with how public concerns should be communicated to the District in order to trigger the newly-outlined procedures. After a careful review and a full discussion, the committee decided to add language to the end of the fourth paragraph stating, in substance, that an informal communication such as the example above would not necessarily trigger the provisions of this policy. The committee believes that this should clearly communicate to members of the public that if they have concerns they believe the District needs to address they should expect to communicate those concerns in a more formalized manner, such as in writing or at a meeting with the appropriate District personnel. A revised version of this policy with the new language highlighted is attached. The administration anticipates putting the revised policy on the agenda of the Board’s January 22, 2013 meeting for a second reading.

**B. Policy No. 5305**: The committee continued its discussion of this policy, having previously discussed whether the policy was overbroad as applied to extracurricular activities other than athletics, whether it was serving a salutary purpose with the students, how the reporting and sanctions provisions of the policy meshed with confidentiality concerns of students with potential substance abuse issues, and whether the sanctions laid out in the policy were appropriate. In order to obtain insight from the administrators who are most involved in applying the provisions of the policy, the committee invited Dr. Davenport and Mr. Kemnitzer to attend and express their views. A full, vigorous and frank discussion was held with both gentlemen, during which they made following points:

* The policy should apply to all students participating in extracurricular activities, not just athletics, although greater efforts should be made to enforce it with respect to students participating in non-athletic activities. One reason for having the policy apply to all extracurricular activities is the perception that having such a policy may make it easier for students in social settings where others are indulging in the use of banned substances to resist peer pressure to join in. The committee has not reached a conclusion regarding this issue.
* The sanctions for a first violation of the policy were viewed as reasonable, but the sanctions for repeat violations were viewed as overly harsh principally because it means that the student can effectively be prevented from participating in the activity (this applies mainly but not exclusively to athletic activities) and the value of such participation on students’ overall health and well-being was viewed as greater than the value of the exclusionary sanction (although some of the athletic coaching staff may hold the view that there should be a zero-tolerance policy for use of prohibited substances). The committee has not reached a conclusion regarding this issue.
* The sanctions as applied to the use of tobacco products (as opposed to alcohol and drugs) were viewed as inappropriate. While there is no intention or desire to be seen as approving of the use of such products, exclusion from extracurricular activities because of such use seems too harsh for the nature of the infraction. The committee was urged to consider promulgating lesser sanctions for use of such products. The committee has not reached a conclusion regarding this issue.
* There should be a process for providing help to students with potential substance abuse issues who approach therapeutic staff (guidance counselors, school social worker, school psychologist, school nurse) that would not dissuade students from seeking such assistance. Currently, it is the informal practice at the high school that when a student approaches such personnel (or another person does so on a student’s behalf), these personnel make efforts to assist the student with services and education, but the sanctions in the policy are not imposed. This practice has been adopted to avoid having students who participate in extracurricular activities not seek help because they fear having sanctions imposed on them under the policy (as opposed to students who have not sought such help and are simply caught in an infraction). The committee plans to consider whether this practice should be formalized in a policy, either as a revision to this policy or as a separate policy.
* The investigative aspect of the policy, which has required the administrators to investigate reports of infractions that take place outside of the schools or at events that are not school-related events (such as non-school parties) was not viewed as overly burdensome by the two principals, because in practice there have been only one or two incidents triggering the need for investigation per school year for the past several years. However, there is a strong preference to avoid placing students in the position of having to provide evidence of misconduct by their peers and the investigations do not seek such evidence. This gives rise to a concern that students who, when confronted with an accusation of use of banned substances, confess to the infraction are penalized but some students who deny use may not be because the evidence of such use may not be unequivocal.

In light of the above, the committee plans to continue discussion of this policy with a view toward recommending some of the changes suggested by Dr. Davenport and Mr. Kemnitzer.

**Proposed Agenda for Next Regular Meeting (February 14, 2013)**:

Continued discussion of potential revisions to Policy No. 5305

Drafting of a plain-English guide for the public seeking to raise concerns

Discussion of potential revisions to Policy No. 5280 (“Interscholastic Athletics”)

Dated: January 18, 2013

Respectfully submitted,

Lisa Rosenthal

**1400**

**PUBLIC CONCERNS**

The Board of Education recognizes the right of community members to register individual or group concerns regarding instruction, district programs, instructional materials, operations, and/or staff members. The main goal of the district is to resolve such concerns with the individual most directly involved with the concern whenever possible.

Public concerns about the school district will be directed to the proper administrative personnel. Concerns about specific classroom practices shall be directed to the relevant teacher. If the matter is not settled satisfactorily, the individual raising the concern shall then contact the Building Principal. If there is no resolution at this level, the Superintendent of Schools shall be contacted.

Whenever a concern is brought directly to the Board or to an individual Board member, it shall be referred to the Superintendent of Schools for study and possible **re**solution by the employee or the employee’s immediate supervisor, as appropriate to the specific situation.

Concerns should be communicated as such to the appropriate individual, as outlined above, either in writing (either by hard copy or e-mail) or in person through a personal appointment and meeting. In the case of a meeting by appointment, it is recommended, but not required, that the concern be provided in writing to the relevant District staff member beforehand. **Informal conversations or communications with individual staff or Board of Education members may not be viewed as triggering this policy.**

Concerns are most easily resolved when they are brought to the attention of the appropriate individual as soon as possible. The District’s ability to respond effectively is severely hampered by reporting concerns long after the occurrence giving rise to the concern. In addition, anonymous reporting of a concern significantly limits the District’s ability to fully address the concerns. The District will make reasonable efforts to follow up on or monitor concerns raised anonymously.

When a concern is received from a parent or other member of the community, the appropriate District staff member will acknowledge the concern, outline how the concern will be addressed, will attempt to address and/or resolve the concern as outlined, will follow-up within ten (10) school days with the individual who brought forth the concern, as permissible by applicable state or federal law, regulation or contractual obligation, and will document the concern and the action taken.

Any retaliatory behavior directed by a staff member against those bringing forth concerns or against any other individual(s) connected with the concern is strictly prohibited, is a violation of this policy, and should be reported immediately to the employee’s immediate supervisor. Teachers, administrators, and other staff members are professionals who are expected to operate under the highest standards of conduct, especially in this regard.

The Superintendent may refer the issue of a public concern to the Board for final resolution. Upon final resolution by the Board, a written response will be sent to the person who raised the concern.

Cross-ref: 1440, Complaints about School Personnel

**1st Reading 2/26/02, 1/08/13**

**2nd Reading 3/12/02, 1/22/13**

**Adopted.**