

The District's Policy Manual, developed with Erie 1 BOCES Policy Services, does not provide legal advice. Applying Board policies to specific situations may require consulting with school administrators/school attorney, or other professionals to address the particular circumstances.

FOREWORD

Here are the policy statements formulated by the Board of Education (Board) of the South Jefferson Central School District (District).

Policy is defined as a basic plan of action. It establishes limits within which freedom of judgment can be exercised. Policy is also a governing principle of management. It is a statement that has an effect on the interests of those who come under its jurisdiction. A policy may originate from the constitution, from statute, from local determinations, or from customary patterns of formal behavior.

Policy should accomplish the following:

- a) State a position taken by the District;
- b) Grant the authority to act;
- c) Be sufficiently detailed to give adequate direction;
- d) Be achievable within the real environment of the school and community;
- e) Provide for impartial procedures.

In addition to the adopted policies, the operation of the District is governed by and subject to all applicable laws, regulations of the Commissioner of Education, Civil Service requirements, Board Resolutions, School Administrative Regulations and Contracts of Agreement.

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts will remain in full effect unless and until they are amended or repealed by the Board of Education. The official record of the adoption, amendment, or repeal of the bylaws and policies of the South Jefferson Central School District will be the minutes of the Board's meetings.

SOUTH JEFFERSON CENTRAL SCHOOL DISTRICT
POLICY MANUAL CONTENTS

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The following citations will be used in the Policy Manual:

Federal:

USC	United States Code
CFR	United States Code of Federal Regulations

State:

NYCRR	New York Code of Rules and Regulations
8 NYCRR	Regulations of the Commissioner of Education

South Jefferson Central School District

NUMBER

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Bylaws

SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS AND AUTHORITY

The Constitution of New York State instructs the Legislature to provide for a system of free common schools wherein all children of the State may be educated.

The State Legislature has implemented this constitutional mandate through the creation of school districts of various types. As a Central School District, the South Jefferson Central School District is organized under and subject to the provisions of Education Law Article 37.

The Board is the corporate body charged with the general control, management, and responsibility of the schools of the South Jefferson Central School District. As such, it possesses those powers and duties set forth in law.

The Board is authorized to act as a body duly called in session. Individual Board members have no authority over school affairs.

As a Central School District, the Board has the powers and duties set forth in New York State Education Law, principally Articles 33, 35, and 37, and other applicable federal and state laws and regulations. The Board has, in all respects, the superintendence, management, and control of the educational affairs of the District, and, therefore, has all the powers reasonably necessary to exercise powers granted expressly or by implication, and to discharge duties imposed expressly or by implication, by the laws of New York State and the Commissioner of Education.

Education Law §§ 2, 1501, 1604, 1701, 1709, 1804, 2502, and 2503

Adopted: 8/25/21

Bylaws

SUBJECT: BOARD OF EDUCATION: QUALIFICATIONS, NUMBERS AND TERMS OF OFFICE

A Board member of the District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen years of age or older;
- c) Able to read and write;
- d) A legal resident of the District for a continuous and uninterrupted period of at least one year prior to the election;
- e) Cannot be an employee of the District;
- f) The only member of his or her family (that is, cannot be a member of the same household) on the District Board;
- g) May not simultaneously hold another incompatible public office, including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board. In union free and central school districts, however, a Board member may be appointed clerk of the Board and of the District;
- h) Must not have been removed from a school district office within one year preceding the date of appointment or election to the Board.

Number of Members

The Board of the District will consist of seven members elected by the qualified voters of the District at the annual election as prescribed by law.

Terms of Office

Members of the Board will serve for five years beginning July 1 following their election and each term will expire on the 30th day of June of the fifth year.

Education Law §§ 1602, 1702(1), 1804(1), 1950(9), 2101, 2102, 2103, 2103-a, 2130(1), 2105, and 2502
Public Officers Law § 3
Town Law § 23(1)

Adopted: 8/25/21

Bylaws

SUBJECT: BOARD MEMBERS: NOMINATION AND ELECTION

- a) Candidates for the office of member of the Board must be nominated by a petition directed to the District Clerk which is signed by at least 25 qualified voters of the District, or by 2% of the number of voters who voted in the previous annual election, whichever is greater. Petitions must state the residence of each signer and the name and residence of each candidate.
- b) The notice of the Annual District Meeting must state that petitions nominating candidates for the Board must be filed with the Clerk of the District no later than 30 days before the Annual or Special District Meeting at which the school board election will occur.
- c) Voting will be by machine or paper ballot, and provision will be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots will be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting will be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes, at large, will be declared elected in accordance with Education Law.
- f) At least ten days prior to the election, the Board will appoint at least two inspectors of election for each voting machine or ballot box, and set their salary.
- g) The Chief Election Inspector will oversee the election. The Superintendent or designee will also give notice immediately to each person declared elected to the Board, informing him or her of the election and his or her term of office.
- h) Only qualified voters, as determined by Education Law Section 2012, may vote at any District meeting or election.
- i) No electioneering will be allowed within 100 feet of the polling place.
- j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his or her term of office immediately upon election and the taking and filing of the oath of office.

Education Law §§ 2004, 2012, 2018, 2025, 2029, 2031-a, 2032, 2034, 2105(14), 2121, 2502, 2602, 2608(1), and 2610

Adopted: 8/25/21

Bylaws

SUBJECT: NOMINATION AND ELECTION OF BOARD OFFICERS AND DUTIES OF THE PRESIDENT AND VICE PRESIDENT

Board officers will be nominated and elected by the Board at its annual organizational meeting for a term of one year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board are:

- a) President; and
- b) Vice President.

Duties of the President of the Board

The President's duties may include the following:

- a) Presides at all meetings of the Board;
- b) Calls special meetings as necessary or on request;
- c) Appoints members to all committees of the Board;
- d) Serves ex-officio as a member of all committees;
- e) Executes documents on behalf of the Board;
- f) Performs the usual and ordinary duties of the office.

Duties of the Vice President of the Board

The Board may, in its discretion, elect one of its members Vice President, who will have the power to exercise the duties of the President in case of the President's absence or disability. If the presidency becomes vacant, the Vice President will act as President until a President is elected.

Education Law §§ 1701, 1804, 2105(6), and 2502

Adopted: 8/25/21

SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD**Appointments**

The Board is authorized to appoint individuals to positions which will facilitate the meeting of its responsibilities to the State, the District, and the community. These appointments usually take place at the Annual Organizational Meeting.

The following will be appointed annually:

- a) District Clerk;
- b) District Treasurer;
- c) Deputy Treasurer;
- d) Tax Collector and Deputies;
- e) External (Independent) Auditor;
- f) Central Treasurer, Extraclassroom Activities Account;
- g) Faculty Auditor, Extraclassroom Activities Account;
- h) Audit Committee.

The following must be appointed but need not be reappointed annually:

- a) Census Enumerator and assistants if District conducts census;
- b) Director of School Health Services (District Physician/Nurse Practitioner);
- c) Supervisors of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Access Officer;
- f) Records Management Officer;
- g) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;

(Continued)

Bylaws

SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD (Cont'd.)

- h) Civil Rights Compliance Officer(s) (coordinates the District's efforts to comply with civil rights laws such as Title VI, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act);
- i) Title IX Coordinator(s) (coordinates the District's efforts to comply with Title IX; when appointing, District must "designate and authorize" the Title IX Coordinator(s));
- j) Liaison for Homeless Children and Youth (McKinney-Vento Liaison);
- k) Chemical Hygiene Officer;
- l) Dignity Act Coordinator (one in each building);
- m) Chief Emergency Officer.

The following may also be appointed:

- a) School Attorney;
- b) Claims Auditor/Deputy Claims Auditor;
- c) Internal Auditor;
- d) Insurance Advisor;
- e) Copyright Officer;
- f) Chief Election Officer and Election Inspectors.

Designations

The following designations will be made by the Board at the Annual Organizational Meeting in July:

- a) Petty Cash Fund(s);
- b) Official Newspaper(s);
- c) Official Bank Depositories;
- d) Official Bank Signatories;

(Continued)

Bylaws

SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD (Cont'd.)

- e) Purchasing Agent;
- f) Certifier of Payrolls;
- g) Designated Educational Official (DEO) to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings;
- h) School Pesticide Representative;
- i) Reviewing Official, Hearing Official, and Verification Official for participation in the federal Child Nutrition Program (the Hearing Official may not be the same person as the Reviewing and/or Verification Official).

Authorizations

The following authorizations will be made by the Board at the Annual Organizational meeting in July:

- a) Approval of attendance at conferences, conventions, workshops, and the like;
- b) Superintendent to approve budget transfers within limits prescribed by Commissioner's regulation Section 170.2 and Board guidelines;
- c) Superintendent to apply for Grants in Aid (State and Federal) as appropriate;
- d) Establish mileage reimbursement rate;
- e) Other(s) as deemed appropriate/necessary.

McKinney-Vento Homeless Education Assistance Act, § 722, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015
29 CFR § 1910.1450
Education Law §§ 305(31), 1709, and 2503
8 NYCRR Part 185
21 NYCRR Parts 1401, 9760

Adopted: 8/25/21

Bylaws

SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS

The formulation and adoption of written policies will constitute the basic method by which the Board will exercise its leadership in the operation of the District. The Superintendent will act as an advisor to the Board in adopting and approving of written Board policies. The Board will seek input from staff and the community where appropriate. These written Board policies will govern the operation of the District.

The adoption of a written policy will occur only after the proposal has been moved, discussed, and voted on affirmatively at two separate meetings of the Board (i.e., the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading."

Board action is also necessary for revising policies that require amendment or rescinding policies that are no longer relevant or applicable to the District.

The formal adoption, amendment, or deletion of written Board policy will be recorded in the official minutes of the Board. This written Board policy will govern the conduct and affairs of the District and will be binding upon the members of the educational community in the District.

It will be the Board's responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision. The Superintendent is given the continuing commission of calling to the Board's attention all policies that are out-of-date or for other reasons appear to need revision.

Execution of Policy: Administrative Regulations

The Board hereby delegates to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These rules and detailed arrangements will constitute the administrative regulations governing the schools, and they will be consistent with the policies adopted by the Board and all applicable law. The Board will be kept informed periodically of changes in administrative regulations.

Education Law §§ 1604(9), 1709(1), 1709(2), and 2503(2)

Adopted: 8/25/21

Bylaws

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE)

All Board meetings will be open to the public except those portions that are executive sessions. The Board will make reasonable efforts to ensure that all meetings are held in an appropriate facility that can adequately accommodate all members of the public who wish to attend. The Superintendent will attend all Board meetings. Members of the Superintendent's staff may attend Board meetings at the Superintendent's discretion. The Board may also request that additional people attend.

Recording Meetings

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded by means of audio or video, in a non-disruptive manner, and it supports the use of this technology to facilitate the open communication of public business.

Public Expression

The Board encourages public expression at Board meetings. The Board will designate a specific portion of its meeting agenda for this participation. The Board may invite visitors to participate in its discussion of matters on the agenda.

Quorum

The quorum for any Board meeting is four members. No formal action will be taken at any meeting where a quorum is not present. Unless otherwise required by law, official action will only be taken by approval of the majority of the full Board.

Use of Parliamentary Procedure

The Board will use pertinent portions of the latest edition of Robert's Rules of Order to conduct its business.

Education Law §§ 1708 and 2504

General Construction Law § 41

Public Officers Law Article 7, §§ 103(d), 104, and 107

NOTE: Refer also to Policy #6211 -- Employment of Relatives of Board Members

Adopted: 8/25/21

Bylaws

SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT THE ANNUAL MEETING AND ELECTION AND SPECIAL DISTRICT MEETINGS**Questions and Propositions at the Annual Meeting and Election**

The following rules and regulations will apply to the submission of questions or propositions at the annual meeting and election of this District:

- a) Questions or propositions must be submitted by petition directed to the District Clerk and must be signed by 25 qualified voters, or 5% of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater. Each signer shall state his or her legal residence on the petition.
- b) A separate petition will be required for each question or proposition.
- c) Each petition must be filed with the District Clerk. Petitions must be filed with the District Clerk at least 60 days before the vote. However, if the proposition must be included in the legal notice of the vote, the petition must be filed with the District Clerk at least 90 days before the vote.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot. The District, however, retains the right to reject petitions as permitted by law, including, but not limited to, instances where the petitions are advisory in nature or beyond the power of the voters.
- e) The Board will cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing in this policy affects the nominations of candidates as set forth in the Annual District Election notice in accordance with Education Law Section 2018.

Questions or Propositions to be Submitted at Special District Meetings

The procedure for requesting the Board to call a Special District Meeting to vote on a question or proposition will be in accordance with Education Law.

Education Law §§ 1703, 2008, 2018, 2035(2), and 2601-a

Adopted: 8/25/21

2021 2000

Internal Operations

South Jefferson Central School District

NUMBER

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Internal Operations

SUBJECT: ORIENTING BOARD MEMBERS

The Board and its staff will assist each new member-elect to understand the Board's functions, policies, and procedures before he or she takes office, by:

- a) Giving the electee selected materials relating to the responsibilities of Board membership supplied by local, state, or national school-board associations or other professional organizations;
- b) Inviting the electee to attend Board meetings and to participate in its discussions;
- c) Having the Clerk supply material pertinent to meetings and explaining its use;
- d) Inviting the electee to meet with the Superintendent and other administrative personnel to discuss services they perform for the Board;
- e) Having the clerk provide a copy of or access to the Board's policies and bylaws;
- f) Providing the opportunity to attend a local, state, or national school-board association's orientation program.

Education Law § 2102-a
8 NYCRR § 170.12(a)

Adopted: 8/25/21

Internal Operations

SUBJECT: BOARD SELF-EVALUATION

The Board will review the effectiveness of its internal operations at least once annually and formulate a plan for improving its performance. The Superintendent and others who work regularly with the Board may be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a legislative body.

Adopted: 8/25/21

South Jefferson Central School District

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SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING**General Criteria**

The availability of Internet access in the District provides an opportunity for staff and students to access information and contribute to the District's online presence. The District/school/classroom websites must relate to curriculum or instructional matters, school authorized activities, or general information of interest to the public pertaining to the District or its schools. Staff and students are prohibited from publishing personal home pages or links to personal home pages as part of the District/school/classroom Web Page(s).

Internet access for the creation of Web Pages is provided by the District and all information must be reviewed by the District IT Administrator prior to publishing it on the Web. Personnel designing information for the Web Pages must familiarize themselves with and adhere to District standards and procedures. Failure to follow District standards or responsibilities may result in disciplinary sanctions in accordance with law and/or the applicable collective bargaining agreement.

The District will ensure that any and all notifications and documents required by law, regulation, or District policy to be posted on its website will be published.

Content Standards

- a) Approval for posting a Web Page must be obtained from the District IT Administrator or designee(s). If at any time, the District IT Administrator or designee(s) believes the proposed material does not meet the standards approved by the District, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the District IT Administrator or designee(s).
- b) A Web Page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to District policies and regulations. The Web Page must include the name of the sponsor.
- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity, and in compliance with any and all relevant laws, rules, and regulations.
- d) The review of a Student Web Page (if considered a school-sponsored student publication) will be subject to prior District review as would any other school-sponsored student publication.
- e) An authorized teacher who is publishing the final Web Page(s) for himself or herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with District standards and practices.

(Continued)

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING
(Cont'd.)**

- f) Commercial advertising or marketing on the District/school/classroom Web Page(s) (or the use of school-affiliated Web Pages for the pursuit of personal or financial gain) will be prohibited unless otherwise authorized in accordance with law and/or regulation. Decisions regarding website advertising must be consistent with existing District policies and practices on this matter. School-affiliated Web Pages may mention outside organizations only in the context of school programs that have a direct relationship to those organizations (e.g., sponsorship of an activity, student community service project).
- g) Web Pages may include faculty or staff names; however, other personal information about employees including, but not limited to, home telephone numbers, addresses, email addresses, or other identifying information such as names of family members may be published only with the employee's written permission.
- h) All Web Pages must conform to the standards for appropriate use found in the District's Acceptable Use Policy(ies) and accompanying regulations regarding standards of acceptable use; examples of inappropriate behavior; and compliance with applicable laws, privacy, and safety concerns.
- i) All staff and/or students authorized to publish material on the District/school/classroom Web Page(s) must acknowledge receipt of the District's Web Page Standards and agree to comply with these standards prior to posting any material on the Web.

Consequences for Non-Compliance

Web Pages that do not comply with the above criteria are subject to revocation of approval and removal from the District/school/classroom websites.

Staff

Faculty or staff posting non-approved or inappropriate material on a school-affiliated website are subject to discipline, including possible suspension or revocation of access to the District's computer network, in accordance with law and applicable collective bargaining agreements. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

Students

Students posting non-approved or inappropriate material on a school-affiliated website are subject to discipline, including possible suspension or revocation of access to the District's computer network, in accordance with applicable due process procedures and the District *Code of Conduct*. In the case that a violation may constitute a criminal offense, it will be reported to the appropriate authorities.

(Continued)

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING
(Cont'd.)**

Oversight

The Superintendent or designee will have the authority to approve or deny the posting of any proposed Web Pages on school-affiliated websites based upon compliance with the terms and conditions set forth in this policy as well as applicable District practices and procedures.

Digital Millennium Copyright Act (DMCA), 17 USC §§ 101 et seq., 512 and 1201 et seq.
Family Educational Rights and Privacy Act of 1974, 20 USC § 1232(g)
34 CFR Parts 99 and 201

NOTE: Refer also to Policies #7241 -- Student Directory Information
#7410 -- Extracurricular Activities

Community Relations

SUBJECT: FLAG DISPLAY

In accordance with State Education Law and Executive Law, the Board will display the United States flag upon or near each public school building during school hours, weather permitting, and such other times as the statutes may require or the Board may direct.

When ordered by the President or Governor, to commemorate a tragic event or the death of an outstanding individual, the flag will be flown at half-staff.

The Superintendent's approval will be required for the flag to be flown at half-staff to commemorate the death of a present or former Board member or a present employee or student.

The flag will be displayed in every assembly room (i.e., the auditorium) including the room where the Board meetings are conducted, as well as displayed in all rooms used for instruction.

4 USC § 6

Education Law §§ 418-420

Executive Law §§ 402 and 403

8 NYCRR §§ 108.1-108.3

Adopted: 8/25/21

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

Volunteers are persons who are willing to donate their time and energies to assist building principals, teachers, and other school personnel in implementing various phases of school programs. Volunteers will serve in that capacity without compensation or employee benefits except for liability protection under the District's insurance program.

It is imperative that the staff as well as the volunteer realize that no volunteer may be used as a substitute for an appointed employee. The Board of Education has an obligation to appoint properly certified and/or trained individuals for all required positions with the School District. Although volunteers may be of great assistance to school personnel, they should not be placed in situations where they are expected to perform functions for which they are not properly appointed, trained or certified to serve.

The Board may approve volunteers to support District instructional programs and extracurricular activities in order to:

- a) Assist employees in providing more individualization and enrichment of instruction;
- b) Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process;
- c) Strengthen school/community relations through positive participation.

The building principal will forward his or her recommendations concerning selection, placement and replacement of volunteers to the Superintendent for final review. The Superintendent retains the right to approve or reject any volunteer applications submitted for consideration. Regularly scheduled volunteers working directly with students require approval from the Board of Education.

Individuals wishing to volunteer within the athletic program must meet all certification requirements set forth by the State Education Department.

Volunteer Protection Act of 1997, 42 USC § 14501 et seq.
Education Law §§ 3023 and 3028
Public Officers Law § 18

NOTE: Refer also to Policy #6540 -- Defense and Indemnification of Board Members and Employees

Adopted: 8/25/21

Community Relations

SUBJECT: VISITORS TO THE SCHOOL

The South Jefferson Central School District's policy regarding visitors supports our commitment to providing a safe and positive environment for students and staff. This policy and related procedures aid District staff in accounting for persons in the building and limit unnecessary interruptions.

During regular school hours, all visitors will be required to report to the Building Greeter upon arrival at school and state their business. All visitors are required to sign in and out of the building and wear a "Visitor" badge while conducting business in the building during regular school hours (except for when attending public events such as concert or performances).

The District encourages parent and community member attendance at school functions that are open to the public, as well as, volunteerism that supports the District's educational goals. Visitations to classrooms for any purpose require permission in advance from the building principal in order to allow teachers the opportunity to arrange their schedules to accommodate these requests and to minimize interruptions.

When individual Board members visit the schools, they must abide by the regulations and procedures developed by the administration regarding school visits. School Board members may request a SJCS D name badge to wear while on school grounds during their active service on the Board.

All visitors must comply with the District's *Code of Conduct*.

Education Law § 2801

Penal Law §§ 140.10 and 240.35

Adopted: 8/25/21

SUBJECT: THERAPY DOGS

The South Jefferson Central School District supports the use of therapy dogs by teachers or other qualified school personnel ("Handlers") for the benefit of its students subject to the conditions of this policy.

- a) **Therapy Dog.** A "therapy dog" is a dog that has been individually trained and certified to work with its Handler to provide emotional support, well-being, comfort, or companionship to School District students. Therapy dogs are not "service animals" as that term is used in the American with Disabilities Act.
- b) **Therapy Dog Standards and Procedures.** The following requirements must be satisfied before a therapy dog will be allowed in school buildings or on school grounds:
- c) **Request.** A Handler who wants to bring a therapy dog to school must submit a written request form to a principal or Superintendent. The request must be renewed in writing each school year or whenever a different therapy dog will be used. The District reserves the right to limit the number of therapy dogs in any one building and in the District.
- d) **Training and Certification.** The Handler must submit the American Kennel Club's Canine Good Citizen Certification or its equivalent as determined by the Superintendent. The certification must remain current at all times.
- e) **Health and Vaccination.** The therapy dog must be clean, well groomed, in good health, house broken, and immunized against diseases common to dogs. The Handler must submit proof of current licensure from the local licensing authority and proof of the therapy dog's current vaccinations and immunizations from a licensed veterinarian.
- f) **Control.** A therapy dog must be under the control of the Handler at all times, either through the use of a leash or other tether or voice commands. The therapy dog must not disrupt the educational process by barking, seeking attention, or any other behavior. A dog who disrupts the educational process in any way will not be considered under the control of its Handler, and will be immediately removed from school property.
- g) **Identification.** The therapy dog must have appropriate identification identifying it as a therapy dog.
- h) **Health and Safety.** The therapy dog must not pose a health and safety risk to any student, employee, or other person at school. The administration is hereby authorized to promulgate regulations regarding hygiene, cleanliness and disease prevention.
- i) **Supervision and Care of Therapy Dogs.** The Handler is solely responsible for the supervision and care of the therapy dog, including any feeding, exercising, and clean up while the animal is in a school building or on school property. The School District is not responsible for providing any care, supervision, or assistance, financial or otherwise, for a therapy dog.

(Continued)

SUBJECT: THERAPY DOGS (Cont'd.)

- j) **Authorized Area(s).** The Handler shall only allow the therapy dog to be in areas in school buildings or on school property that are authorized by School District administrators.
- k) **Insurance.** The Handler must submit a copy of an insurance policy that provides liability coverage for the therapy dog while on school property. The District's liability insurance shall serve as secondary coverage.
- l) **Exclusion or Removal from School.** A therapy dog may be excluded from school property and buildings if a school administrator determines that:
 - 1. A handler does not have control of the therapy dog;
 - 2. The therapy dog is not housebroken;
 - 3. The therapy dog presents a direct and immediate threat to others in the school; or
 - 4. The animal's presence otherwise interferes with the educational process.

The Handler shall be required to remove the therapy dog from school premises immediately upon such a determination.
- m) **Allergic Reactions and Fear of Dogs.** The administration is hereby authorized to promulgate building-level regulations to address students and staff who have allergies to dogs or fear of dogs, and who wish to avoid any interactions with a therapy dog.
- n) **Damages to School Property and Injuries.** The Handler of a therapy dog is solely responsible and liable for any damage to school property or injury to personnel, students, or others caused by the therapy dog.

Community Relations

SUBJECT: PUBLIC COMPLAINTS

Complaints by citizens regarding any facet of the school operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. In most instances, therefore, complaints will be made to the building principal and/or his or her assistant if the matter cannot be resolved by the teacher, coach, or other school employee.

If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may be carried to the Superintendent or their assistant. Unresolved complaints at the building level must be reported to the Superintendent by the building principal. The Superintendent may require the statement of the complainant in writing.

The Superintendent may not address anonymous complaints. All other complaints and related concerns that are not resolved at the Superintendent level to the satisfaction of the complainant may be carried to the Board. Unresolved complaints at the Superintendent level must be reported to the Board by the Superintendent. The Board reserves the right to require prior written reports from appropriate parties.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#8330 -- Objection to Instructional Materials and Controversial Issues
District Code of Conduct

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS**Students**

Direct solicitation of charitable donations from District students on school property during regular school hours is prohibited. It is a violation of District policy to ask District students directly to contribute money or goods for the benefit of a charity during the hours in which they are compelled to be on school grounds.

However, this policy does not prevent the following types of fundraising activities:

- a) Fundraising activities which take place off school grounds or outside of regular school hours during before-school or after-school extracurricular periods;
- b) Arms-length transactions, where the purchaser receives consideration for his or her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity;
- c) Indirect forms of charitable solicitation on school grounds that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods, or money.

The Board will ultimately decide which organizations, groups, etc., can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

Personnel

Soliciting of funds from school personnel by persons or organizations representing public or private organizations is prohibited. The Superintendent has the authority to make exceptions to this policy in cases where solicitation is considered to be in the District's best interest. The Board will be notified of these instances.

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent as a service to District personnel.

New York State Constitution Article 8, § 1
Education Law § 414
8 NYCRR § 19.6

NOTE: Refer also to Policy #7450 -- Fundraising by Students

Adopted: 8/25/21

Community Relations

SUBJECT: ADVERTISING IN THE SCHOOLS

District facilities, staff, and students will not be used or employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual, or organization, except that:

- a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that their cooperation does not restrict or impair the educational program of the schools or conflict with the Rules of the Board of Regents;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent may, at his or her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;
- d) The schools may, upon approval of the Superintendent, cooperate with any agency in promoting activities in the general public interest that are non-partisan and non-controversial, and that promote the education and other best interests of the students.

No materials of a commercial nature will be distributed through District students except as authorized by law or the Commissioner's regulations.

New York State Constitution Article VIII, § 1
8 NYCRR § 19.6

Adopted: 8/25/21

Community Relations

SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS, AND EQUIPMENT**School Facilities**

It is the policy of the Board to encourage the greatest possible use of school facilities for community-wide activities including those uses permitted by New York law. Individuals or groups wishing to use the school facilities must secure written permission from the Board or its designee and abide by the rules and regulations established for use, including restrictions on alcohol, tobacco, and drug use. All visitors must comply with the District's *Code of Conduct*.

The District reserves the right to charge a fee for the use of its facilities in a manner consistent with law, and on terms specified in regulation or by agreement with these organizations.

Materials and Equipment

Except when used in connection with, or rented under provisions of Education Law Section 414, school-owned materials or equipment may be used for school related purposes only. Private or personal use of school-owned materials and equipment is strictly prohibited. The loan of equipment and materials for public purposes that serve the welfare of the community is allowed, as long as the equipment is not needed at that time for school purposes and that the proposed use will not disrupt normal school operations.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment, and to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations. The Board will also allow the loan of equipment to local governments and other entities that benefit the welfare of the surrounding community. The Board supports this inter-municipal cooperation as it saves taxpayer monies, benefits our local communities and is a more efficient use of scarce or costly equipment and resources.

Education Law § 414
NY Constitution Article 8

NOTE: Refer also to Policies #5640 -- Smoking/Tobacco Use
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
#7410 -- Extracurricular Activities
District Code of Conduct

Adopted: 8/25/21

Community Relations

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

Motor vehicles legally registered for use on state roads (i.e., cars, and motorcycles) are allowed on school grounds for authorized school functions or purposes and must be parked and driven in designated areas.

Recreational motor vehicles (i.e., snow mobiles, minibikes, ATVs, etc.) are prohibited on school grounds unless specifically authorized by the Superintendent or designee.

Students with driving privileges: All student vehicles are to be registered with the high school principal and parked in designated areas.

Education Law § 2801(1)
Vehicle and Traffic Law § 1670

Adopted: 8/25/21

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

The District provides public access for the inspection and copying of the District's public records, in accordance with state and federal law. As a general practice, the District requires advance payment not to exceed the expense of duplication.

In order to facilitate public access to the District's public records, the Board will appoint a Records Access Officer (RAO). The RAO will be responsible for maintaining the District's public records as well as for assuring access to the District's public records. The identity, business address, and office telephone number of the RAO will be published annually and will be available at the District's administrative office. All of the District's public records will be available during times and at places set forth by the RAO and included in this annual notice.

Public Officers Law § 87(1)(b)

Adopted: 8/25/21

Community Relations

SUBJECT: PROHIBITION OF WEAPONS ON SCHOOL GROUNDS

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written permission of the Board or its designee, no person may have in his or her possession any weapon on school grounds, in any District building, on a school bus or District vehicle, or at any school-sponsored activity or setting under the control and supervision of the District. This prohibition includes, but is not limited to: any of the objects or instruments referred to in Section 265.01 of the New York State Penal Law; any air-gun, spring-gun, or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge; and any object that could be considered a reasonable facsimile of a weapon.

The District's School Safety Officer (SSO) appointed by the Board of Education is authorized to maintain possession of a firearm on school grounds during the term of his or her agreement with the District so long as he or she is duly licensed to possess any such firearm and is acting in his or her capacity as SSO.

Penal Law §§ 265.01-265.06

NOTE: Refer also to Policy #7360 -- Weapons in School and the Gun-Free Schools Act

Adopted: 8/25/21

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

The Board is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, or other legally protected category. These actions and occurrences are prohibited regardless of whether they take place on District premises or at school-sponsored events, programs, or activities held at other locations.

Prohibited Conduct

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this policy and its implementing administrative regulations or procedures will be made consistent with applicable law. These determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is, generally, the practice of conferring or denying privileges on the basis of 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 his or her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his or her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his or her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: 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.

Harassment includes unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his or her membership in a protected class. This conduct includes, but is not limited to: derogatory remarks, jokes, 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.

(Continued)

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

Civil Rights Compliance Officer

The District will designate one or more individuals to serve as Civil Rights Compliance Officer (CRCO). The CRCO will be responsible for coordinating the District's efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the District to comply with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g., the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or guardians, employees, and other relevant individuals of the District's established grievance procedures for resolving complaints of discrimination and harassment. Included in this announcement or publication will be the name, 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).

The CRCO for the District is: the Superintendent.

Investigation of Complaints and Grievances

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect individuals from further discrimination or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report the occurrence. All reports will be directed or forwarded to the District's designated CRCO(s). These complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and District policy and procedure. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

To the extent possible, all complaints will be treated as confidential. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

(Continued)

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

Knowingly Makes False Accusations

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

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination and/or harassment. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made so that discrimination and/or harassment does not resume and that those involved in the investigation are not experiencing retaliation.

Additional Provisions

Procedures or regulations will be developed for reporting, investigating, and remedying allegations of discrimination and/or harassment.

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

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

This policy does not abrogate other District policies, procedures, regulations, or the District *Code of Conduct* prohibiting other forms of unlawful discrimination, harassment, or inappropriate behavior within this District. It is the intention of the District that all of these policies, procedures, regulations, and *Code* be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which has a legitimate, legal, and non-discriminatory reason is not a violation of District policy.

(Continued)

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

Age Discrimination in Employment Act, 29 USC § 621
Americans with Disabilities Act, 42 USC § 12101 *et seq.*
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 *et seq.*
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d *et seq.*
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e *et seq.*
Title IX of the Education Amendments of 1972, 20 USC § 1681 *et seq.*
Education Law § 2801(1)
Executive Law § 290 *et seq.*
October 26, 2010 OCR Dear Colleague Letter (Harassment and Bullying)
April 4, 2011 OCR Dear Colleague Letter (Sexual Violence)
April 24, 2015 OCR Dear Colleague Letter (Title IX Guidance)

NOTE: Refer also to Policies #6120 -- Equal Employment Opportunity
#6121 -- Sexual Harassment in the Workplace
#7550 -- Dignity for All Students
District *Code of Conduct*

SUBJECT: TITLE IX AND SEX DISCRIMINATION**Overview**

The District is committed to creating and maintaining education programs and activities which are free from discrimination and harassment. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX). It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a district that receives federal financial assistance. As required by Title IX, the District does not discriminate on the basis of sex in its education programs and activities or when making employment decisions.

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

Inquiries about this policy or the application of Title IX may be directed to the District's Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

Scope and Application of Policy

This policy is limited to addressing complaints of sex discrimination, including sexual harassment, that fall within the scope of Title IX which, among other things, has a specific definition of sexual harassment and applies only to sex discrimination occurring against a person in the United States. This policy applies to any individual participating in or attempting to participate in the District's education programs or activities including students and employees.

Other District policies and documents address sex-based misconduct and may have different definitions, standards of review, and grievance procedures. These documents must be read in conjunction with this policy as they may cover incidents of sex-based misconduct not addressed by Title IX.

If the allegations forming the basis of a formal complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the grievance process outlined in this policy would be applied to the investigation and adjudication of all the allegations. Depending on the allegations, additional grievance procedures may apply.

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The dismissal of a formal complaint of sexual harassment under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

What Constitutes Sex Discrimination Including Sexual Harassment

Title IX prohibits various types of sex discrimination including, but not limited to: sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a District's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- c) Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- d) Dating violence, meaning violence committed by a person:
 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - (a) The length of the relationship;
 - (b) The type of relationship;
 - (c) The frequency of interaction between the persons involved in the relationship;
- e) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

- f) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - 1. Fear for his or her safety or the safety of others; or
 - 2. Suffer substantial emotional distress.

Title IX Coordinator

The District has designated and authorized the following District employee(s) to serve as its Title IX Coordinator(s): Coordinator of Student Services, 1138US RT. 11, Adams Center, NY 13606
315-583-6104

The Title IX Coordinator(s), who must be referred to as such, will coordinate the District's efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinator(s) may be delegated to other personnel.

Where appropriate, the Title IX Coordinator(s) may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Dignity Act Coordinator(s) (DAC(s)) in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

Reporting Allegations of Sex Discrimination

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral 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 the Title IX Coordinator.

Reports of sex discrimination may also be made to any other District employee including a supervisor, building principal, or other District administrator. All reports of sex discrimination, including sexual harassment, will be forwarded to the District's Title IX Coordinator. Reports may also be forwarded to other District employees depending on the allegations.

All District employees who witness or receive an oral or written report of sex discrimination must immediately inform the Title IX Coordinator. Failure to immediately inform the Title IX Coordinator may subject the employee to discipline up to and including termination.

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SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. A formal complaint is a document either filed by a complainant or a parent or legal guardian who has a right to act on behalf of the complainant or signed by the Title IX Coordinator which alleges sexual harassment against a respondent and requests that the District investigate the allegations. While the District must respond to all reports it receives of sexual harassment, the Title IX grievance process is only initiated with the filing of a formal complaint.

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, Policy #7550 -- Dignity for All Students (DASA) which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or the DAC.

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

Grievance Process for Complaints of Sex Discrimination Other than Sexual Harassment

The District will provide for the prompt and equitable resolution of reports of sex discrimination other than sexual harassment. In responding to these reports, the Title IX Coordinator will utilize, as applicable, the grievance process set forth in Policy #3420 -- Non-Discrimination and Anti-Harassment in the District and any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Grievance Process for Formal Complaints of Sexual Harassment

The District will respond to allegations of sexual harassment in a manner that is not deliberately indifferent whenever it has actual knowledge of sexual harassment in an education program or activity of the District. The District is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For purposes of reports and formal complaints of sexual harassment under Title IX, education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent(s) and the context in which the sexual harassment occurred.

The District will follow a grievance process that complies with law and regulation before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

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Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The District will conduct the grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is anticipated that, in most cases, the grievance process will be conducted within a reasonably prompt manner and follow the time frames established in this policy.

Definitions

- a) "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.
- b) "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- c) "Days" means business days, but excludes any weekday during which the school is closed.
- d) "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the District. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of law and regulation.
- e) "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- f) "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

filed. These measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

General Requirements for the Investigative and Grievance Process

During the investigation of a formal complaint and throughout the grievance process, the District will ensure that:

- a) Complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into the District's grievance process, other than those required by law or regulation, equally to both parties.
- b) All relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.
- c) The Title IX Coordinator, investigator, decision-maker involved in the grievance process, or any person designated by the District to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- d) Respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- e) The grievance process, including any appeals or informal resolutions, is concluded within a reasonably prompt time frame and that the process is only temporarily delayed or extended for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- f) The range of possible disciplinary sanctions and remedies that may be implemented by the District following any determination regarding responsibility are described to any known party.
- g) The same standard of evidence is used to determine responsibility in all formal complaints.
- h) The procedures and permissible bases for an appeal are known to all complainants and respondents.
- i) The range of supportive measures available are known to all complainants and respondents.
- j) There is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- k) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.
- l) The Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf the District does not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a post-secondary institution, the District will obtain the voluntary, written consent of a parent.
- m) The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- n) Credibility determinations are not be based on a person's status as a complainant, respondent, or witness.
- o) The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.
- p) The parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for any complainant or respondent

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

in any meeting or grievance proceeding. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

- q) Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.
- r) The parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- s) Any document sent to a minor or legally incompetent person is also sent to the party's parent or legal guardian.
- t) Any document sent to a party is also sent to the party's advisor, if known.

After a Report of Sexual Harassment Has Been Made

After receiving a report of sexual harassment, the Title IX Coordinator will:

- a) Promptly contact the complainant to discuss and offer supportive measures;
- b) Inform the complainant both of the range of supportive measures available and that these measures are available regardless of whether a formal complaint is filed;
- c) Consider the complainant's wishes with respect to supportive measures; and
- d) Explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator may also contact the respondent to discuss and/or impose supportive measures.

Requests for confidentiality or use of anonymous reporting may limit how the District is able to respond to a report of sexual harassment.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, the District may immediately remove a respondent from the District's education program or activity on an emergency basis, provided that the District:

- a) Undertakes an individualized safety and risk analysis;
- b) Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- c) Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The District should coordinate their Title IX compliance efforts with special education staff when initiating an emergency removal of a student with a disability from an education program or activity as the removal could constitute a change of placement under the IDEA or Section 504.

The District may place a non-student employee respondent on administrative leave with or without pay during the pendency of the grievance process in accordance with law and regulation and any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Filing a Formal Complaint

A complainant may file a formal complaint with the Title IX Coordinator in person or by mail, email, or other method made available by the District. The complainant must be participating in or attempting to participate in the education program or activity of the District at the time of filing the complaint. The filing of a formal complaint initiates the grievance process.

A formal complaint must be signed by the complainant, the complainant's parent or legal guardian as appropriate, or the Title IX Coordinator. Where a parent or legal guardian signs the complaint, the parent or legal guardian does not become the complainant; rather the parent or legal guardian acts on behalf of the complainant. The Title IX Coordinator may sign the formal complaint, but his or her signature does not make him or her a complainant or a party to the complaint. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is still obligated to comply with the grievance process outlined in this policy.

The complainant, or the complainant's parent or legal guardian, must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. When a formal complaint is filed, the Title IX Coordinator must send a written notice of allegations to all parties which includes the identities of all known parties.

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

The District will not discriminate on the basis of sex in its treatment of a complainant or a respondent in responding to a formal complaint of sexual harassment.

The formal complaint form may be obtained from the District's Title IX Coordinator or found on the District's website.

Consolidation of Formal Complaints

The District may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Written Notice of Allegations

Upon receipt of a formal complaint, the District will send all known parties written notice of:

- a) The District's grievance process, including any informal resolution process; and
- b) The allegations of sexual harassment which will:
 1. Provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
 2. State that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 3. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
 4. Inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and
 5. Include notice of any provision in any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

If, in the course of an investigation, the District decides to investigate allegations about any complainant or respondent that were not included in the initial notice, the District will provide another notice of the additional allegations to the parties whose identities are known.

Investigation of a Formal Complaint

The Title IX Coordinator will oversee the District's investigation of all formal complaints. During the investigation of a formal complaint, the Title IX Coordinator or another District employee may serve as the District's investigator. The District may also outsource all or part of an investigation to appropriate third parties. The outsourcing of all or part of an investigation does not relieve the District from its obligation to comply with law and regulation.

It is anticipated that most investigations will be completed within 15 days after receiving a formal complaint.

During the investigation of a formal complaint, the investigator will, as appropriate:

- a) Collect, review, and preserve all evidence including, but not limited to, any relevant documents, videos, electronic communications, and phone records.
- b) Interview all relevant persons including, but not limited to, any complainants, respondents, and witnesses. Interviews of complainants and respondents will be conducted separately. If a student is involved, the District will follow any applicable District policy, procedure, or other document such as the District's *Code of Conduct* regarding the questioning of students.
- c) Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:
 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; and
 4. A summary of prior relevant incidents, reported or unreported.
- d) Keep any written documentation and associated documents in a secure and confidential location.

Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

At the end of the investigation, an investigative report will be created that fairly summarizes all relevant evidence.

At least ten days prior to a hearing or other determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.

Dismissal of a Formal Complaint

The District must investigate the allegations in a formal complaint. The District must dismiss a formal complaint under Title IX if the conduct alleged:

- a) Would not constitute sexual harassment even if proven;
- b) Did not occur in the District's education program or activity; or
- c) Did not occur against a person in the United States.

Further, the District may dismiss a formal complaint or any of its allegations under Title IX, if at any time during the investigation or hearing:

- a) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations;
- b) The respondent is no longer enrolled or employed by the District; or
- c) Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

Upon a dismissal of a formal complaint, the District must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Informal Resolutions

Before reaching a determination regarding responsibility, but only after a formal complaint is filed, the District may offer and facilitate the use of an informal resolution process, such as mediation, that does not involve a full investigation and adjudication of the formal complaint.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

It is anticipated that most informal resolutions will be completed within seven days.

The District will not require that parties participate in an informal resolution process. The District will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Further, the District will not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

If the District offers and facilitates the use of an informal resolution process, it will:

- a) Provide written notice to all known parties which details:
 1. The allegations in the formal complaint;
 2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
 3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- b) Obtain the parties' voluntary, written consent to the informal resolution process.

Hearings and Determination Regarding Responsibility

The District will designate an individual decision-maker or a panel of decision-makers to issue a written determination regarding responsibility. A decision-maker can either be a District employee or, where appropriate, a third-party. They cannot be the same individual as either the Title IX Coordinator or the investigator(s).

The District's grievance process may, but is not required to, provide for a hearing. The determination as to whether a hearing will be provided will be made on a case-by-case basis. If a hearing is provided, the District will make all evidence subject to the parties' inspection and review available to give each party equal opportunity to refer to this evidence during the hearing, including for purposes of cross-examination.

With or without a hearing, before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to:

(Continued)

Community Relations

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- a) Submit written, relevant questions that a party wants asked of any party or witness within ten days after the parties have received the investigative report;
- b) Provide each party with the answers given by any party or witness within ten days of receiving the questions; and
- c) Allow for additional, limited follow-up questions and responses from each party to occur within five days after the parties have received responses to their initial questions.

Questions and evidence about a complainant's sexual predisposition or prior sexual behavior will not be considered, unless the questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within five days after all follow-up questions have been responded to or after the hearing, if one has been provided.

To reach this determination, the decision-maker(s) will use the preponderance of evidence standard.

The written notice of the determination regarding responsibility will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- f) The District's procedures and permissible bases for the complainant and respondent to appeal.

Finality of Determination Regarding Responsibility

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination regarding responsibility for sexual harassment has been made against the respondent, remedies will be provided to a complainant and disciplinary sanctions may be imposed on a respondent. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Remedies and disciplinary sanctions will be implemented in accordance with applicable laws and regulations, as well as any District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

The Title IX Coordinator is responsible for the effective implementation of any remedies and/or disciplinary sanctions. The Title IX Coordinator will work with other individuals as necessary to effectively implement remedies and/or disciplinary sanctions.

Appeals

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within five days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

An appeal may only be based upon one or more of the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The bases on which a party is seeking an appeal should be specifically stated in the party's written appeal.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

Upon receipt of an appeal, the District will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
- b) Ensure that any decision-maker for the appeal:
 1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
 2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within seven days after the parties have been notified of the appeal;
- d) Issue a written decision describing the result of the appeal and the rationale for the result; and
- e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within seven days after receiving the parties' written statements in support of, or challenging, the outcome.

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

The District prohibits retaliation against any individual for the purpose of interfering with his or her Title IX rights or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under Title IX.

Charging an individual with *Code of Conduct* or other applicable violations that do not involve sex discrimination, including sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Charging an individual with a *Code of Conduct* or other applicable violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

All complaints alleging retaliation will be handled in a manner consistent with the District's policies and procedures regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

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

Confidentiality

Except where disclosure may be permitted or required by law or regulation, the District will keep confidential the identity of any:

- a) Individual who has made a report or complaint of sex discrimination;
- b) Individual who has made a report or filed a formal complaint of sexual harassment;
- c) Complainant;
- d) Individual who has been reported to be the perpetrator of sex discrimination;
- e) Respondent; and
- f) Witness.

Training

The District will ensure that:

- a) All Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:
 1. The definition of sexual harassment as defined in Title IX;
 2. The scope of the District's education program or activity;
 3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- b) All decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- c) All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d) All District employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on the District's website.

Notification

The District will notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District of this policy.

Further, the District will prominently publish this policy and the contact information for the Title IX Coordinator(s) on its website and in other publications, including in each handbook or catalog that it makes available to the individuals and entities referenced above.

Recordkeeping

For a period of seven years, the District will retain the following:

- a) Records of each sexual harassment investigation including any:
 - 1. Determination regarding responsibility;
 - 2. Audio or audiovisual recording or transcript required under law or regulation;
 - 3. Disciplinary sanctions imposed on the respondent; and
 - 4. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
- b) Any appeal and its result.
- c) Any informal resolution and its result.
- d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

(Continued)

SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)

- e) For each response to sexual harassment where the District had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If a District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

20 USC § 1092(f)(6)(A)(v)
20 USC § 1681, et. seq.
34 USC § 12291(a)(8, 10, and 30)
34 CFR Part 106
Education Law § 13
8 NYCRR § 100.2(kk)

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6121 -- Sexual Harassment in the Workplace
#7550 -- Dignity for All Students
District Code of Conduct

Adopted: 8/25/21

Community Relations

SUBJECT: EMERGENCY SCHOOL CLOSINGS

The closing of school because of emergencies shall be the decision of the Superintendent. In the absence of the Superintendent, the decision to close school will be made by the Assistant Superintendent or another administrator designated by the Superintendent.

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs), due to inclement weather, impassable roads, or other emergency reasons, announcements will be made over local television stations, auto dialing, and/or the Internet or District website and/or other District mass communication.

When school is closed, all related activities, including athletic events and student activities, will be cancelled for that day and evening unless the Superintendent provides specific approval after determining that extraordinary circumstances warrant an exception and the conditions leading to the closing of school no longer exist.

The attendance of personnel will be governed by their respective contracts.

Education Law § 3604(7)

Adopted: 12/13/23

Community Relations

SUBJECT: EXTRAORDINARY CIRCUMSTANCES

The District considers the safety of its students and staff to be of the utmost importance and is acutely aware that extraordinary circumstances such as widespread illness, natural disaster, or other emergency situation may make District premises unsafe or otherwise interrupt the District's ability to effectively operate.

In these circumstances, the District will follow its previously developed policies, procedures, and plans including, but not limited to, the District-wide school safety plan and building-level emergency response plan(s). To the extent that any District policy, procedure, or plan is in any way inconsistent with or conflicts with federal, state, or county law, regulation, or executive order released for the purpose of addressing the extraordinary circumstance, the federal, state, or county law, regulation, or executive order will govern. Additionally, the Board may adopt resolutions or take other actions as needed to respond to changes in federal, state, or county law, regulation, or executive order to provide further direction during an extraordinary circumstance.

2021 4000

Administration

South Jefferson Central School District

NUMBER

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Administration

SUBJECT: ADMINISTRATIVE AUTHORITY**During the Absence of the Superintendent**

The Superintendent will delegate to another administrator the authority and responsibility for making decisions and taking actions as may be required during the absence of the Superintendent.

In the Absence of Board Policy

Periodically, problems and new questions arise for which no specific policy has been prepared. Members of the administrative staff will act in a manner consistent with the existing policies of the District and will alert the Superintendent to the possible need for additional policy development.

**SUBJECT: EVALUATION OF THE SUPERINTENDENT AND OTHER
ADMINISTRATIVE STAFF****Superintendent**

The Board will conduct annually a formal performance evaluation of the Superintendent. Through the formal evaluation of the Superintendent, the Board will strive to accomplish the following:

- a) Clarify the role of the Superintendent in the South Jefferson School District as seen by the Board of Education;
- b) Clarify the role of the Superintendent in light of his or her job description and the priorities among those responsibilities as agreed upon by the Board and the Superintendent;
- c) Develop harmonious working relationships between the Board and the Superintendent;
- d) Provide feedback designed to strengthen administrative leadership of the District;
- e) Provide for the collaborative development of yearly management objectives for the Superintendent.

The formal procedures used to complete the evaluation are to be filed in the District Office, and will be made available for review by any individual, no later than September 10 of each year.

The formal performance procedures will include written criteria, a description of the review procedures, provisions for post-conferencing, and methods used to record results of the evaluation. The Superintendent will be granted the opportunity to respond to the evaluation in writing.

The following guidelines will be used in the evaluation process:

- a) The Superintendent will know the standards upon which he or she will be evaluated and will be involved in the development of those standards;
- b) Evaluation should be scheduled for an Executive Session with no other items on the agenda prior to June 30;
- c) The Superintendent will prepare a self-evaluation which shall be discussed by the Board prior to the Board's completion of the Superintendents' final evaluation report;
- d) The final evaluation will be a composite of the evaluations by the individual Board members;
- e) The evaluation should include a discussion of strengths as well as weaknesses;
- f) Each judgment on the evaluation report will be supported by a rationale and objective evidence.

(Continued)

**SUBJECT: EVALUATION OF THE SUPERINTENDENT AND OTHER
ADMINISTRATIVE STAFF (Cont'd.)**

Evaluation of Administrative Staff

The Board will direct the Superintendent to conduct an evaluation of all administrative personnel.

The purposes of this evaluation are:

- a) To determine the adequacy of administrative staffing;
- b) To improve administrative effectiveness;
- c) To encourage and promote self-evaluation by administrative personnel;
- d) To provide a basis for evaluative judgments by the Superintendent and the Board;
- e) To make decisions about continued employment with the District.

8 NYCRR § 100.2(o)(1)(v), (vi)
Education Law § 3012-d

Adopted: 8/25/21

Administration

SUBJECT: SUPERINTENDENT OF SCHOOLS

The Superintendent is the chief executive officer of the District. He or she is responsible for carrying out Board policy and for keeping it informed of matters which should be weighed by the Board in reaching decisions. He or she is responsible to the Board in his or her stewardship of the entire District.

The Superintendent will have the specific powers and duties discussed below and will be directly responsible to the Board for their proper exercise. As chief executive officer of the District, he or she will:

- a) Attend all regular, special, and work meetings of the Board except that the Superintendent may be excluded when his or her employment contract or performance is discussed in executive session;
- b) Administer all policies and enforce all rules and regulations of the Board;
- c) Review the local school situation and recommend to the Board areas in which new policies seem to be needed;
- d) Organize, administer, evaluate, and supervise the programs and personnel of all school departments, instructional and non-instructional;
- e) Recommend to the Board the appointment of all instructional and support personnel;
- f) Prepare and recommend to the Board the annual District budget in accordance with the format and development plan specified by the Board;
- g) Advise the public about the activities and needs of the schools through his or her written and spoken statements, and will be responsible for all news releases emanating from the local schools;
- h) Create all salary scales and administer the salary plan approved by the Board. Some of these salary scales will be developed within staff contracts negotiated under the provisions of the Taylor Law;
- i) Determine the need and make plans for plant expansion and renovation;
- j) Recommend for hire, evaluate, promote, and dismiss all professional and non-professional staff personnel;
- k) Prepare or supervise the preparation of the teacher's handbook, staff bulletins, and all other District-wide staff materials;

(Continued)

SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)

- l) Plan and coordinate the recruitment of teachers and other staff to assure the District of the best available personnel;
- m) Plan and conduct a program of supervision of teaching staff that will have as its goal the improvement of instruction, and, at the same time, will assure that only the teachers found to have a high degree of competence will be recommended for tenure;
- n) Distinguish for all concerned between the areas of policy decisions appropriate to the Board and management decisions appropriate to the District's administrative personnel;
- o) Transfer personnel when necessary and/or desirable to promote optimal effectiveness. Any personnel transfers will be made pursuant to appropriate guidelines established by state laws, District policies, and negotiated contracts; and
- p) Submit data from the School Report Card or other reports of student or District performance as prescribed by and in accordance with requirements of the Commissioner of Education.

Education Law §§ 1711, 2508, and 3003
8 NYCRR § 100.2(m)

Administration

SUBJECT: SUPERINTENDENT-BOARD RELATIONS

The Board is accountable for all pursuits, achievements, and duties of the District. The Board's specific role is to deliberate and to establish policies for the District. The Board delegates the necessary authority to the Superintendent who, acting as chief executive officer of the District, is held accountable to the Board for compliance with its policies.

- a) With respect to District goals and objectives, the Board will establish broad guidelines to be observed in the development of further policy and action. The Board reserves the right to issue either restrictive or general policy statements.
- b) Generally, the Superintendent will be empowered to assign and use resources; to employ, promote, discipline, and deploy staff; to translate policies of the Board into action; to speak as agent of the Board; to organize and delegate administrative responsibilities; and to exercise such other powers as are customary for chief executives.
- c) The Superintendent may not perform, cause, or allow to be performed any act that is unlawful, that violates commonly accepted business and professional ethics, that violates any contract into which the Board has entered, or that violates policies adopted by the Board that limit the Superintendent's authority.
- d) Should the Superintendent or designee consider it unwise, impossible, or impractical to comply with an explicit Board policy, the Superintendent will inform the Board. The Board will then evaluate the Superintendent's or designee's decision.

Education Law §§ 1711, 2503, and 2508

Adopted: 8/25/21

South Jefferson Central School District

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SUBJECT: BUDGET PLANNING AND DEVELOPMENT

Budget planning and development for the District is an integral part of program planning so that the annual operating budget may effectively express and implement programs and activities of the District. Budget planning is a year-round process involving participation of District-level administrators, principals, directors, coordinators, teachers, and other personnel. The process of budget planning and development will allow for community input and opportunities for public information and feedback.

The Superintendent has overall responsibility for budget preparation, including the construction of and adherence to a budget calendar. Program managers will develop and submit budget requests for their particular areas of responsibility after seeking the advice and suggestions of staff members.

Principals will develop and submit budget requests for their particular schools in conjunction with the advice and suggestions of staff members and their own professional judgment. Each school's budget request will be the principal's recommendation as to the most effective way to use available resources in achieving progress toward the approved educational objectives of the school. Program budgets and school budgets will reflect state and/or federal requirements, special sources of funding, and District objectives and priorities.

The Board will give consideration to budget requests, and will review allocations for appropriateness and for their consistency with the District's educational priorities.

All budget documents for distribution to the public will be in plain language and organized in a manner which best promotes public comprehension of the contents. Documents will be complete, and accurate, and contain sufficient detail to adequately inform the public regarding data such as estimated revenues, proposed expenditures, transfers to other funds, fund balance information, and changes in this information from the prior year's submitted budget.

In accordance with Commissioner's regulations, the budget will be presented in three components which are to be voted upon as one proposition. The law prescribes the types of items to be included in each component and further prescribes that all relevant costs be included in the component.

- a) A program component which will include, but need not be limited to, all program expenditures of the District, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;
- b) A capital component which will include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments and tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the District, including facilities lease expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the District, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget will include a rental, operations, and maintenance section that

(Continued)

SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the District, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities; and

- c) An administrative component which will include, but need not be limited to, office and central administrative expenses, traveling expenses and all compensation, including salaries and benefits of all school administration and supervisors, business administrators, superintendents of schools and deputy, assistant, associate or other superintendents under all existing employment contracts or collective bargaining, any and all expenditures associated with the operation of the Office of the Board, the Office of the Superintendent, General Administration, the School Business Office, consulting costs not directly related to direct student services and programs, planning, and all other administrative activities.

Additionally, the Board will append to the proposed budget the following documents:

- a) A detailed statement of the total compensation to be paid to the Superintendent, and any Assistant or Associate Superintendent in the ensuing school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;
- b) A list of all other school administrators and supervisors, if any, whose annual salary for the coming school year will be at or above that designated in law for such reporting purposes, with the title of their positions and annual salary identified;
- c) A School District Report Card, prepared pursuant to Commissioner's regulations, which includes measures of the academic performance of the District, on a school by school basis, and measures of the fiscal performance of the District (see subheading School District Report Card);
- d) A Property Tax Report Card prepared in accordance with law and Commissioner's regulations (see subheading Property Tax Report Card); and
- e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

The Board will ensure that unexpended surplus funds (i.e., operating funds in excess of 4% of the current school year budget, not including funds properly retained under other sections of law) have been applied in determining the amount of the school tax levy.

The proposed budget for the ensuing school year will be reviewed by the Board and publicly disseminated, in accordance with law, prior to its submission to District voters for approval.

(Continued)

SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

District funds may be expended to inform the public regarding the annual budget and to present the annual budget to District voters; however, these funds will not be utilized to promote either a favorable or negative opinion of the proposed budget.

School District Report Card

Each year the District will supply data as required by the State Education Department (SED) and will receive a School District Report Card, sometimes referred to as a New York State Report Card. These provide enrollment, demographic, attendance, suspension, dropout, teacher, assessment, accountability, graduation rate, post-graduation plan, career and technical education, and fiscal data for public and charter schools, districts, and the state. The School District Report Cards consist of three parts:

- a) Accountability and Overview Report - shows District or school profile data, accountability statuses, data on accountability measures such as ELA, Math, and Science scores, and graduation rates.
- b) Comprehensive Information Report - shows non-accountability data such as annual Regents examination results and post-graduate plans of students completing high school.
- c) Fiscal Accountability Supplement - shows expenditures per pupil and some information about placement and classification of students with disabilities.

School District Report Cards are also available online at the SED website.

Property Tax Report Card

Each year, the Board will prepare a Property Tax Report Card, pursuant to Commissioner's regulations, and will make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the Annual Meeting, and otherwise disseminating it as required by the Commissioner.

The Property Tax Report Card will include:

- a) The amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget, and the percentage increase or decrease in total spending and total school tax levy from the District budget for the preceding school year; and
- b) The projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and

(Continued)

SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

- c) The percentage increase in the average of the Consumer Price Indexes from January first of the prior school year to January first of the current school year as defined in Education Law; and
- d) The projected amount of the adjusted unrestricted fund balance that will be retained if the proposed budget is adopted; the projected amount of the adjusted restricted fund balance; the projected amount of the assigned appropriated fund balance; the percentage of the proposed budget that the adjusted unrestricted fund balance represents; the actual adjusted unrestricted fund balance retained in the District budget for the preceding school year; the percentage of the District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; and a schedule of reserve funds setting forth the name of each reserve fund, a description of its purpose, the balance as of the close of the third quarter of the current fiscal year, and a brief statement explaining any plans for the use of each reserve fund for the ensuing fiscal year; and
- e) The District's school tax levy limit calculation. The District will submit its school tax levy limit calculation to the Office of the State Comptroller, SED, and the Office of Taxation and Finance by March 1 annually. If a voter override of the tax levy limit is necessary, the budget vote must be approved by 60% of the District's qualified voters present and voting.

A copy of the Property Tax Report Card prepared for the Annual District Meeting will be submitted to SED in the manner prescribed by the Department by the end of the business day next following approval of the Property Tax Report Card by the Board, but no later than 24 days prior to the statewide uniform voting day (i.e., the third Tuesday in May).

SED will compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and will make this compilation available electronically at least ten days prior to the statewide uniform voting day. Links to each school year's Property Tax Report Card can be found on SED's official website.

Tax Exemption Report

A Tax Exemption Report will be annexed to any tentative or preliminary budget and will become part of the final budget. This report will be on the form as prescribed by the State Board of Real Property Services and will show the following:

- a) How much of the total assessed value of the final assessment roll(s) used in the budgetary process is exempt from taxation;
- b) Every type of exemption granted as identified by statutory authority;

(Continued)

SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)

- c) The cumulative impact of each type of exemption expressed either as a dollar amount of assessed value or as a percentage of the total assessed value on the roll;
- d) The cumulative amount expected to be received from recipients of each type of exemption as payments in lieu of taxes or other payments for municipal services; however, individual recipients are not to be named; and
- e) The cumulative impact of all exemptions granted.

Notice of this report will be included in any notice of the preparation of the budget required by law and will be posted on any bulletin board maintained by the District for public notices as well as on any website maintained by the District.

Education Law §§ 1608(3)-(7), 1716(3)-(7), 2022(2-a), 2023-a, 2601-a(3), and 2601-a(7)
General Municipal Law § 36
Real Property Tax Law §§ 495 and 1318(1)
8 NYCRR §§ 170.8, 170.9, and 170.11
State Education Department Handbook No. 3 on Budget

SUBJECT: SCHOOL DISTRICT BUDGET HEARING

The Board will hold an Annual Budget Hearing, in accordance with law, so as to inform and present to District residents a detailed written statement regarding the District's estimated expenditures and revenue for the upcoming school year prior to the budget vote which is taken at the Annual District Meeting and Election.

The Budget Hearing will be held not less than seven nor more than 14 days prior to the Annual District Meeting and Election or Special District Meeting at which the budget vote will occur. The proposed budget will be completed at least seven days prior to the budget hearing at which it is to be presented.

Notice of the date, time, and place of the annual budget hearing and other required information will be included in the notice of the Annual Meeting and Election and/or Special District Meeting as required by law.

Dissemination of Budget Information

Copies of the proposed annual operating budget for the succeeding year and all required attachments may be obtained by any District resident. Requests for copies of the proposed budget should be made at least seven days before the budget hearing. Copies will be prepared and made available at the School District Office, public or associate libraries within the District, and on the District website, if one exists. Copies will be available to District residents during the 14-day period immediately preceding the Annual Meeting and Election or Special District Meeting at which the budget vote will occur. Additionally, the Board will include notice of the availability of copies of the budget at least once during the school year in any District-wide mailing.

Budget Notice

The District Clerk will mail a School Budget Notice to all qualified voters of the District after the date of the Budget Hearing, but no later than six days prior to the Annual Meeting and Election or Special District Meeting at which a school budget vote will occur. The Budget Notice will compare the percentage increase or decrease in total spending under the proposed budget over total spending under the District budget adopted for the current school year, with the percentage increase or decrease in the Consumer Price Index from January first of the prior school year to January first of the current school year.

The District will also include in the notice:

- a) The school tax levy limit;
- b) The proposed school year tax levy (without permissible exclusions to the school tax levy limit);

(Continued)

SUBJECT: SCHOOL DISTRICT BUDGET HEARING (Cont'd.)

- c) The total permissible exclusions; and
- d) The proposed school year tax levy (including permissible exclusions to the school tax levy limit).

The Notice will also include, in a manner and format prescribed by the Commissioner of Education, a comparison of the tax savings under the basic school tax relief (STAR) exemption and the increase or decrease in school taxes from the prior year, and the resulting net taxpayer savings for a hypothetical home within the District with a full value of \$100,000 under the existing District budget as compared with savings under the proposed budget.

The Notice will also set forth the date, time, and place of the school budget vote in the same manner as in the Notice of the Annual Meeting. The School Budget Notice will be in a form prescribed by the Commissioner of Education.

Notice of Budget Hearing/Availability of Budget Statement:

Education Law §§ 1608(2), 1716(2), 2003(1), 2004(1), 2023-a, and 2601-a(2)

Election and Budget Vote:

Education Law §§ 1804(4), 1906(1), 2002(1), 2017(5), 2017(6), 2022(1), 2023-a, and 2601-a(2)

Budget Development and Attachments:

Education Law §§ 1608(3), 1608(4), 1608(5), 1608(6), 1608(7), 1716(3), 1716(4), 1716(5), 1716(6), 1716(7), 2022(2-a), 2023-a, and 2601-a(3)

8 NYCRR §§ 100.2(bb), 170.8, and 170.9

SUBJECT: BUDGET ADOPTION

The Board will review the recommended budget of the Superintendent and seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven nor more than 14 days prior to the Annual District Meeting and Election at which the budget vote is to occur. The Board may modify the recommended budget of the Superintendent prior to its submission to District voters. Final authorization of the proposed budget is dependent upon voter approval unless a contingency budget is adopted by the Board.

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may resubmit the original proposed budget or a revised budget for voter approval, or individual propositions may be placed before District voters, at a special meeting held on the third Tuesday of June. If the voters fail to approve the second budget submittal, or budget proposition(s), or if the Board elects not to put the proposed budget to a public vote a second time, the Board must adopt a contingency budget with a tax levy that is no greater than the prior year's levy.

The District budget for any school year, or any part of such budget, or any proposition(s) involving the expenditure of money for that school year, will not be submitted for a vote of the qualified District voters more than twice.

The District budget, once adopted, becomes the basis for establishing the tax levy on real property within the District. The District will post its final annual budget and any multi-year financial plan adopted by the Board on its website.

Education Law §§ 1608, 1716, 1804(4), 1906(1), 2002(1), 2003(1), 2004(1), 2007(3)(b), 2022, 2023,
2023-a, and 2601-a
8 NYCRR §§ 100.2(bb), 170.8, and 170.9

SUBJECT: ADMINISTRATION OF THE BUDGET

The Superintendent, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget. This includes, but is not limited to:

- a) Acquainting District employees with the final provisions of the program budget and guiding them in planning to operate efficiently and economically within these provisions.
- b) Providing direction to the District in maintaining those records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board, and other procedures, as are deemed necessary.
- c) Keeping the various operational units informed through periodic reports as to the status of their individual budgets.

Unless otherwise provided by law, no claim against the District will be paid unless such claims have been audited and approved by the Claims Auditor.

Budget Transfers

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds within the budget. Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

Statement of the Total Funding Allocation

When required by law, the District will annually submit to the Commissioner of Education and the Director of the Budget a detailed statement of the total funding allocation for each school in the District for the upcoming school budget year. This statement will be in a form developed by the Director of the Budget, in consultation with the Commissioner of Education. This statement will be made publicly available and posted on the District website.

Education Law §§ 1604(35), 1709(20-a), 1711, 1718, 1724, 1950(4)(k), 2508, 2523-2526, 2554(2-a), and 3614
8 NYCRR §§ 170.12(c) and 170.2(l)

Adopted: 8/25/21

SUBJECT: DISTRICT INVESTMENTS

Whenever the District has funds (including operating funds, reserve funds, and proceeds of obligations) that exceed those necessary to meet current expenses, the Board will authorize the Treasurer to invest these funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

Objectives

The objectives of this investment policy are four-fold:

- a) Investments will be made in a manner so as to safeguard the funds of the District.
- b) Bank deposits will be made in a manner so as to safeguard the funds of the District.
- c) Investments will be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the District.
- d) Funds will be invested in such a way as to earn a reasonable rate of return given the first three investment objectives.

Authorization

The authority to deposit and invest funds is delegated to the Treasurer. These functions will be performed in accordance with the applicable sections of the General Municipal Law and the Local Finance Law of the State of New York.

The Treasurer may invest funds in the following eligible investments:

- a) Obligations of the State of New York.
- b) Obligations of the United States Government, or any obligations for which principal and interest are fully guaranteed by the United States Government.
- c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. (Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.)
- d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

- e) Certificates of Deposits placed in a commercial bank authorized to do business in the State of New York providing the Certificates are collateralized as required by law.
 - 1. Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation will be secured in accordance with subdivision 3 of the General Municipal Law Section 10.
 - 2. The District may, in its discretion, authorize the bank designated for the deposit of District funds to arrange for the redeposit of such funds in one or more banking institutions, for the account of the District, through a deposit placement that meets the conditions set forth in General Municipal Law Section 10(2)(a)(ii).
- f) Securities purchased pursuant to a Repurchase Agreement whereby one party purchases securities from a second party and the second party agrees to repurchase those same securities on a specific future date at an agreed rate of return (the interest rate).
- g) The District may participate in a cooperative investment program with another authorized governmental entity pursuant to General Municipal Law Article 5G where such program meets all the requirements set forth in the Office of the State Comptroller and the specific program has been authorized by the governing Board.

Implementation

Using the policy as a framework, regulations and procedures shall be developed which reflect:

- a) A list of authorized investments;
- b) Procedures including a signed agreement to ensure the District's financial interest in investments;
- c) Standards for written agreements consistent with legal requirements;
- d) Procedures for the monitoring, control, deposit and retention of investments and collateral which will be done at least once a month;
- e) Standards for security agreements and custodial agreements consistent with legal requirements;
- f) Standards for diversification of investments including diversification as to type of investments, and firms and banks with whom the District transacts business; and
- g) Standards for qualification of investment agents which transact business with the District including, at minimum, the Annual Report of the Trading Partner.

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

This policy will be reviewed and re-adopted at least annually or whenever new investment legislation becomes law, as staff capabilities change, or whenever external or internal issues warrant modification.

Education Law §§ 1604-a, 1723-a, 2503(1), and 3652
General Municipal Law §§ 10, 11, and 39
Local Finance Law § 165.00
Public Authorities Law § 2925

Adopted: 8/25/21

SUBJECT: ACCEPTANCE OF GIFTS, GRANTS, AND BEQUESTS TO THE DISTRICT

The Board may accept gifts, donations, grants, or bequests (collectively "gifts") of money, real or personal property, as well as other merchandise that add to the overall welfare of the District, provided that acceptance is in accordance with existing laws and regulations. Donations to the school are fully tax deductible so long as the gift is used exclusively for public purposes in accordance with USC Section 170(c). The Board may refuse any gift that constitutes a conflict of interest, gives an appearance of impropriety, or is not in its best interests. The Board will safeguard the District, the staff, and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District. The Board may, if it deems it necessary, request that gifts of equipment, facilities, or any item that requires upkeep and maintenance include funds to carry out maintenance for the foreseeable life of the donation.

The Board will not formally consider the acceptance of gifts until and unless it receives the offer in writing from the donor or grantor or their attorney or financial advisor. Any gifts donated to the Board and accepted on behalf of the District must be by official action and resolution passed by Board majority. The Board would prefer the gift to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor or grantor work first with the school administrators in determining the nature of the gift prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the Superintendent to apply the gift for the benefit of a specific school or school program.

The Board is prohibited, in accordance with the New York State Constitution, from making gifts or charitable contributions with District funds.

All gifts become District property. A letter of appreciation, signed by the President of the Board and the Superintendent, will be sent to a donor or grantor in recognition of his or her contribution to the District. Letters will be sent in a timely manner and will acknowledge the possible tax deduction available to donors whose gifts qualify under IRS regulations.

New York State Constitution Article 8, § 1
Education Law §§ 1709(12), 1709(12-a) and 1718(2)
General Municipal Law § 805-a(1)

Adopted: 8/25/21

**SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION/PROPERTY TAX
EXEMPTIONS**

A tax collection plan giving dates of warrant and other pertinent data will be prepared annually and submitted for review and consideration by the School Business Official to the Board. Tax collection will occur by mail or by direct payment to the place designated by the Board.

Senior Citizens

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, will be exempt from taxation to the extent of per centum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

The real property tax exemption of real property owned by husband and wife, when one of them is 65 years of age or over, once granted, will not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least 62 years of age.

Education Law § 2130

Public Health Law § 2801

Real Property Tax Law §§ 458-a, 459-c, 466-c, 466-f, 466-g, 466-I, 467, 1300-1342

Adopted: 8/25/21

SUBJECT: SALE AND DISPOSAL OF DISTRICT PROPERTY**Sale of School Property**

No school property will be sold without prior approval of the Board. However, the responsibility for these sales may be delegated. The net proceeds from the sale of school property will be deposited in the General Fund.

Disposal of District Personal PropertyEquipment

District equipment that is obsolete, surplus, or unusable by the District will be disposed of in such a manner that is advantageous to the District.

The Superintendent will be responsible for selling the equipment in such a way so as to maximize the net proceeds of sale which may include a bona fide public sale preceded by adequate public notice. If it is determined that reasonable attempts to dispose of the equipment have been made and those attempts have not produced an adequate return, the Superintendent or designee may dispose of the equipment in any manner which he or she deems appropriate.

Textbooks

Textbooks may lose their value to the educational program because of changes in the curriculum or because they contain outdated material or are in poor condition. If textbooks are no longer useful or usable, the procedures for disposal will adhere to the following order of preference:

- a) Sale of textbooks. If reasonable attempts to dispose of surplus textbooks fail to produce monetary return to the District; then
- b) Donation to charitable organizations; or
- c) Recycle through appropriate means.

Education Law §§ 1604(4), 1604(30), 1604(36), 1709(9), 1709(11), 2503, 2511, and 2512
General Municipal Law §§ 51 and 800, et seq.

Adopted: 8/25/21

2021

5310

Non-Instructional/Business
Operations

SUBJECT: BONDING OF EMPLOYEES AND BOARD MEMBERS

In accordance with New York State Education Law and the Commissioner's regulations, the Board directs that the Treasurer of the Board, the Tax Collector, and the Claims Auditor be bonded prior to assuming their duties. These bonds will be in the amounts as determined and approved by the Board.

Other school personnel and members of the Board authorized or required to handle District revenues may be covered by a blanket undertaking provided by the District in those amounts as approved by the Board based upon the recommendations of the Superintendent or designee.

Education Law §§ 1709(20-a), 1720, 2130(5), 2526 and 2527
Public Officers Law § 11(2)
8 NYCRR § 170.2(d)

Adopted: 8/25/21

SUBJECT: EXPENDITURES OF DISTRICT FUNDS

The Board authorizes the Purchasing Agent to expend school funds as appropriated by approved operational and capital budgets, and by the adoption of special resolutions. He or she will make expenditures in accordance with applicable law and in a manner that will achieve the maximum benefit from each dollar expended.

All claims will be properly audited before payment by the Claims Auditor who must attest to the existence of evidence of indebtedness to support the claim.

Complete records of all expenditures will be maintained for future analysis and reporting within the time frame required by the Records Disposition Law or regulation.

Arts and Cultural Affairs Law § 57.19
Education Law §§ 1720 and 2523
8 NYCRR § 185

NOTE: Refer also to Policies #5321 -- District Credit Card Use
#5322 -- Mandatory Availability/District Cell Phone Use
#5323 -- Reimbursement for Meals/Refreshments
#6161 -- Conference/Travel Expense Reimbursement

Adopted: 8/25/21

SUBJECT: DISTRICT CREDIT CARD USE

The District will issue a credit card in its name to the Purchasing Agent, Treasurer and or Deputy Treasurer for the use of its officers and designated employees for authorized expenses. However, authorized personnel must submit purchase orders for those school business related expenses, prior to the use of the credit card.

This credit card will only be for those purchases of goods and services that require a credit card and do not accept other payment methods. Any other reason for credit card use must be approved by the Business Administrator, prior to use.

Expenses incurred on each credit card will be paid in such a manner as to avoid interest charges.

The credit cards will be locked in a secure place in the Business Office.

Any individual who makes an unauthorized purchase with a District credit card will be required to reimburse the District for the purchase.

SUBJECT: MANDATORY AVAILABILITY/DISTRICT CELL PHONE USE

The Board of Education recognizes that certain District employees must maintain availability beyond the regular work day in order to meet their job responsibilities. "Mandatory Availability" employees/positions will be designated and approved by the Board annually. Such employees will receive a monthly stipend for utilizing their personal cell phone for business use. The stipend amount will be recommended by the Superintendent and approved by the Board annually.

- a) In accepting this stipend, the employee agrees to:
 1. Provide the cell phone number to all staff or others deemed necessary individuals as determined by the Superintendent; and
 2. Have the phone available for incoming calls during business hours and other hours as deemed necessary as part of their job description.

SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS**Travel Outside of District/Emergency Meetings**

District officials and employees are entitled to reimbursement for necessary expenses incurred in the performance of their official duties. However, meals of public officers and employees generally should not be reimbursed or paid by the District unless the officer or employee is traveling outside his or her regular work area on official business for an extended period of time, or where events prevent them from taking off during mealtime for food consumption because of a pressing need to complete business. All requests for reimbursement must document who attended the meetings and how the meetings fit these conditions.

Staff or Board Meetings and District Events

The Board recognizes that at certain times it may be appropriate to provide meals and/or refreshments at District meetings and/or events which are being held for an educational purpose. Prior approval of the Superintendent or designee must be obtained for food and beverages provided at meetings or activities which will be charged to the District.

Any such expenditures must be appropriately documented with an itemized receipt and information showing the date and purpose of the meeting, food served, who attended the meetings and why the attendees needed food and/or refreshments to conduct District business. These requirements must be met for meals/refreshments provided by the school lunch fund or local vendors, charged to District credit cards, and/or reimbursed to a District official.

In no case will the costs for meals exceed the current federal per diem meal rates for the geographic area.

NOTE: Refer also to Policy #6161 -- Conference/Travel Expense Reimbursement

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING

Except as otherwise provided by law, all contracts for public work involving an expenditure of more than \$35,000 and all purchase contracts involving an expenditure of more than \$20,000 will be awarded by the District to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. However, the District may, in its discretion, award purchase contracts on the basis of "best value" to a responsive and responsible bidder or offeror, provided the Board has authorized this action by rule, regulation, or resolution adopted at a public meeting.

No bid or offer will be accepted that does not conform to specifications furnished unless those specifications are waived by Board action. The District may, in its discretion, reject all bids or offers and readvertise for new bids or offers in a manner consistent with New York State law.

All contracts requiring public advertising and competitive bidding or offering will be awarded by resolution of the Board.

Except as authorized by law, no Board member or employee of the District will have an interest in any contract entered into by the District.

Standardization

Upon the adoption of a standardization resolution by a vote of at least 3/5 of all Board members, purchase contracts for a particular type or kind of equipment, materials, or supplies of more than \$20,000 may be awarded by the Board to the lowest responsible bidder or offeror furnishing the required security after advertisement for sealed bids in the manner provided in law. This resolution must state that, for reasons of efficiency or economy, there is a need for standardization and must contain a full explanation of those reasons. Upon the adoption of a valid standardization resolution, the District may provide in its specifications for a particular make or brand to the exclusion of others.

"Piggybacking" Exception to Competitive Bidding

The District may, in its discretion, purchase certain goods and services (apparatus, materials, equipment, and supplies) at costs beyond the above-referenced thresholds through the use of contracts let by the United States or any agency thereof, any state, and any county, political subdivision, or district of any state.

This method of procurement is permitted on contracts issued by other governmental entities, provided that the original contract:

- a) Has been let by the United States or any agency thereof, any state (including New York State) or any other political subdivision or district;
- b) Was made available for use by other governmental entities and agreeable with the contract holder; and

(Continued)

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING (Cont'd.)

- c) Was let in a manner that constitutes competitive bidding consistent with New York State law, or was awarded on the basis of best value, and is not in conflict with other New York State laws.

Annual Review

Periodically, comments concerning the District's bidding and purchasing policies and procedures will be solicited from those District employees involved in the procurement process.

The Board will annually review its bidding and purchasing policies and procedures. The School Business Official will be responsible for conducting an annual review of such policies and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

General Municipal Law Articles 5-A and 18
State Finance Law §§ 162, 163, and 163-b
Education Law § 305(14)(g)

NOTE: Refer also to Policies #5411 -- Procurement of Goods and Services
#5412 -- Alternative Formats for Instructional Materials

Adopted: 8/25/21

SUBJECT: PROCUREMENT OF GOODS AND SERVICES**Purchasing Authority**

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent designated by the Board. The Purchasing Agent is authorized to enter into cooperative bidding and cooperative purchasing arrangements to meet the various needs of the District. No contracts for goods and services will be made by individuals or organizations in the school that involve expenditures without first securing approval for the contract from the Purchasing Agent.

Except as authorized by law, no Board member or employee of the District will have an interest in any contract entered into by the District.

Purchasing Process

The Board recognizes its responsibility to ensure the development of procedures for the procurement of goods and services not required by law to be made pursuant to competitive bidding requirements. These goods and services will be procured in a manner so as to:

- a) Assure the prudent and economical use of public moneys in the best interests of the taxpayer;
- b) Facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and
- c) Guard against favoritism, improvidence, extravagance, fraud, and corruption.

These procedures will contain, at a minimum, provisions which:

- a) Prescribe a process for determining whether a procurement of goods and services is subject to competitive bidding and if it is not, documenting the basis for such determination;
- b) With certain exceptions, provide that alternative proposals or quotations for goods and services will be secured by use of written request for proposals, written quotations, verbal quotations, or any other method of procurement which furthers the purposes of General Municipal Law Section 104-b;
- c) Set forth when each method of procurement will be utilized;
- d) Require adequate documentation of actions taken with each method of procurement;
- e) Require justification and documentation of any contract awarded to other than the lowest responsible dollar offer, stating the reasons;

(Continued)

SUBJECT: PROCUREMENT OF GOODS AND SERVICES (Cont'd.)

- f) Set forth any circumstances when, or the types of procurement for which, the solicitation of alternative proposals or quotations will not be in the best interest of the District; and
- g) Identify the individual or individuals responsible for purchasing and their respective titles. This information will be updated biennially.

Any unintentional failure to fully comply with these provisions will not be grounds to void action taken or give rise to a cause of action against the District or any District employee.

The District will develop administrative regulations to establish procedures for the procurement of goods and services.

Professional Services

Professional services are generally those services that require specialized skills, training, professional judgment, expertise, and creativity. Examples include attorneys, architects, and engineers. The procurement of professional services falls within an exception to competitive bidding. In order to procure professional services, the District will use the request for proposals (RFP) process as set forth in General Municipal Law in order to protect the District's interests and to avoid the appearance of favoritism or impropriety. Although not necessarily bound to select the lowest bidder in response to its RFP, the District will adequately document its selection process to demonstrate its economical and prudent use of public monies and to ensure fair competition.

Uniform Grant Guidance

The District will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants. The Superintendent will promulgate any regulations necessary to accomplish this goal.

Education Law §§ 1604, 1709, 1950, 2503, 2554, and 3602
General Municipal Law Articles 5-A and 18
General Municipal Law §§ 104-b and 119-o

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering
#5412 -- Alternative Formats for Instructional Materials

Adopted: 8/25/21

SUBJECT: ALTERNATIVE FORMATS FOR INSTRUCTIONAL MATERIALS

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in a usable alternative format (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for each student with a disability, including students requiring Section 504 Accommodation Plans, enrolled in the District). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio, or an electronic file in an approved format as defined in Commissioner's regulations.

The District has adopted the National Instructional Materials Accessibility Standard (NIMAS) to ensure that curriculum materials are available in a usable alternative format for students with disabilities. The District will ensure that each student who requires instructional materials in an alternate format will receive it in a timely manner and in a format that meets NIMAS standards.

The District will establish a plan to ensure that instructional materials in a usable alternative format for each student with a disability (including students requiring Section 504 Accommodation Plans) are based upon the student's educational needs and course selections, and will be available at the same time as those instructional materials are available to non-disabled students.

The Plan will:

- a) Specify that the District gives a preference in the purchase of instructional materials it has selected for its students to those vendors who agree to provide such instructional materials in alternative formats;
- b) Specify when an electronic file is provided, how the format will be accessed by students and/or how the District will convert to an accessible format;
- c) Specify the process to be used when ordering materials to identify the needs of students with disabilities residing in the District for alternative format materials;
- d) Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available; and
- e) Include procedures so that when students with disabilities move into the District during the school year, the process to obtain needed materials in alternative formats for those students is initiated without delay.

20 USC § 1474(e)(3)(B)
8 NYCRR §§ 200.2(b)(9), 200.2(c)(2) and 200.2(i)

Adopted: 8/25/21

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT

A portion of financial support for the South Jefferson Central School District is derived from the Federal government. This funding is in the form of direct grants from the Departments of Education, Agriculture, and Defense as well as grants which flow through the New York State Education Department. The Federal Uniform Grant Guidance identifies the criteria that must be met in order to properly charge costs to federally funded projects.

The South Jefferson Central School District shall adhere to all applicable cost principles governing the use of federal grants and contracts. This policy addresses the importance of properly classifying costs, both direct and indirect, charged to grant funded projects and that proposed and actual expenditures are consistent with the grant agreement and all applicable federal rules embodied in the Uniform Grant Guidance at 2 CFR 200 (UGG). District personnel who are responsible for administering, expending or monitoring grant funded programs should be well versed with the categories of costs that are generally allowable and unallowable.

All costs expended using federal funds must meet the following general criteria laid forth in the UGG at 2 CFR 200, Subpart E:

- a) Be **necessary and reasonable** for the proper and efficient performance and administration of the grant program.
- b) Be **allocable** to federal awards under the provisions of the federal circular.
- c) Be authorized and not prohibited under state or local laws or regulations.
- d) Conform to any limitations or exclusions set forth in the principles, federal laws, terms and conditions of the federal award, or other governing regulations as to types or amounts of cost items.
- e) Be consistent with policies, regulations, and procedures that apply uniformly to both federal awards and other activities of the District.
- f) Be accorded consistent treatment. A cost may not be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost.
- g) Except as otherwise provided for in the federal circular, be determined in accordance with generally accepted accounting principles and not included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior period.
- h) Be net of all applicable credits.
- i) Be adequately documented.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

The cost guidelines of the UGG must be considered any time federal award funds are to be expended. The District may apply Federal UGG requirements to non-federal projects. This applies, in particular, to the use of Federal Impact Aid under Section 7003, Elementary and Secondary Education Act of 1965, as amended. Funds received under the basic aid portion of this section of law are considered unrestricted, providing that the expenditure does not violate any of the assurances provided for during the application for the grant.

Federal regulations also require that any other District policies related to specific types of expenditures must also be followed. Examples include student incentives, travel, meals, procurement or equipment accountability.

Direct and Indirect Costs

Allowable and allocable costs must be appropriately classified as direct or indirect. In general, direct costs are those that can be identified specifically with a particular cost objective while indirect costs are those (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

If an indirect cost rate is going to be utilized for charging indirect rates, the rate must first be approved by the applicable approving authority or not exceed the de minimus level of 10%. In general, however, indirect costs will be borne by the District and not allocated to the grant.

Cost Transfers

Any costs charged to a federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to Federal UGG or other applicable guidelines. Cost transfers must be performed in accordance with the District's policy and will be approved by the Superintendent of Schools as a transfer.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding. Grant Program Managers (GPM), school personnel and any other individuals responsible for expending grant funds are held responsible for compliance with UGG.

Responsibilities

Designated Program Office personnel and the District Business Administrator and Treasurer are responsible for creating purchasing documents and encumbering grant funds at the request of a GPM. They should be familiar with the general cost principals embodied in the Federal UGG. Purchasing office personnel must notify the GPM when they recognize a request as an unallowable cost and will reject the requisition.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

Grant Program Managers (GPMs) must ensure that any costs charged to their award are aligned with applicable cost principles, are computed correctly, and would not create a compliance violation. GPMs should collect, maintain and where applicable, submit copies of adequate documentation to support the expenditures. GPMs monitor, review and approve (or disapprove) grant expenditures at the program office level as the first level of "Approver" for non-personnel expenditures to ensure that applicable cost principles, regulations and policies are followed.

Definitions

Direct costs are expenses that are specifically associated with a particular grant program that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include the GPM's salary and fringe benefits, equipment and supplies for the program, subcontracted service provider, or other materials consumed or expended in the performance of the grant.

Indirect costs are incurred for common or joint objectives and, therefore, cannot be readily and specifically identified with a particular program. They are expenses that benefit more than one grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

Acronyms

ACH	Automated Clearing House
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
DoED (ED)	US Department of Education
EDGAR	Education Department General Administrative Regulations
EPLS	Excluded Parties List System
ESEA	Elementary and Secondary Education Act
FERPA	Family Educational Rights and Privacy Act
FMV	Full Market Value
G5	The US DoED Grant Management System
GAN	Grant Award Notice
GAAP	Generally Accepted Accounting Principles
GPM	Grant Program Manager
GSA	General Services Administration
LEP	Limited English Proficiency
MORIC	Mohawk Regional Information Center
NY GML	New York General Municipal Law
NYSED	New York State Education Department
OMB	Office of Management and Budget
PCEN	Pupils with Compensatory Educational Needs

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

UGG Uniform Grant Guidance
WAWF Wide Area Work Flow

Appendices:

A – Financial Standards
B – Allowability of Cost
C – Cash Management
D – Standards of Conduct
E – Eligibility
F – Equipment and Real Property Management
G – Matching, Level of Effort, Earmarking
H – Period of Performance
I – Procurement and Suspension and Debarment
J – Program Income
K – Not Used
L – Reporting
M – Subrecipient Monitoring
N – Special Tests and Provisions

Appendix A – Financial Standards

The District maintains a proper financial management system in order to receive both direct and state-administered grants and to expend funds associated with a grant award. Fiscal controls and procedures must be in place to ensure that all financial management system requirements are met. Failure to meet a requirement may result in return of funds or termination of the award.

A. Financial Management Standards

Financial management systems standards include:

Identification

The District shall identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Impact Aid will be identified as such but is a general revenue. Aid for children with disabilities must be expended on those children. Federal program and award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and, if applicable, name of the pass-through entity.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)Financial Reporting

Accurate, current, and complete disclosure of the financial results of each Federal award or program must be made in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR). The District must maintain records which adequately identify the source and application of funds provided for federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation. Reports will be filed in a timely fashion on the forms directed by the state or Federal agency. These include, but are not limited to the FS-10 series, FS-25, and SF425.

Internal Controls

Effective control and accountability must be maintained for all funds, real and personal property, and other assets. The District shall safeguard all such property and must assure that it is used solely for authorized purposes. The District maintains an internal controls procedures manual which shall be followed to implement these activities. The District's internal auditor shall, from time to time, assess the effectiveness of these controls across all risk areas and shall include the controls of Federal grants and programs as part of this regular review.

B. Overview of the Financial Management/Accounting System

The District maintains a fund accounting system for financial management. This system is procured and maintained through the Mohawk Regional Information System (MORIC). The current system is nVision. This system manages fund accounting, the purchasing function, and the human resources function, including payroll. All budgets are loaded into the system before the beginning of the fiscal year, and transfers within accounts are authorized by the Superintendent of Schools. The District Business Administrator is responsible for overseeing the entire system and its functional integration. Federal funds ("2" funds in nVision) are named in such a fashion to permit a clear delineation of the accounting for subsequent identification by CFDA title and number. Plain English names, including contract numbers if applicable, are used to track grants and targeted Federal funds.

The Business Administrator, in conjunction with the Deputy Treasurer and the grant program manager, shall compile or cause to be compiled timely, accurate financial reports. Monthly grant reports shall include current and cumulative expenditures against project budget, with unencumbered amounts remaining identified

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)**C. Budgeting****The Planning Phase: Meetings and Discussions**

Before Receiving the Grant Award Notice (GAN): Upon notification of the availability of a grant, the Assistant Superintendent shall make an initial determination whether the District meets the minimum qualifications for the grant; whether this grant, if awarded, supplements and does not supplant any existing efforts in this area; and whether the grant is in concert with the District's educational objectives as outlined in the strategic plan. If the Assistant Superintendent determines that it is in the District's best interests to apply for a specific grant, he or she shall convene a small working group to develop a grant proposal meeting the objectives of the District and the awarding agency. In the event of grants continuing on a forward funded basis, the Director of the Office of Federal Programs shall develop a preliminary guide for the upcoming budget. Prior to filing the grant application for new awards, the Assistant Superintendent shall present the general grant concept to the Board of Education and receive its direction on filing for the grant. This direction may be in the form of informal guidance, including oral instructions.

Reviewing and Approving the Budget: The budget is developed with the Office of Federal Programs and the Assistant Superintendent once an amount is determined. The final approval of the grant budget normally resides with the awarding agency. Instructions and timelines for approval shall be followed in submitting the budget to the awarding agency. The Assistant Superintendent, in conjunction with the Business Administrator, shall review the items in the budget to ensure allowability. See Appendix B for a discussion on allowability of costs. If this review determines that a cost is not allowable, then it shall be eliminated from the budget and the program grant manager shall be notified of this action. Once the District Office determines that all budgeted items are allowable, the budget is approved by the Assistant Superintendent and forwarded to the awarding agency for its approval. Simultaneously, the budget is provided to the Deputy Treasurer to be entered into nVision.

After Receiving the GAN: Upon receipt of notice that a new grant will be awarded, the Assistant Superintendent will prepare plans for implementation, including necessary hiring and procurement actions. In the case of continuation of forward funded grants, the Office of Federal Programs or the Grants Program Manager will coordinate the budget with the Business Administrator and Deputy Treasurer to ensure proper accounting for the expenditures.

Amending the Budget

The Office of Federal Programs, Grant Program Manager, or Assistant Superintendent, as appropriate, shall prepare necessary documentation to amend any grants awarded. These amendments shall consider available carryover and shall comply with amendment provisions received in the Grant Award Notice. The Superintendent or designee shall approve the amendments. If necessary, amendments shall be forwarded to and approved by the awarding agency.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)**Budget Control****D. Accounting Records**

Payroll and purchasing records for each grant, as well as application records, shall be maintained for a period of six years after the final receipts are made and the final bills are paid. Records will be maintained electronically in nVision.

E. Spending Grant Funds

The Business Administrator shall oversee the accounting functions for all grants. Payroll operations will make allowable payments for personnel services. No employees shall be paid unless approved by the Board of Education. Purchasing operations shall be in accordance with the District purchasing policy. Requisitions shall originate at the user level and be approved by the Grant Program Manager, Office of Federal Programs, or the Assistant Superintendent before being forwarded to the Business Office for execution as a Purchase Order. Only the Purchasing Agent may commit the funds to a purchase.

Appendix B - Allowability of Cost

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state or federally approved budget and grant application need prior approval from the state or federal government. For grants flowing through the State Education Department, variations or changes are documented on Form FS-10 or FS-10A and submitted to the controlling state authority for approval. For grants originating directly from the Federal government, changes will be submitted in a format approved by the awarding agency.

When determining how the District will spend its grant funds, the Office of Federal Programs and/or the District Business Office will review the proposed cost to determine whether it is an allowable use of Federal grant funds *before* obligating and spending those funds on the proposed good or service. All costs supported by Federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part 200, Subpart E, which are provided in the bulleted list below. District personnel must consider these factors when making an allowability determination. Additional helpful questions to ask when making allowability determinations are located on page 13-14 of this policy.

- 1) **Be necessary and reasonable for the performance of the federal award.** District staff must consider these elements when determining the reasonableness of a cost. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

When determining reasonableness of a cost, consideration must be given to:

- 2) Whether the cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the federal award.
- 3) The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state and other laws and regulations; and terms and conditions of the federal award.
- 4) Market prices for comparable goods or services for the geographic area.
- 5) Restrictions regarding product origin (e.g., "Buy American" requirements)
- 6) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students, the public at large, and the federal government.
- 7) Whether the District significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost. 2 CFR Section 200.404

While 2 CFR Section 200.404 does not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it. For example, the District may deem a language skills software program necessary for a limited English proficiency program.

When determining whether a cost is necessary, consideration may be given to:

- § Whether the cost is needed for the proper and efficient performance of the grant program.
 - § Whether the cost is identified in the approved budget or application.
 - § Whether there is an educational benefit associated with the cost.
 - § Whether the cost aligns with identified needs based on results and findings from a needs assessment.
 - § Whether the cost addresses program goals and objectives and is based on program data.
- 8) **Allocable to the federal award.** A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

charged to the program. 2 CFR Section 200.405. For example, if 50% of a teacher's salary is paid with grant funds, then that teacher must spend at least 50% of his or her time on the grant program. This will be documented in order to demonstrate the allocability determination.

- 9) **Consistent with policies and procedures that apply uniformly to both federally financed and other activities of the District.**
- 10) **Conform to any limitations or exclusions set forth as cost principles in the terms and conditions of the federal award.**
- 11) **Consistent treatment.** A cost cannot be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
- 12) **Adequately documented.** All expenditures must be properly documented.
- 13) **Be determined in accordance with general accepted accounting principles (GAAP), unless provided otherwise in the condition of the federal award.**
- 14) **Not included as a match or cost-share, unless the specific federal program authorizes federal costs to be treated as such.** Some Federal program statutes require the non-federal entity to contribute a certain amount of non-federal resources to be eligible for the federal program.
- 15) **Be the net of all applicable credits.** The term "applicable credits" refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the District relate to the federal award, they shall be credited to the federal award, either as a cost reduction or a cash refund, as appropriate. 2 CFR Section 200.406. Non-cash credits (reward programs based on points, miles, etc.) shall not be considered credits and shall not be accrued to the federal award.

As provided above, in addition to federal guidelines, federal rules require state- and District-level requirements and policies regarding expenditures be followed as well. Policies relating to local expenditures are listed as Related Policy above.

Selected Items of Cost

Part 200 examines the allowability of 55 specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR Sections 200.420-200.475. These cost items are listed in the chart below along with the citation where it is discussed whether the item is allowable. Do not assume that an item is allowable because it is specifically listed in the regulation as it may be unallowable in a specific award

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

despite its inclusion in the selected items of cost section. The expenditure may be unallowable for a number of reasons, including: the express language of the regulation states the item is unallowable; the terms and conditions of the grant deem the item unallowable; or State/local restrictions dictate that the item is unallowable. The item may also be unallowable because it does not meet one of the cost principles, such as being reasonable because it is considered too expensive. If an item is unallowable for any of these reasons, Federal funds cannot be used to purchase it.

District personnel responsible for spending federal grant funds and for determining allowability must be familiar with the Part 200 selected items of cost section. The District must follow these rules when charging these specific expenditures to a federal grant. When applicable, District staff must check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, state, District and program-specific rules may deem a cost as unallowable and District personnel must follow those non-federal rules as well.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

Item of Cost	Citation of Allowability Rule
Advertising and public relations costs	Allowable with restrictions
Advisory councils	Allowable with restrictions
Alcoholic beverages	Not allowable
Alumni/ae activities	Not specifically addressed
Audit services	Allowable with restrictions
Bad debts	Not allowable
Bonding costs	Allowable with restrictions
Collection of improper payments	Allowable
Commencement and convocation costs	Not specifically addressed
Compensation – personal services	Allowable with restrictions
Compensation – fringe benefits	Allowable with restrictions
Conferences	Allowable with restrictions

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

Contingency provisions	Not allowable with exceptions
Contributions and donations	Not allowable
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	Allowable with restrictions
Depreciation	Allowable with qualifications
Employee health and welfare costs	Allowable with restrictions
Entertainment costs	Not allowable with exceptions
Equipment and other capital expenditures	Based on specific requirements
Exchange rates	Allowable with restrictions
Fines, penalties, damages and other settlements	Not allowable with exception
Fundraising and investment management costs	Not allowable with exception
Gains and losses on disposition of depreciable assets	Allowable with restrictions
General costs of government	Not allowable with exceptions
Goods and services for personal use	Not allowable
Idle facilities and idle capacity	Idle facilities – not allowable with exceptions; idle capacity – allowable with restrictions
Insurance and indemnification	Allowable with restrictions
Intellectual property	Allowable with restrictions
Interest	Allowable with restrictions
Lobbying	Not allowable

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

Losses on other awards or contracts	Not allowable
Maintenance and repair costs	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	Allowable with restrictions, not allowable for lobbying organizations
Organization costs	Not allowable except Federal prior approval
Participant support costs	Allowable with prior approval of the Federal awarding agency
Plant and security costs	Allowable
Pre-award costs	Allowable with restrictions
Professional services costs	Allowable with restrictions
Proposal costs	Allowable with restrictions
Publication and printing costs	Allowable with restrictions
Rearrangement and reconversion costs	Allowable (ordinary and normal)
Recruiting costs	Allowable with restrictions
Relocation costs of employees	Allowable with restrictions
Rental costs of real property and equipment	Allowable with restrictions
Scholarships and student aid costs	Not addressed; refer to Federal agency awarding grant
Selling and marketing costs	Not allowable with exceptions
Specialized service facilities	Allowable with restrictions

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

Student activity costs	Not allowable unless specifically provided for in the Federal award
Taxes (including Value Added Tax)	Allowable with restrictions
Termination costs	Allowable with restrictions
Training and education costs	Allowable for employee development
Transportation costs	Allowable with restrictions
Travel costs	Allowable with restrictions
Trustees	Not specifically addressed, refer to Federal agency awarding agency

Likewise, it is possible for the State and/or District to put additional requirements on a specific item of cost. Under such circumstances, the stricter requirements must be met for a cost to be allowable. Accordingly, employees must consult Federal, State and District requirements when spending Federal funds. In general, District travel and procurement policy comply with state and federal requirements. Compliance with District policy meets the intent of the uniform guidance.

In order for a cost to be allowable, the expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance and grant award notifications.

The State and/or District rules related to some specific cost items are discussed below. All purchases of goods and services must be accomplished through the Business Office, with the Purchasing Agent acting to commit the funds. The Business Office shall coordinate personnel services procured through Federal awards, including both assignment of personnel costs to the grant and procurement of personnel services from an outside source. District employees must be aware of these State and District rules and ensure they are complying with these requirements.

Time and Effort Standards

All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required "match" in a federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to federal grants.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- 1) Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- 2) Be incorporated into official records;
- 3) Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- 4) Encompass both federally assisted and all other activities compensated by the District on an integrated basis;
- 5) Comply with the established accounting policies and practices of the District and support the distribution of the employee's salary or wages among specific activities or costs objectives.
- 6) Be certified by the supervisor to assure that the work was in compliance with the grant or award intent.

Time and Effort Procedures

The District's time and attendance accounting procedures are based on accounting for time "lost." Specifically, the District requires that all time away from work be reported, while time on the job is generally considered as having been accomplished without providing documentation to that effect. Individuals compensated by federal grant or award must account for the time on the job, and the portion of time spent on federally related work, separately in order to properly meet the time and effort requirements. These records will be filed with the applicable grant to substantiate the use of time.

Helpful Questions for Determining Whether a Cost is Allowable

In addition to the cost principles and standards described above, the Office of Federal Programs or the award program manager can refer to this section for a useful framework when performing an allowability analysis. In order to determine whether federal funds may be used to purchase a specific cost, it is helpful to ask the following questions:

- 1) Is the proposed cost allowable under the relevant program?
- 2) Is the proposed cost consistent with an approved program plan and budget?

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

- 3) Is the proposed cost consistent with program specific fiscal rules?
 - (a) For example, the District may be required to use federal funds only to supplement the amount of funds available from non-federal (and possibly other federal) sources.
- 4) Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

As a practical matter, the Office of Federal Programs or the award program manager should also consider whether the proposed cost is consistent with the underlying needs of the program and the approved District goals and strategy. For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for limited English proficient (LEP) students must only be spent on LEP students and cannot be used to benefit non-LEP students. Funds should be targeted to address areas of weakness, as necessary. To make this determination, the Office of Federal Programs or the award program manager should review data when making purchases to ensure that Federal funds to meet these areas of concern.

Appendix C – Cash Management

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the New York State Department of Education on a reimbursement basis. However, if the District receives an advance in Federal grant funds, the District will remit interest earned on the advanced payment quarterly to the Federal agency consistent with 2 CFR. Section 200.305(b)(9).

According to guidance from the U.S. Department of Education (ED), when calculating the interest earned on ED grant funds, regardless of the date of obligation, interest is calculated from the date that the Federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the District.

Interest would not accrue if the District uses non-federal funds to pay the vendor and/or employees prior to the funds being drawn down from the G5 or Wide Area Work Flow (WAWF) system, commonly known as a reimbursement.

Payment Methods

Reimbursements: The District will initially charge federal grant expenditures to non-federal funds.

The District Business Office will request reimbursement for actual expenditures incurred under the federal grants at least semi-annually, and more frequently if dictated by the awarding agency. Requests for reimbursement will be filed with the Grants Finance Unit of NYSED, through G5, or through

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

WAWF, depending on the source of the grant. The reimbursement method will dictate the required forms to substantiate the claim. All reimbursements shall be based on actual disbursements, not on obligations.

Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) for a period of six years after the grant is closed and the final funds are received and will make such documentation available for review by NYSED upon request.

Reimbursements of actual expenditures do not require interest calculations.

Advances: To the extent the District receives advance payments of federal grant funds, the District will strive to expend the federal funds on allowable expenditures as expeditiously as possible. Specifically, the District attempts to expend all drawn downs of federal funds within 72 hours of receipt. The District will hold federal advance payments in interest-bearing accounts, unless an allowable exception applies. The District will begin to calculate interest earned on cash balances once funds are deposited into the District's account.

Interest on advances will be calculated based on interest received daily and shall be apportioned to the federal funds in the account in direct proportion to the overall amount in the account. Total federal grant cash balances will be calculated on cash balances per grant and applying the District's actual interest rate. The District will remit interest earned on grant funds annually to the U.S. Department of Health and Human Services Payment Management System (regardless of the federal awarding agency for the grant) through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment. The District may retain up to \$500 of interest earned per year. To the maximum extent possible, use of advance payments shall be avoided. Reimbursements are the preferred means of utilizing federal grants.

Carryover

State-Administered Grants: The District may be able to "carryover" any funds left over at the end of the initial 15-month period into the next year. These leftover funds are typically referred to as carryover funds and continue to be available for obligation for an additional 12 months. 34 CFR Section 76.709. Accordingly, the District may have multiple years of grant funds available under the same program at the same time. The Treasurer will track the expenditures and encumbrances and will determine the amount of available funding for carryover. The Program Manager will be kept aware of this amount and will adjust the expenditures to reflect this factor. The carryover will be reported in the monthly fiscal reports submitted to the Board of Education.

Direct Grants: Direct grants are not normally subject to carryover provisions. However, under 2 CFR Section 200.308, direct grantees enjoy unique authority to expand the period of availability of federal funds. The District is authorized to extend a direct grant automatically for one 12-month period. Prior

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

approval is not required in these circumstances; however, in order to obtain this extension, the District must provide written notice to the federal awarding agency at least ten calendar days before the end of the period of performance specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances. The Assistant Superintendent will coordinate the notice to the awarding agency and monitor the progress in obtaining the extension.

The District will seek prior approval from the federal agency when the extension will not be contrary to federal statute, regulation or grant conditions and:

- 1) The terms and conditions of the Federal award prohibit the extension;
- 2) The extension requires additional Federal funds; or
- 3) The extension involves any change in the approved objectives or scope of the project. 2 CFR Section 200.308(d)(2).

Appendix D - Standards of Conduct

In accordance with 2 CFR Section 200.112 and NY GML Sections 806 and 808 the District maintains of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part shall not be accepted. However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature, and of significant financial value, may be accepted in the spirit in which they are given.

"Officer or Employee" means an officer or employee of the District, whether paid or unpaid, including members of the Board and their appointed professional or nonprofessional staff.

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SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

"Interest" means an officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director, or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee."

Any employee, officer, or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter to the Board or the Superintendent of Schools. Matters of this nature shall be held in confidence to the maximum extent possible pending a thorough investigation of the allegations of impropriety. Knowing or willful violation of this policy by any employee or member of the Board may result in disciplinary action up to and including dismissal.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

Any District officer or employee who has, will have, or later acquires an interest in any action, legislation, or proposed contract shall publicly disclose the nature and extent of such interest in writing to the Board of Education, except that such disclosure shall not be required for any of the exceptions listed under New York General Municipal Law Section 802.

No District officer or employee shall, after termination of services or employment with the District, appear before any board, department, or agency of the District in relation to any case in which the individual personally participated during the period of service or employment, or which was under active consideration.

No District officer or employee shall engage in, solicit, negotiate for, or promise to accept private employment when such interests or services create a conflict with or impairs the proper discharge of official duties. This shall include entering into contingency agreements to represent clients before the Board.

Board members shall disclose, in writing, upon assuming office, any possible conflicts of interest. This shall be entered into the minutes of the Board at the reorganization meeting in July. At any time where a possible conflict arises, the Board member will also make such disclosure in writing. As an example, a Board member married to the owner of a business, or acting as an officer in the business, with which the District conducts business exceeding \$750 annually, must make such disclosure. The disclosure only needs to be made once unless there is a material change to the underlying factors. By making such a notice the appearance of impropriety is mitigated and the ability to influence the District for personal gain is in full view.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)**Appendix E – Eligibility**

The main objective of this compliance requirement is that only eligible individuals or organizations participate in federal assistance programs. The criterion for determining eligibility will vary from program to program, but the objective that only eligible individuals or organizations participate remains consistent across all Federal programs. To comply with this objective, recipients must first assure that proper eligibility determinations are made, which means that the recipient must determine the parameters and limitations to define eligibility for a specific program in accordance with the program's purpose. Eligibility for a specific award will be announced in the award notice. Some awards are dependent on the level of enrollment of a specific class of students in a building or in the District. Examples are numbers of military children, numbers of English Language Learners, and numbers of children living at or below a specified poverty level. In making application for a grant or award, the District will ensure that it is qualified for all eligibility criteria and shall maintain evidence of the qualification for the duration of the award period and the required records holding period.

Appendix F – Equipment and Real Property Management

Equipment and real property procured through any Federally funded award shall be accounted for under District Policies #5410 -- Purchasing: Competitive Bidding and Offering; and #5411 -- Procurement of Goods and Services. The District shall maintain an active accounting and inventory system for all items procured through Federal grants.

A. Property Classifications

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or \$5,000. 2 CFR Section 200.33.

Supplies means all tangible personal property other than those described in Section 200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the District for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 CFR Section 200.94.

Computing devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting and receiving, or storing electronic information. 2 CFR Section 200.20.

Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and

Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 CFR Section 200.12.

B. Inventory Procedure

Upon receipt any property classified above, the Shipping and Receiving Department or the Technology Department shall identify the equipment, inspect it for condition, ensure it matches the requirement stated on the purchase order, and shall apply asset control tags to the equipment/item. The item shall be entered into the inventory system in sufficient detail to provide a discrete identification of the item (nomenclature, serial numbers, model numbers, etc.) as well as the location where the equipment will ultimately be situated. Only after this is accomplished will the equipment be shipped to the final destination. Receiving reports will then be signed and forwarded to the Business Office for processing and payment.

C. Inventory Records

For each equipment and computing device purchased with federal funds, the following information is maintained:

- 1) Serial number or other identification number;
- 2) Source of funding for the property;
- 3) Who holds title (this may be MORIC if they acted as Purchasing Agent);
- 4) Acquisition date and cost of the property;
- 5) Percentage of federal participation in the project costs for the Federal award under which the property was acquired;
- 6) Location, use and condition of the property; and
- 7) Any ultimate disposition data including the date of disposal and sale price of the property.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

Upon final disposition of the property (either at the end of useful life, sale, loss, etc.) the shipping and receiving department shall request that the Board of Education declare the item excess to the needs of the District. Once this resolution is recorded in the minutes, the Shipping and Receiving clerk may dispose of the property within the guidelines approved by the Board of Education. Any monetary value derived from the disposal of the property shall be applied as a credit to the federal grant, if applicable.

D. Physical Inventory

A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years. The inventory will be accomplished by the Technology Department Micro-computer Technician assigned to the specific building or by the Shipping and Receiving clerk during his annual inventory.

E. Maintenance

In accordance with 2 CFR Section 200.313(d)(4), the District maintains adequate maintenance procedures to ensure that property is kept in good condition. Issues arising during normal operations will be reported to the appropriate agency (Buildings and Grounds or Technology) through the established work request system (currently QueCentre).

F. Lost or Stolen Items

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. Devices are assigned to a building for use by trained personnel. Losses will be reported to the building office as soon as practicable after the loss is noticed. At that time, appropriate administrative personnel will conduct an inquiry to determine the nature and cause of the loss. If a theft is suspected, a police report will be filed (contact the School Resource Officer for processing procedures). If the property is not recovered in 60 days, it can be removed from the inventory as a loss.

G. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and the District will not encumber the property without prior approval of the federal awarding agency and the pass-through entity.

During the time equipment is used on the project or program for which it was acquired, the equipment will also be made available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to

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SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

other programs or projects supported by the federal awarding agency that financed the equipment. Second preference is given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally funded programs or projects is also permissible.

When no longer needed for the original program or project, the equipment may be used in other activities supported by the federal awarding agency, in the following order of priority: (1) activities under a federal award from the Federal awarding agency which funded the original program or project; then (2) activities under federal awards from other federal awarding agencies.

H. Disposal of Equipment

When it is determined that original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the program director, Office of Federal Programs, or Assistant Superintendent will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

Generally, disposition of equipment is dependent on its fair market value (FMV) at the time of disposition. If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the Federal awarding agency. If the item has a current FMV of more than \$5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds. All final decisions to excess property are reserved to the Board of Education.

If acquiring replacement equipment, the District may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property. Net cost will be applied to any accounts used to acquire equipment including a trade in.

Appendix G – Matching, Level of Effort and Earmarking

Matching, also referred to as "cost sharing", is a requirement for the recipient to provide contributions or donations of a specified amount or percentage to supplement federal assistance received. In other words, when the recipient participates in a federal program and an operating budget is prepared, the federal government may require the recipient to provide contributions to cover a portion of that program's operations.

received, and includes recipient requirements for a specified level of service, specified level of expenditures for designated activities, and federal funds to supplement and not supplant non-federal services.

Earmarking is a requirement that specifies a limit amount or percentage of the program's assistance that must (minimum) or may (maximum) be used for specified activities. Examples of this include limits imposed on the federal government on the amount of federal funds to cover administrative expenses, or

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SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

a percentage requirement for total program funds provided to subrecipients. Earmarking may also be specified in relation to the types of participants covered (e.g., a limit on how many participants a recipient can provide assistance to).

Individual federal grants may have matching or level of effort requirements associated with the grant as a condition of award. The Assistant Superintendent of Director of Office of Federal Programs will determine these requirements during the application/pre-award phase of the process. These requirements will be budgeted and tracked during execution of the award. The following criteria will be met when identifying matching/level of effort/earmarking of funds by the District:

- 1) Must be verifiable in the District's accounting system;
- 2) Must not be included as the contribution to any other federal award (no "double-dipping");
- 3) Must be necessary and reasonable for accomplishing the program objectives;
- 4) Must be allowable under cost principles previously stated in this guidance;
- 5) Must not be paid by another federal agency or under another federal award;
- 6) Must be provided for in the budget approved for the award by the applicable Federal Agency.

The Grant Program Director will ensure that earmark requirements are fully complied with. The Business Office will monitor this aspect and ensure that no funds are disbursed that do not meet the earmark requirements.

Appendix H – Period of Performance

The period of performance will be described in the grant award notice. All obligations must occur on or between the beginning and ending dates of the grant project. 2 CFR Section 200.309. This period of time is known as the period of performance. 2 CFR Section 200.77. The period of performance is dictated by statute. Further, certain grants have specific requirements for carryover funds that must be adhered to. The period of performance is a required data point for claiming reimbursement through G5 or WAWF. The period of performance can only be changed by the awarding agency. In instances where the budget is under executed and funding will remain at the end of the performance period, the Program Director, Assistant Superintendent, or Director of Office of Federal Programs will apply to the awarding agency for an extension of the time for performance. If granted, this extension will be listed on a modification to the grant award notice. On application for reimbursement, all information on award notice modifications must be annotated on the claim in order for it to be processed properly and in a timely fashion.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)**Appendix I – Procurement and Suspension and Debarment**

This section covers compliance of laws and regulations when obtaining a good or services from a vendor, supplier, or provider. The District will comply with its established procurement policy (Policy 5133) and its Purchasing policy (Policy 5310) in all purchases made through Federal grants or awards. The fact that the source is a Federal grant/award does not relieve the District from complying with all aspects of the effective policy. The procurement requirement is established to ensure that such goods and services are obtained in an effective manner, including the prohibition of conflicts of interest, the fair selection of vendors, provide open and free competition among vendors, etc. The suspension and debarment requirement establishes that certain non-federal entities have been prohibited from participating in or receiving federal assistance for various reasons, including prior mismanagement of funds or previous non-compliance of laws and regulations. This prohibition may be temporary (suspension) or indefinite (debarment; until specifically allowed by the government). When performing this purchase, the District Purchasing Agent must verify that the vendor, supplier, provider or their respective principals (e.g., owners, top management, etc.) are not suspended, debarred or otherwise excluded by the federal government. This is done by checking the Excluded Parties List System (EPLS) maintained by the General Services Administration (GSA) or by contacting the Federal agency.

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended.

Appendix J – Program Income

Program income is sometimes directly generated by the federally funded program. This type of income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds. However, it generally does not include interest on program funds (which is covered under "Cash Management"); nor does it cover rebates, credits, discounts, and refunds (covered under "Allowable Costs/Cost Principles"); nor proceeds from the sale of equipment or real property (covered under "Equipment and Real Property Management"). The uses or treatment of program income are either deducted by the federal agency from the current program budget (e.g., the program income substitutes part of the original budget), added to the current program budget, or used to meet matching requirements.

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)**Use of Program Income**

The default method for the use of program income for the District is the deduction method. Under the deduction method, any program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal awarding agency or pass-through entity. The District may also request prior approval from the Federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the District. The program income must then be used for the purposes and under the conditions of the Federal award.

While the deduction method is the default method, the District always refers to the GAN prior to determining the appropriate use of program income.

Appendix L – Reporting

This section establishes that all recipients must submit reports (whether financial, performance-related, or of special nature) to the federal government to monitor federal assistance activities and uses. The most common reports are pre-designed by the federal agency, are approved by OMB, and are available to all recipients and the general public. The time deadlines for submitting them vary depending on the report, and will generally be established in the initial Grant Award Notice. Furthermore, the reporting requirements (e.g., which reports must be submitted, the timing of the submission, information in the reports, etc.) may vary from recipient to recipient, although the federal government has established several reports that apply to all recipients. Common reports include:

- 1) SF-270 the *Request for Advance or Reimbursement*
- 2) SF-425 the *Federal Financial Report*
- 3) FS-10 the *Proposed Budget for a Federal or State Project*
- 4) FS-10A the *Proposed Amendment for a Federal or State Project*
- 5) FS-25 the *Request for Funds for a Federal or State Project*

Reconciliation and Closeout Procedures

It is critical for charges to match the actual disbursement. Budget estimates or other distribution percentages determined before the services are performed or purchases made do not qualify as support for charges to Federal awards, but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity actually performed. Therefore, when filing final reports, all accounting must be for actual, not budgeted accounting numbers.

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SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)**Record Retention****A. Retention:**

The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with Federal program requirements. The District also maintains records of significant project experiences and results. These records and accounts must be retained and made available for programmatic or financial audit and will be maintained for a minimum of six years after filing the final reports, unless the New York state retention period prescribes a longer retention period.

The U.S. Department of Education is authorized to recover any federal funds misspent within five years before the receipt of a program determination letter. If any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Upon reaching the end of the retention period, records will be destroyed by shredding or, in the case of electron records, deletion with overwrite on the recorded section of the medium.

B. Access to Records

The District provides the awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives the right of access to any documents, papers, or other records of the District which are pertinent to the federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the District's personnel for the purpose of interview and discussion related to such documents.

C. Privacy

The District protects the privacy of the records under the Family Educational Rights and Privacy Act (FERPA). Documents subject to Freedom of Information Law requests or Freedom of Information Act requests will be reviewed for privacy concerns and properly redacted prior to release under either law. This does not apply to properly executed subpoenas or investigations by properly documented law enforcement in the conduct of official duties.

Appendix M – Subrecipient Monitoring

In the event that the District awards subgrants to other entities (also known as pass-through entities), the District shall monitor those grant subrecipients to ensure compliance with Federal, state, and local laws. Monitoring is the regular and systematic examination of all aspects associated with the

(Continued)

SUBJECT: UNIFORM GRANT GUIDANCE POLICY STATEMENT (Cont'd.)

administration and implementation of a program. Each program office that awards a subgrant must have its own monitoring policy. This policy must ensure that any monitoring findings are corrected. The District shall require that all subrecipients provide required reports and financial documents in sufficient detail to permit the District to make it required reports. In this manner the District will exercise a level of control. The District may also conduct site visits, regular contact, interviews, meetings and examinations of the subrecipient, as well as requiring that the subrecipient be subject to an annual single audit. The specific measures will be developed at the time the subgrant is awarded and will be followed up by the Grant Program Manager for the District.

Appendix N – Special Tests and Provisions

Certain programs have unique compliance requirements—established by laws, regulations, and contract or grant agreements—that do not fit into the requirements listed above. The Program Manager must review these, normally provided in the Grant Award Notice, and ensure compliance with those requirements. The auditor must review the program's contract, grant agreements, referenced laws, and regulations to identify unique compliance requirements. In conjunction with the Program Manager and the Business Administrator, the auditor will develop audit objectives and audit procedures under this section to ensure full compliance.

SUBJECT: ACCOUNTING OF FUNDS

Accounting and reporting procedures will be developed to facilitate analysis and evaluation of the District's financial status and fixed assets. The District will use the Uniform System of Accounts for School Districts. Books and records of the District will be maintained in accordance with statutory requirements. Provision will be made for the adequate storage, security, and disposition of all financial and inventory records.

Online Banking

The Board has entered into a written agreement with designated banks and trust companies for online banking and electronic or wire transfers, which includes the implementation of a security procedure for all transactions. Online transactions must be authorized by the District's Business Official. The District Treasurer, with a separate established username and password, will have the authority to process online banking transactions. The Business Office Clerk or Deputy Treasurer, with a separate established username and password, will be responsible for online banking transactions in the event the District Treasurer is not available, or as a job responsibility delegated to him or her by the District Treasurer. Online banking will only take place on secure District computers located inside the treasurer's or Business Office.

Electronic Transactions and Wire Transfers

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review, and reconcile electronic transactions. At least two individuals will be involved in each transaction. Authorization and transmitting functions will be segregated and, whenever possible, the recording function will be delegated to a third individual.

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders. All wire transfers must be authorized by the District Treasurer or designee. Dual approval controls will be established for non-routine wire transfer orders. The Internal Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law § 2116-a
General Municipal Law §§ 5, 5-a, 5-b, and 99-b
N.Y. UCC § 4-A-201

Adopted: 8/25/21

SUBJECT: MAINTENANCE OF FUND BALANCE**General Provisions**

The Board recognizes that the maintenance of a fund balance is essential to the financial integrity of the District insofar as it helps mitigate current and future risks and assists in ensuring stable tax rates. Fund Balance measure the net financial resources available to finance expenditures within current or future periods. The Fund Balance may only be appropriated by resolution of the Board of Education unless voter approval is required.

Classification of Funds

The District will ensure that funds are classified consistent with Governmental Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Consequently, fund balance amounts will be categorized as non-spendable, restricted, committed, assigned, or unassigned.

Non-spendable - Amounts that cannot be spent because they are in a non-spendable form (e.g., inventory) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

Restricted - Amounts limited by external parties, or legislation (e.g., grants or donations).

Committed - Amounts constrained to specific purposes by a government itself using its highest level of decision making authority (i.e., Board of Education); to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint.

Assigned - Amount intended to be used for a specific purpose; intent can be expressed by the Board of Education or by an official or body to which the Board delegates the authority.

Unassigned - Amounts available for consumption or not restricted in any manner. These amounts are reported only in the General Fund.

Compliance

The District will adhere to the reporting requirements of Article 3 of the General Municipal Law of the State of New York, and the practices set forth in GASB Statement Number 54.

NOTE: Refer also to Policies #5110 -- Budget Planning and Development
#5512 -- Reserve Funds

Adopted: 8/25/21

SUBJECT: RESERVE FUNDS

Reserve funds (essentially a legally authorized savings account designated for a specific purpose) are an important component in the District's financial planning for future projects, acquisitions, and other lawful purposes. The District may establish and maintain reserve funds in accordance with New York State laws, Commissioner's regulations, and the rules or opinions issued by the Office of the New York State Comptroller. The District will comply with the reporting requirements of Article 3 of the General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) issued GASB Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

Any and all District reserve funds will be properly established and maintained to promote the goals of creating an open, transparent, and accountable use of public funds. The District will authorize all payments or transfers into a reserve fund by express resolution. The District may engage independent experts and professionals, including, but not limited to, auditors, accountants, and other financial and legal counsel to monitor all reserve fund activity and prepare any and all reports that the Board may require.

Periodic Review and Annual Report

The Board will periodically review all reserve funds. The District will also prepare and submit an annual report of all reserve funds to the Board. The annual report will include the following information for each reserve fund:

- a) The type and description of the reserve fund;
- b) The date the reserve fund was established and the amount of each sum paid into the fund;
- c) The interest earned by the reserve fund;
- d) Capital gains or losses resulting from the sale of investments of the reserve fund;
- e) The total amount and date of each withdrawal from the reserve fund;
- f) The total assets of the reserve fund showing cash balance and a schedule of investments; and
- g) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs.

The Board will utilize the information in the annual report to make necessary decisions to adequately maintain and manage the District's reserve fund balances while mindful of its role and responsibility as a fiduciary of public funds.

Education Law § 3653

Adopted: 8/25/21

SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS**Petty Cash Funds**

A petty cash fund of not more than \$100 will be maintained in the District Office and in each school building in a secure location. Payments from petty cash funds may be made for materials, supplies, or services only when payment is required upon delivery. At the time of reimbursement, an itemized statement of expenditures, together with substantiating receipts, must be submitted. These accounts will be authorized by Board resolution at its annual meeting.

Cash in School Buildings

Not more than \$500, whether District or extraclassroom funds, will be held in the vault in the main office of each District school building. Under no circumstances will cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, will be deposited prior to close of school each week. Only authorized personnel designated by the building administrator will be allowed in the main office vault.

Education Law §§ 1604(26), 1709(29) and 2503(1)
8 NYCRR § 170.4

Adopted: 8/25/21

SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)

As a Local Educational Agency (LEA), the District may receive its full allocation of Title I funds if its combined fiscal effort per student or the aggregate expenditures of state and local funds with respect to the provision of free public education in the District for the preceding fiscal year was not less than 90% of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

In determining the District's compliance with the maintenance of effort requirement, the State Educational Agency (SEA) will consider its expenditures from state and local funds for free public education. These include expenditures for administration, instruction, attendance, health services, student transportation services, plant operation and maintenance, fixed charges, and net expenditures to cover deficits for food services and student body activities.

The SEA will not consider the following expenditures in determining the District's compliance with the maintenance of effort requirements:

- a) Any expenditures for community services, capital outlay, and debt service;
- b) Any expenditures made from funds provided by the federal government for which the District is required to account to the federal government directly or through the SEA.

The School Business Official will review, as part of the budgeting process, this combined fiscal effort to ensure compliance.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Part 200

SUBJECT: ALLOCATION OF TITLE I, PART A FUNDS IN THE DISTRICT**Allocation of Funds**

The District allocates the Title I, Part A funds it receives to District school buildings on the basis of the total number of students from low-income families in each eligible school attendance area or eligible school, as defined in law. Unless the District school building is participating in a school wide program, the District school building will only use Title I, Part A funds for programs that provide services to eligible children, as defined in law, identified as having the greatest need for special assistance.

The District will reserve from its allocation of Title I, Part A funds, such funds as are necessary to provide services comparable to those provided to students in District school buildings that receive Title I, Part A funds in order to serve:

- a) Homeless children and youths, including educationally related support services to children in shelters and other locations where children may live;
- b) Children in local institutions for neglected children; and
- c) If appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Funds Will Supplement Not Supplant

The District will ensure that Title I, Part A funds only supplement, not supplant, the funds that would, in the absence of such federal funds, be made available from state and local sources for the education of students participating in programs assisted by Title I, Part A funds.

Allocation Methodology

The District has developed an allocation methodology that is consistent with Title I guidelines.

20 USC §§ 6312-6315 and 6321

NOTE: Refer also to Policies #5110 -- Budget Planning and Development
#5550 -- Maintenance of Fiscal Effort (Title I Programs)
#8260 -- Title I Parent and Family Engagement

Adopted: 8/25/21

SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES

The Board prohibits the use of any federal funds for partisan political purposes or expenditures of any kind by any person or organization involved in the administration of federally assisted programs.

This policy refers generally, but is not limited to, lobbying activities, publications, or other materials intended for influencing legislation or other partisan political activities.

The Board assigns the Purchasing Agent the responsibility of monitoring expenditures of federal funds so that these funds are not used for partisan political purposes.

OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments (revised May 10, 2004)
Compliance Supplement for Single Audit of State and Local Governments (revised June 27, 2003)
supplementing OMB Circular A133

SUBJECT: FINANCIAL ACCOUNTABILITY

The District has internal controls in place to ensure that:

- a) The goals and objectives of the District are accomplished;
- b) Laws, regulations, policies, and good business practices are complied with;
- c) Audit recommendations are considered and implemented;
- d) Operations are efficient and effective;
- e) Assets are safeguarded; and
- f) Accurate, timely, and reliable data are maintained.

The District's governance and control environment will include the following:

- a) The District's code of ethics addresses conflict of interest transactions with Board members and employees. Transactions that are less-than-arm's length are prohibited. Less-than-arm's length is a relationship between the District and employees or vendors who are related to District officials or Board members.
- b) The Board requires corrective action for issues reported in the Certified Public Accountant's (CPA's) management letter, audit reports, the Single Audit, and consultant reports.
- c) The Board has established the required policies and procedures concerning District operations.
- d) The Board routinely receives and discusses the necessary fiscal reports including the:
 - 1. Treasurer's cash reports,
 - 2. Budget status reports,
 - 3. Revenue status reports, and
 - 4. Monthly extra-classroom activity fund reports.
- e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.
- f) The District requires attendance at training programs for Board members, business officials, treasurers, claims auditors, and others to ensure they understand their duties and responsibilities and the data provided to them.

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

- g) The Board has an audit committee to assist in carrying out its fiscal oversight responsibilities.
- h) The District's information systems are economical, efficient, current, and up-to-date.
- i) All computer files are secured with passwords or other controls, backed up on a regular basis, and stored at an off-site or in a secure fireproof location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all staff to take leave time during which time another staff member performs the duties of the staff on leave. Staff may also schedule transactions and other responsibilities to occur electronically before taking a leave.

Audit Response

Periodically, the District receives audit reports from the External (Independent) Auditor and/or the Office of the New York State Comptroller. The Board will review all audit recommendations in consultation with the Audit Committee and respond appropriately. Independent and Comptroller audit reports and the accompanying management letters will be made available for public inspection. The District will also timely post a copy of the annual external audit report or the Comptroller's final audit report on its website for a period of five years. Notice of the availability of independent and Comptroller audit reports will be published in the District's official newspaper or one having general circulation in the District. If there is no newspaper, notice must be placed in ten public places within the District.

Education Law § 2116-a(3-b)
8 NYCRR § 170.12
General Municipal Law § 33(2)(e) and 35(1), (2)

NOTE: Refer also to Policy #5572 -- Audit Committee

Adopted: 8/25/21

SUBJECT: ALLEGATIONS OF FRAUD**Reporting and Investigations of Allegations of Fraud**

All Board members and officers, District employees, and third party consultants are required to abide by the District's policies, administrative regulations, and procedures in the course of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of District operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the District should disclose this information according to the reporting procedures established by the District. The reporting procedures will follow the chain of command as established within the department or school building or as described in the District's Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported as applicable, to the Internal Auditor (if available), or the External (Independent) Auditor, or the School Attorney, or the Board. The District's prohibition of wrongful conduct, including fraud, will be publicized within the District as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the District has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the District will investigate the conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated confidentially and privately. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the District determines that a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of disciplinary measures by the District does not preclude the filing of civil and/or criminal charges. When school officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.

An appeal procedure will also be provided, as applicable, to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable investigating officer(s).

(Continued)

SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)**Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices**

Any employee of the District who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the District violates any local, state, federal law or rule and regulation relating to the financial practices of the District, and who in good faith reports such information to an official of the District, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, will have immunity from any civil liability that may arise from the making of the report. Further, neither the District, nor any employee or officer of the District will take, request, or cause a retaliatory action against any employee who makes such a report.

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

The Board also prohibits any retaliatory behavior against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries will be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation will be subject to appropriate disciplinary action by the District.

Knowingly Makes False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial improprieties or fraud may also face appropriate disciplinary action.

Civil Service Law § 75-B
Education Law § 3028-d

Adopted: 8/25/21

SUBJECT: AUDIT COMMITTEE

An audit committee has been established by Board resolution. The audit committee may consist of:

- a) The Board as a whole;
- b) A subcommittee of the Board; or
- c) An advisory committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, membership is advisable to provide accounting and auditing expertise.

Persons other than Board members who serve on the advisory committee will be independent, and will not be:

1. Employed by the District;
2. An individual who, within the last two years, provided or currently provides, services or goods to the District;
3. The owner of, or have a direct and material interest in a company providing, goods or services to the District; or
4. A close or immediate family member of an employee, officer, or contractor providing services to the District.

The audit committee will consist of at least three members who should collectively possess knowledge in accounting, auditing, financial reporting, and District finances. They will serve without compensation, but will be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the audit committee. Members of the audit committee will be deemed District officers, but will not be required to be residents of the District.

The role of the audit committee will be advisory unless the audit committee consists of at least a quorum of Board members, and any recommendations it provides to the Board will not substitute for any required review and acceptance by the Board.

The audit committee will develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee's purpose, mission, duties, responsibilities, and membership requirements.

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SUBJECT: AUDIT COMMITTEE (Cont'd.)

The audit committee will hold regularly scheduled meetings and report to the Board on its activities on an as-needed basis, but not less than annually. The report will address or include at a minimum:

- a) The activities of the audit committee;
- b) A summary of the minutes of the meeting;
- c) Significant findings brought to the attention of the audit committee;
- d) Any indications of suspected fraud, waste, or abuse;
- e) Significant internal control findings; and
- f) Activities of the internal audit function.

The responsibilities of the audit committee include the following:

- a) Providing recommendations regarding the appointment of the External (Independent) Auditor for the District;
- b) Meeting with the External (Independent) Auditor prior to commencement of the audit;
- c) Reviewing and discussing with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards, if applicable;
- d) Receiving and reviewing the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assisting the Board in interpreting such documents;
- e) Making a recommendation to the Board on accepting the annual audit report; and
- f) Discussing and analyzing every corrective action plan developed by the District in response to any audit and assisting the Board in its implementation.

Corrective Action Plan

Within 90 days of receipt of the report or management letter, the Superintendent will prepare a corrective action plan approved by the Board in response to any findings contained in:

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

- a) The annual external audit report or management letter;
- b) A final audit report issued by the District's Internal Auditor;
- c) A final report issued by the State Comptroller;
- d) A final audit report issued by the State Education Department (SED); or
- e) A final audit report issued by the United States or an office, agency, or department thereof.

The audit committee will review every corrective action plan developed by the Superintendent and Business Official and assist in the implementation of the plans. The corrective action plan must be filed with the SED, and if appropriate, must include the expected date(s) of implementation. The District will also timely post a copy of this plan on its website. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the audit committee include: assisting in the oversight of the internal audit function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the District's implementation of these recommendations; and participating in the evaluation of the performance of the internal audit function.

The audit committee may conduct an Executive Session pertaining to the following matters:

- a) To meet with the External (Independent) Auditor prior to commencement of the audit;
- b) To review and discuss with the External (Independent) Auditor any risk assessment of the District's fiscal operations developed as part of the Auditor's responsibilities under governmental auditing standards for a financial statement audit and federal single audit standards if applicable; and
- c) To receive and review the draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board in interpreting such documents.

Any Board member who is not a member of the audit committee may be allowed to attend an audit committee meeting, including an executive session, if authorized by a Board resolution. However, if the Board member's attendance results in a meeting of a quorum of the full Board, any action taken by formal vote may constitute official Board action.

(Continued)

SUBJECT: AUDIT COMMITTEE (Cont'd.)

Education Law §§ 2116-a, 2116-c, and 3811-3813
Public Officers Law §§ 105(b), 105(c), and 105(d)
8 NYCRR § 170.12

NOTE: Refer also to Policy #1330 -- Appointments and Designations by the Board

Adopted: 8/25/21

SUBJECT: INTERNAL AUDIT FUNCTION

The District has established an internal audit function which includes:

- a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies, procedures, and practices;
- b) An annual review and update of such risk assessment;
- c) Annual testing and evaluation of one or more of the District's internal controls, taking into account risk, control weaknesses, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of these recommendations.

The District is permitted to utilize existing District personnel to fulfill the internal audit function, but these individuals will not have any responsibility for other business operations of the District while performing internal audit functions. The District will also be permitted to use inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors to fulfill the internal audit function as long as the personnel or entities performing this function comply with any Regulations issued by the Commissioner of Education and meet professional auditing standards for independence between the auditor and the District.

Personnel or entities serving as the Internal Auditor and performing the internal audit function will report directly to the Board. The audit committee will assist in the oversight of the internal audit function on behalf of the Board.

Education Law §§ 1950, 2116-b, and 2116-c
8 NYCRR § 170.12

Adopted: 8/25/21

SUBJECT: INSURANCE

The objective of the Board is to obtain the best possible insurance at the lowest possible cost, and to seek advice from an Insurance Appraisal Service to determine that adequate coverage is being provided regarding fire, boiler, general liability, bus, and student accident insurance.

The Board will carry insurance to protect the District's real and personal property against loss or damage. This property includes school buildings, the contents of such buildings, school grounds, and vehicles.

The Board may also purchase liability insurance to pay damages assessed against Board members and District employees acting in the discharge of their respective duties, within the scope of their employment and/or under the direction of the Board.

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for safekeeping and referral purposes. The Superintendent will review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

Education Law §§ 1709(8), 1709(26), 1709(34-b), 2503(10), 2503(10-a), 2503(10-b), 3023, 3028
and 3811

General Municipal Law §§ 6-n and 52

Public Officers Law § 18

Adopted: 8/25/21

SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING

The Superintendent or designee will maintain a continuous and accurate inventory of fixed assets owned by the District in accordance with applicable rules, standards, procedures, and best practices. Fixed assets are, generally, long-term, tangible resources intended to be continuously held or used, and may include land, buildings, improvements, machinery, and equipment.

All fixed assets purchased and received by the District will be checked, logged, and stored through an established procedure.

The School Business Official will account for assets on an annual basis according to applicable rules, standards, procedures, and best practices. These accounts will serve to:

- a) Maintain an inventory of assets;
- b) Establish accountability;
- c) Determine replacement costs; and
- d) Determine and provide appropriate insurance coverage.

The Board will establish a dollar threshold as a basis for considering which fixed assets are to be depreciated. This threshold will ensure that at least 80% of the value of these assets is reported. The threshold will not be greater than \$5,000. Standard methods and averaging conventions will be used in assessing, capitalizing, and depreciating fixed assets.

Fixed assets will be recorded at initial cost or, if not available, at estimated initial cost; gifts of fixed assets will be recorded at estimated fair value at the time of the gift. A property record will be maintained for each fixed asset and will contain, where possible, the following information:

- a) Date of acquisition;
- b) Description;
- c) Serial or other identification number;
- d) Any funding source and percentage contributed by the source;
- e) Vendor;
- f) Cost or value;
- g) Location and use;

(Continued)

SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)

- h) Asset type;
- i) Condition and estimated useful life;
- j) Replacement cost;
- k) Current value;
- l) Salvage value;
- m) Sale price and date and method of disposition; and
- n) Responsible official.

All fixed assets will be labeled. Any discrepancies between an inventory and the District's property records should be traced, explained, and documented.

Management of Assets Acquired Under a Federal Government Grant or Subgrant

Inventories will be maintained for assets acquired with funds obtained through federal grant programs. A separate inventory will be maintained for each program. Each inventory will record assets in the same manner as the District's fixed asset inventory. Assets will be labeled to specify the source of funds used to purchase the item. All Title I assets will include "Title I" on the label. These inventories will track assets for at least five years from the date of receipt.

When original or replacement assets acquired under a federal grant or subgrant are no longer needed for the original project or for other activities currently or previously supported by a federal agency, the District will dispose of the assets as follows:

- a) Assets with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- b) Assets with a current per-unit fair market value of greater than \$5,000 may be retained or sold and the awarding agency will have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the assets.
- c) No federal approval is necessary to dispose of an asset costing over \$5,000 but approval from the New York State Education Department (SED) is necessary. Once SED has determined that it has no other need for the use of the asset, the District may proceed with selling it.

(Continued)

SUBJECT: FIXED ASSET INVENTORIES, ACCOUNTING, AND TRACKING (Cont'd.)

The District will comply with the U.S. Department of Education regulations governing the use, management, and disposition of all equipment acquired through a federal government grant.

Equipment Purchased with Extraclassroom Funds

Title to all equipment acquired with extraclassroom activity funds will reside with the District and be carried as an insurable asset on its list of insurable values. This equipment will be tagged as District property but is available for exclusive use by the extraclassroom activity club acquiring it.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015

34 CFR Parts 74-99, 200

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, 2019

Uniform System of Accounts for School Districts (Fiscal Section)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE**Operation and Maintenance**

The Board, through the Superintendent and his or her staff, has the responsibility of protecting the District's facilities through a systematic maintenance program. The program will include periodic preventive maintenance activities, long-range maintenance schedules, and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in the least intrusive manner.

Construction and Remodeling of School Facilities

The District will ensure all capital projects and maintenance comply with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards, and the Commissioner's regulations. Relevant documentation regarding all new buildings must be formally submitted to the State Education Department (SED) no matter the size or cost. The SED Office of Facilities Planning has provided an Instruction Guide on its official website.

Plans and specifications for the erection, enlargement, repair, or remodeling of facilities of the District will be submitted to the Commissioner consistent with applicable law.

Plans and specifications submitted to the Commissioner will bear the signature and seal of an architect or engineer licensed to practice in the State of New York. The architect or engineer who sealed the plans and specifications must also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

For remodeling or construction projects, the District will ensure compliance with the requirements of the State Uniform Fire Prevention and Building Code and Commissioner's regulations. The District will also retain the services of an architect or engineer licensed to practice in New York State as required by law or regulation, or as necessary given the scope and cost of the project.

Carbon Monoxide Detection Requirements

All new and existing District buildings that have appliances, devices, or systems that may emit carbon monoxide, and all attached garages, must have a means to detect carbon monoxide. Buildings include school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses. Carbon monoxide may be produced by fuel-fired heating systems (boilers, HVAC units, and makeup air units), emergency or standby electric generation within a building, fuel-fired kitchen equipment (ranges, ovens, steamers, dishwashers, and makeup air units serving hoods), fuel-fired domestic hot water heaters, laboratory/shop equipment (gas outlets, torches, gas-fired kilns, and stationary or portable engines), maintenance and storage areas with fuel-fired equipment, and in garages.

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

The District may use a self-contained carbon monoxide alarm, a carbon monoxide detection system, or both. The District will comply with all laws and regulations regarding alarms or detectors, including where they must be located, their power sources, and labeling requirements. The District should develop written standard operating procedures to follow when a carbon monoxide detector is activated.

Inspections

The District is mindful of the health and safety of its students, staff, and visitors and, as such, the District administration will cooperate with appropriate officials conducting health, fire, asbestos, bus, and boiler inspections. In addition, the administration will keep the Board informed of the results of these inspections in a timely fashion.

In accordance with the Asbestos Hazard Emergency Response Act (AHERA), the District will inform all employees and building occupants (or their legal guardians) at least once each school year about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. The District will provide yearly notification to parent, teacher, and employee organizations on the availability of the District's asbestos management plan and any asbestos-related actions taken or planned in the school.

The District will test potable water for lead contamination from all outlets as required by law. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet for drinking and cooking purposes, and it will remediate the outlet before allowing these uses. The District will make all required notifications and issue all mandated reports to the public, local health department, or the SED. For ten years following creation, the District will retain all records of test results, lead remediation plans, lead-free building determinations, and waiver requests. The District may seek a waiver from testing requirements from the local health department by demonstrating prior substantial compliance with testing requirements.

Comprehensive Public School Building Safety Program (RESCUE)

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board requires that all occupied school facilities which are owned, operated or leased by the District comply with the provisions of the Comprehensive Public School Building Safety Program, the Uniform Code of Public School Building Inspections, and the Safety Rating and Monitoring as prescribed in Commissioner's regulations. For this reason, the District will develop a Comprehensive Public School Building Safety Program in accordance with Commissioner's regulations.

The program will be reevaluated and made current at least annually, and will include, at a minimum, the following:

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

- a) A five year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and state-rated student capacity of existing facilities; the allocation of instructional space to meet the current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.
- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
 1. Type of building, age of building, size of building;
 2. Rated capacity, current enrollment;
 3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
 4. Summary of triennial Asbestos Inspection reports.
- c) A building condition survey will be conducted for all occupied school buildings once every five years by a team that includes at least one licensed architect or engineer.
- d) A District-wide monitoring system which includes:
 1. Establishing a Health and Safety Committee;
 2. Development of detailed plans and a review process of all inspections;
 3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.
- e) Procedures to ensure the safety of the building occupants while a construction or renovation project is taking place. These procedures will include:
 1. Notification to parents, staff, and the community at least two months in advance of a construction project of \$10,000 or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, notice will be provided as far in advance of the start of construction as is practicable;

(Continued)

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE (Cont'd.)

2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;
3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Asbestos Inspection: 40 CFR Part 763, Subpart E

15 USC §§ 2641-2656

Carbon Monoxide Detection: 19 NYCRR § 1228.4

Fire Inspection: Education Law 807-a

8 NYCRR § 155.4

Health and Safety Committee: 8 NYCRR § 155.4(d)(1)

Lead Testing: 10 NYCRR § 67-4.1, *et seq.*

Legionella Protection: 10 NYCRR § 4-1.1, *et seq.*

Plans and Specifications: Education Law §§ 408, 408-a and 409

8 NYCRR §§ 155.1 and 155.2

19 NYCRR §§ 1221-1240

Structural Safety Inspections: Education Law §§ 409-d, 409-e, 3602 and 3641(4)

8 NYCRR §§ 155.1, 155.3, and 155.4(b)(1)

**SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY
EMPLOYEES**

The Board directs the Superintendent to establish rules to ensure District implementation of applicable federal and state laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Hazard Communication Standard

All personnel will be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard. Both the "Right to Know" poster and the "Labor Law Information Relating to Public Employees" poster must be posted in common areas informing workers of relevant work hazards and associated rights.

The Superintendent or designee will maintain a current record of the contact information of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

Environmental Protection Agency, 40 CFR Parts 261 and 262
Occupational Safety and Health Administration (OSHA), 29 CFR § 1910.1200
Labor Law §§ 875-883
Public Health Law §§ 4800-4808
6 NYCRR Part 371
9 NYCRR Part 1174

Adopted: 8/25/21

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE

The Board is committed to maintaining the integrity of school buildings and grounds while protecting the health and safety of students and staff and maintaining a productive learning environment.

Structural and landscape pests can pose significant problems for people and property. Weeds and infestations can destroy playing fields and playgrounds and more importantly, cause severe allergic reactions. Pesticides can pose risks to people, property, and the environment. It is therefore the policy of the District to incorporate Integrated Pest Management (IPM) procedures for control of weeds, structural, and landscape pests. The objective of this program is to provide necessary pest control while using the least toxic approach to all pests, weeds, and infestations.

Pest/Pesticide Management Plan

The District will manage weeds and pests to:

- a) Reduce any potential human health hazard or threat to public safety;
- b) Prevent loss or damage to school structures or property;
- c) Prevent pests from spreading into the community, or to plant and animal populations beyond the site; and
- d) Enhance the quality of life for students, staff, and others.

Integrated Pest Management (IPM) Coordinator

An IPM Coordinator will be appointed by the Superintendent. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include, but are not limited to, the following:

- a) Recording all pest sightings by school staff and students;
- b) Recording all pesticide use and utilizing the least toxic approach;
- c) Meeting with a local pest control expert, such as a pesticide contractor to share information on what pest problems are present in the school;
- d) Ensuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible;
- e) Ensuring that pesticide use is done when school is not in session or when the area can be completely secured against access by school staff and students for a standard 72 hours, or as required by the pesticide being used;

(Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

- f) Evaluating the school's progress in the IPM plan; and
- g) Notifying parents, staff and neighbors of any applications of pesticides 48 hours before they occur. The IPM Coordinator will serve as the District's Pesticide Representative.

Pesticide Use on Common Areas

Pesticides will not be used on playgrounds, turf, athletic or playing fields, in effect, all lawn areas of the school. In these common areas where children gather and play, pesticide alternatives will be used whenever possible and effective. The prohibition does not apply to indoor use or the application to building structures.

An exception may be made for emergency applications of pesticide only when approved in advance by the Board. The Board may consult with the local Health Department on public health related emergency determinations. They may also consult with the Department of Environmental Conservation (DEC) for environmental emergency determinations. Emergency determinations should only be sought for one-time pesticide application in a specific situation, which presents a true emergency. The guidance document from DEC provides clarification on emergency determinations and can be found on the official website of the DEC.

Some types of pesticides and alternatives, those deemed safe in federal regulation, may be allowable on playing fields and playgrounds in certain circumstances. The District will develop regulations governing the use of pesticides and their alternatives on school grounds.

Fertilizer Use

Phosphorous fertilizers will only be used on school grounds in compliance with the following requirements:

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within 20 feet of any surface water except:
 - 1. Where a continuous natural vegetation buffer, at least ten feet wide, separates lawn and water.
 - 2. Where a spreader guard, deflector shield or drop spreader is used, then the application may not occur within three feet of any surface water.

(Continued)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)

- c) The use of phosphorus fertilizers is prohibited on lawns or other non-agricultural turf with the following exceptions:
 - 1. The use of phosphorus fertilizers is needed to establish a new lawn; or
 - 2. A soil test shows that phosphorus fertilizers are needed for growth.
- d) Fertilizer cannot be used on any impervious surfaces and if such an application occurs, it must be cleaned immediately and legally applied or placed in an appropriate container.

Notification

The District's IPM Coordinator or designated Pesticide Representative will give prior written notice of all pesticide applications to anyone who has asked to receive this notice. The District will also notify parents, students, and staff of periodic pesticide applications. The District will maintain a list of those people who wish to receive 48 hour notice before pesticide applications and will ensure that a system is developed to deliver such notice in a timely fashion to all affected. The notification system may be by mail or email, and will ensure that a back-up method is available to notify those for whom the regular system is unworkable. The name and contact information for the District Pesticide Representative will be made available to all requesting it.

The District must also provide additional written notification to all parents and staff three times per year to inform them of any pesticide applications that have occurred: within ten days of the end of the school year, within two school days of the end of winter recess and within two days of the end of spring recess.

Recordkeeping

Records of pesticide use will be maintained on site for three years and will be completed on the day of pesticide use. In addition, pest surveillance records will be maintained to help verify the need for pesticide treatments. Annual reports of any applications must be sent to DEC.

Education Law §§ 409-k, 409-h
Environmental Conservation Law §§ 17-2103, 33-0303
40 CFR Part 152.25
7 USC § 136(mm), 136q(h)(2) (FIFRA)
8 NYCRR Part 155.4(d)(2)

Adopted: 8/25/21

SUBJECT: GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

The District is committed to creating and maintaining an inclusive educational and work-environment. The District will ensure that all single-occupancy bathroom facilities are designated for use by no more than one occupant at a time or for family or assisted use.

“Single-occupancy bathroom” means 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.

All single-occupancy bathroom facilities will be clearly designated by the posting of signage either on or near the entry door of each facility.

Education Law § 409-m
Public Buildings Law § 145

NOTE: Refer also to Policy #7552– Student Gender Identity

SUBJECT: SMOKING/TOBACCO USE

The use of tobacco products in any form is prohibited on school grounds. Smoking and vaping are prohibited on school grounds and within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools. In addition, the use of tobacco products, smoking, and vaping are prohibited at any school-sponsored event or activity that occurs off school grounds, including those taking place in another state.

For purposes of this policy, the following definitions apply:

- a) Tobacco products means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.
- b) Smoking means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, marijuana or illegal drugs.
- c) Vaping means the use of an electronic cigarette products of any kind.
- d) Electronic cigarette (or e-cigarette) means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.
- e) School grounds means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.

This policy does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

Public Notification of Policy

The District will prominently post signs prohibiting smoking and vaping on school grounds in accordance with applicable law. The District will also designate a school official to tell individuals found smoking or vaping in a non-smoking area that they are in violation of law and District policy.

The District will communicate this policy to staff, students, parents/guardians, volunteers, visitors, contractors, and outside groups through means such as the District's *Code of Conduct*, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

(Continued)

SUBJECT: SMOKING/TOBACCO USE (Cont'd.)**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

- a) On school grounds;
- b) In any vehicles used to transport students or school personnel;
- c) At school-sponsored events or activities, including those that take place off school grounds, including in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

20 USC §§ 6081-6084, 7971-7974
Education Law § 409
Public Health Law §§ 1399-n, 1399-o, 1399-p and 1399-aa
8 NYCRR §§ 155.5, 156.3

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
District Code of Conduct

Adopted: 8/25/21

SUBJECT: ENERGY CONSERVATION AND RECYCLING IN THE SCHOOLS

The Board recognizes the importance of energy conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board maintains an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education to both staff and students on the conservation of energy.

The District is committed to an energy conservation program that addresses not only capital-related energy projects but ongoing, day-to-day energy related issues as well. All staff are urged to participate actively in a program of energy conservation by assisting in the efforts to eliminate the wasteful use of energy in the operation of the District's buildings. Cooperation will be required of each employee and each student to achieve a meaningful energy conservation program that results in a more efficient use of energy resources. Involvement of staff and students is essential to a successful program of energy conservation.

The Board is further committed to protecting and improving the environment by recycling commonly used materials, waste prevention strategies, and purchasing recycled products when feasible.

Environmental Conservation Law §§ 27-2101- 27-2117
General Municipal Law § 120-aa
19 NYCRR §§ 1221-1228 and 1240
Energy Conservation Code of New York State 2007

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING

It is the District's goal to provide students with access to nutritious no- or low-cost meals each school day and to ensure that a student whose parent/guardian has unpaid meal charges is not shamed or treated differently than a student whose parent/guardian does not have unpaid meal charges.

Unpaid meal charges place a large financial burden on the District. The purpose of this policy is to ensure compliance with federal requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances to ensure that the student is not stigmatized, distressed, or embarrassed.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the District in a way that does not stigmatize, distress, or embarrass students. The provisions of this policy pertain to regular priced reimbursable school breakfast, lunch and snack meals only. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

Policy

The District participates in the National School Lunch/Breakfast Program and offers students free/reduced/regular priced meals based on eligibility set forth in that program.

Ongoing Staff Training

- a) Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the State Education Department (SED) Webinar or the District's training program.
- b) Staff training will include ongoing eligibility certification for free or reduced-price meals.

Parent Notification

Parents/guardians will be notified that a student's meal card or account balance is exhausted and has accrued unpaid meal charges within seven days of the charge and then every seven days thereafter.

Parent Outreach

- a) Staff will communicate with parents/guardians of students with negative account balances to determine eligibility for free or reduced-price meals.
- b) Staff will make two documented attempts to reach out to parents/guardians to complete a meal application in addition to the application and instructions provided in the school enrollment packet.
- c) Staff will contact the parent/guardian to offer assistance with completion of meal application to determine if there are other issues within the household causing the student to have insufficient funds, offering any other assistance that is appropriate.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING
(Cont'd.)****Minimizing Student Distress**

- a) Staff will not publicly identify or stigmatize any student in line for a meal or discuss any outstanding meal debt in the presence of any other students.
- b) Students with unpaid meal charges will not be required to wear a wristband or handstamp, or to do chores or other work to pay for meals.
- c) Staff will not throw away a meal after it has been served because of the student's inability to pay for the meal or because of previous unpaid meal charges.
- d) Staff will not take any action directed at a student to collect unpaid meal charges.
- e) Staff will deal directly with parents/guardians regarding unpaid meal charges.

Ongoing Eligibility Certification

- a) Staff will conduct direct certification through the New York Student Identification System (NYSSIS) or using SED Roster Upload to maximize free eligibility. NYSED provides updated direct certification data monthly.
- b) Staff will provide parents/guardians with free and reduced-price application and instructions at the beginning of each school year in the school enrollment packet.
- c) If the District uses an electronic meal application, it will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.
- d) The District will provide at least two additional free and reduced-price applications throughout the school year to families identified as owing meal charges.
- e) The District will use its administrative prerogative to complete an application on a student's behalf judiciously, and only after using exhaustive efforts to obtain a completed application from the student's parent/guardian. The District will complete the application using only available information on family size and income that falls within approvable guidelines.
- f) The District will coordinate with the foster, homeless, migrant, and runaway coordinators to certify eligible students. School liaisons required for homeless, foster, and migrant students will coordinate with the nutrition department to make sure these students receive free school meals, in accordance with federal law.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING
(Cont'd.)****Prepaid Accounts**

Students/Parents/Guardians may pay for meals in advance via the District's online meal account system Web Page or with a check payable to SJCS D Food Service Department. Further details are available on our Web Page at www.spartanpride.org. Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

To obtain a refund for a withdrawn or graduating student, a written or emailed request for a refund of any money remaining in the student's account must be submitted. Students who are graduating at the end of the year will be given the option to transfer any remaining money to a sibling's account through a written request.

Unclaimed funds must be requested within one school year. Unclaimed funds will then become the property of the District Food Service Program.

42 USC § 1758
7 CFR §§ 210.12 and 245.5
Education Law § 908
8 NYCRR § 114.5

Adopted: 8/25/21

SUBJECT: WELLNESS

The District is committed to providing a school environment that promotes and protects students' health, well-being, and ability to learn, by fostering healthy eating and physical activity before, during, and after the school day. This wellness policy outlines the District's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. This wellness policy applies to all students, staff, and schools in the District.

Definitions

For the purpose of this wellness policy:

- a) School campus means all areas of property under the jurisdiction of the District that are accessible to students during the school day.
- b) School day means the period from the midnight before, to 30 minutes after the end of the official school day.

GovernanceDistrict Wellness Committee

The District has established a wellness committee that meets at least twice per year as part of the District Wide Safety Team to oversee and establish goals for school health and safety policies and programs, including the development, implementation, and periodic review and update of this District-level wellness policy. The District Wellness Committee will evaluate and make recommendations that reflect the specific needs of the District and its students.

The District will actively seek members for the District Wellness Committee through the use of email, newsletters, the District's website, the District's social media page(s), and/or advertisements.

The District Wellness Committee membership will represent all school levels, and include (to the extent possible), but not be limited to, representatives from the following groups:

- a) Parents and caregivers;
- b) Students;
- c) Physical Education teachers;
- d) School health professionals;
- e) District food service program representatives;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- f) School Board;
- g) School administrators;
- h) General Education teachers;
- i) Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators; and
- j) Members of the public.

District Wellness Leadership

The following District official(s) is/are responsible for the implementation and oversight of this District-level wellness policy: District Superintendent and/or the Assistant Superintendent.

The contact information for this/these individual(s) is: 315-583-6104

This/these individual(s) will be referred to as District Wellness Coordinator(s) throughout this wellness policy.

The District Wellness Coordinator(s) will convene the District Wellness Committee, facilitate the development of and updates to this wellness policy, and serve as liaison(s) with community agencies. The District Wellness Coordinator(s) will also work to ensure each school's compliance with this wellness policy.

Wellness Policy Implementation, Monitoring, Accountability, and Community Engagement

The District will develop and maintain an implementation plan to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions, and timelines specific to each school. It also includes specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education, and other school-based activities that promote student wellness. In developing these goals, the District will review and consider evidence-based strategies and techniques.

Annual Notification of Policy

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this wellness policy, including, but not limited to: its implementation status, its content, and any updates to the policy. The District will endeavor to share as much information as possible about its schools' nutrition environment, including a summary of school

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SUBJECT: WELLNESS (Cont'd.)

events or activities relative to this wellness policy implementation. Each year, the District will also publicize the name and contact information of the District official(s) leading and coordinating the District Wellness Committee, as well as information on how the community may get involved with the District Wellness Committee.

Triennial Assessments

At least once every three years, the District will assess its compliance with this wellness policy. The triennial assessment will measure the implementation of this wellness policy, and include an assessment of:

- a) The extent to which schools in the District are in compliance with this wellness policy;
- b) The extent to which this wellness policy compares to model local school wellness policies; and
- c) A description of the progress made in attaining the goals of this wellness policy.

The following District official(s) is/are responsible for managing the District's triennial assessment: Assistant Superintendent

The contact information for this/these individual(s) is: 315-583-6104

The District will actively notify the public of the availability of the triennial assessment results.

Revisions and Updating the Policy

This wellness policy will be assessed and updated, at a minimum, every three years based on the results of the triennial assessment. This wellness policy may also be updated as: District priorities change; community needs change; wellness goals are met; new health science, information and technology emerge; and/or new federal or state guidance or standards are issued.

Evaluation and feedback from interested parties are welcomed as an essential part of revising and updating this wellness policy.

Community Involvement, Outreach, and Communications

The District is committed to being responsive to community input, which begins with an awareness of this wellness policy. On an annual basis, the District will make this wellness policy available to families and the public. The District will also annually inform families and the public, in culturally and linguistically appropriate ways, of its content and implementation status, as well as any updates to this

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SUBJECT: WELLNESS (Cont'd.)

wellness policy. The District will make this information available via the District website and/or District-wide communications. The District will use these same means to inform families and the public on how to become involved with and support this wellness policy, as well as about the results of the triennial assessment.

Recordkeeping

The District will retain records to document compliance with the requirements of this wellness policy in the District Office and/or on the District's central computer network. Documentation maintained at this location includes, but is not limited to:

- a) The written wellness policy;
- b) Documentation demonstrating that this wellness policy has been made available to the public;
- c) Documentation of efforts to review and update this wellness policy, including an indication of who is involved in the update and methods the District uses to make stakeholders aware of their ability to participate on the District Wellness Committee;
- d) Documentation demonstrating compliance with the annual public notification requirements;
- e) The most recent triennial assessment on the implementation of this wellness policy; and
- f) Documentation demonstrating that the most recent triennial assessment results have been made available to the public.

Nutrition

The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition.

School Meals

The District is committed to promoting student health and reducing childhood obesity by:

- a) Serving meals that meet or exceed nutrition requirements established by local, state, and federal laws and regulations;
- b) Ensuring all students have a scheduled lunch period;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- c) Providing all students with adequate time to consume meals;
- d) Promoting healthy food and beverage choices;
- e) Preparing meals that are appealing and attractive to students;
- f) Serving meals in clean and pleasant settings;
- g) Having lunch follow the recess period to better support learning and healthy eating; and
- h) Encouraging student participation in federal Child Nutrition Programs.

Child Nutrition Programs aim to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

All schools within the District participate in the following federal Child Nutrition Programs:

National School Lunch Program
School Breakfast Program
Summer Food Service Program

District food service staff will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

Staff Qualifications and Professional Development

All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education and training requirements as specified in the USDA Professional Standards for School Nutrition Professionals. In order to locate the training that best fits their learning needs, school nutrition personnel will refer to the USDA's Professional Standards for School Nutrition Standards website.

Water

To promote hydration, free, safe, unflavored drinking water will be available to all students and staff throughout the school day and throughout every school campus. The District will make drinking water available where school meals are served during meal times.

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SUBJECT: WELLNESS (Cont'd.)Competitive Foods and Beverages

All competitive foods will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. The Smart Snacks in School nutrition standards aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits.

Competitive foods include all food and beverages available for sale to students on the school campus during the school day other than meals reimbursed through programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966. This includes, but is not limited to, a la carte options in cafeterias, vending machines, school stores, and snack or food carts.

Foods and Beverages Provided, But Not Sold, to Students During the School Day

The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages provided, but not sold, to students on the school campus during the school day (e.g., classroom parties, classroom snacks brought by parents, or other foods given as incentives) will meet applicable nutrition standards.

Fundraising

All foods and beverages available for sale to students through fundraisers on the school campus during the school day will meet, at a minimum, the USDA Smart Snacks in School nutrition standards.

School-sponsored fundraisers conducted outside of the school day will be encouraged to support the goals of this wellness policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.

Foods and Beverages Available for Sale at Events Outside of the School Day

The District is committed to ensuring that all foods and beverages available to students support healthy eating. The foods and beverages that are available for sale at school-sponsored events outside of the school day will be encouraged to support the goals of this wellness policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.

Food and Beverages Marketing in Schools

All foods and beverages marketed or promoted to students on the school campus during the school day will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. Food marketing commonly includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product.

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SUBJECT: WELLNESS (Cont'd.)

The District is aware that certain scoreboards, signs, and other durable equipment it employs may market foods and beverages in a way that is inconsistent with the aims of this wellness policy. While the immediate replacement of this equipment is not required, as the District replaces or updates this equipment over time, it will ensure its replacement and purchasing decisions reflect the marketing guidelines established by this wellness policy.

Nutrition Promotion and Education

Nutrition promotion and education positively influences lifelong eating behaviors. The District will model and encourage healthy eating by:

- a) Promoting healthy food and beverage choices for all students by using Smarter Lunchroom techniques which guide students toward healthful choices, as well as by ensuring that 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School nutrition standards;
- b) Promoting nutrition education activities that involve parents, students, and the community;
- c) Promoting school and community awareness of this wellness policy through various means, such as publication on the District website;
- d) Encouraging and promoting wellness through social media, newsletters, and an annual family wellness event;
- e) Encouraging participation in federal Child Nutrition Programs;
- f) Ensuring that the marketing and advertising of foods and beverages on school campuses during the school day is consistent with nutrition education and health promotion;
- g) Integrating nutrition education within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition education follows applicable New York State standards and is designed to help students acquire:
 1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation; and
 2. Nutrition-related skills, including, but not limited to: planning healthy meals; understanding and using food labels; critically evaluating nutrition information, misinformation, and commercial food advertising; assessing personal eating habits; and setting and achieving goals related to these concepts;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- h) Providing families and teachers with a list of healthy party ideas, including non-food celebration ideas;
- i) Providing families with a list of classroom snacks and beverages that meet USDA Smart Snacks in School nutrition standards;
- j) Discouraging staff from using food as a reward or withholding food as punishment under any circumstance – teachers and other appropriate school staff will be provided with a list of alternative ways to reward students; and
- k) Encouraging District staff to model healthy eating, drinking, and physical activity behaviors for students.

Physical Activity and EducationPhysical Activity

Since physical activity affects students' emotional and physical well-being, as well as their cognitive development, the District is committed to ensuring that all students, including students with disabilities requiring adaptations or modifications, are provided the opportunity to participate in physical activity before, during, and after school. Physical activity opportunities will be in addition to, not in lieu of, physical education.

Recess, physical education, or other physical activity time will not be cancelled for instructional make-up time, nor will it be withheld for disciplinary action unless the student is a danger to himself, herself or others. This does not include participation on sport teams that may have specific academic requirements. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students.

The District is committed to encouraging physical activity through the following:

- a) Classroom Physical Activity Breaks (Elementary and Secondary)

All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity.

- b) Recess (Elementary)

All elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

c) Active Academics

Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible to limit sedentary behavior during the school day.

d) Before and After School Activities

The District will offer opportunities for all students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports.

e) Active Transport

The District supports active transport to and from school, i.e., walking or biking. The District will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety. The District strongly encourages the use of appropriate protective wear, such as helmets.

Physical Education

The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in the Commissioner's regulations. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.

The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure that:

- a) All physical education classes are taught or supervised by a certified physical education teacher;
- b) All physical education staff receive professional development relevant to physical education on an annual basis;
- c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
- d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
- f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;
- g) A physical and social environment is provided that encourages safe and enjoyable activity for all students; and
- h) Activities or equipment are adapted or modified to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education.

Other School-Based Activities that Promote Student Wellness

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will, therefore, pursue the following:

Community Partnerships

The District will develop, enhance, and continue relationships with community partners in support of the implementation of this wellness policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this wellness policy and its goals. The District will provide all community partners with a copy of this wellness policy so that they are aware of the District's requirements and goals.

Community Access to District Facilities for Physical Activities

School grounds and facilities will be made available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy. Subject to provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

(Continued)

SUBJECT: WELLNESS (Cont'd.)Professional Learning

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing District reform or academic improvement plans/efforts.

42 USC §§ 1758, 1758b

7 CFR §§ 210.10, 210.11, 210.18, 210.31, and 220.8

USDA, SP 24-2017, Local School Wellness Policy: Guidance and Q&As (Apr. 6, 2017)

81 Fed. Reg. 50,151 (July 29, 2016) (codified at 7 CFR parts 210 & 220)

Education Law § 915

8 NYCRR § 135.4

Memorandum from N.Y. St. Educ. Department on Smart Snacks Standards and Fundraisers (Sept. 16, 2014)

NOTE: Refer also to Policy #5660 -- Meal Charging and Prohibition Against Meal Shaming

Adopted: 8/25/21

SUBJECT: RECORDS MANAGEMENT

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District's orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee, among others.

Retention and Disposition of Records

The District will retain records and dispose of them in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) or as otherwise approved by the Commissioner of Education. Further, if any law specifically provides a retention period longer than that established by this schedule, the retention period established by the law will govern.

Replacing Original Records with Microforms or Electronic Images

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

Retention and Preservation of Electronic Records

The District will ensure that records retention requirements are incorporated into any program, plan, or process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

Arts and Cultural Affairs Law Article 57-a
8 NYCRR Part 185

Adopted: 8/25/21

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

In accordance with the Federal Trade Commission's (FTC) "Disposal Rule," and in an effort to protect the privacy of consumer information, reduce the risk of fraud and identity theft, and guard against unauthorized access to or use of the information, the District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. The District may determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

The term "consumer report" includes information obtained from a consumer reporting company that is used—or expected to be used—in establishing a consumer's eligibility for employment or insurance, among other purposes. The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee.

The FTC Disposal Rule defines "consumer information" as "any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of these records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data."

Information Covered by the Disposal Rule

There are a variety of personal identifiers beyond simply a person's name that would bring information within the scope of the Disposal Rule, including, but not limited to, a social security number, driver's license number, phone number, physical address, and email address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

Proper Disposal

The District will utilize disposal practices that are reasonable and appropriate to prevent the unauthorized access to—or use of—information contained in or derived from consumer reports and records. Reasonable measures to protect against unauthorized access to or use of consumer information in connection with District disposal include the following examples.

- a) Burning, pulverizing, or shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed;
- b) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed;

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS
(Cont'd.)**

- c) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with the Disposal Rule. In this context, due diligence could include:
1. Reviewing an independent audit of the disposal company's operations and/or its compliance with the Disposal Rule;
 2. Obtaining information about the disposal company from several references or other reliable sources;
 3. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 4. Reviewing and evaluating the disposal company's information security policies or procedures;
 5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
 6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of this information in accordance with examples a) and b) above.

Implementation of Practices and Procedures

The Board delegates to the Superintendent or designee the authority and responsibility to review current practices regarding the disposal of consumer information; and to implement such further reasonable and appropriate procedures, including staff training as necessary, to ensure compliance with the FTC's Disposal Rule.

The Fair Credit Reporting Act, 15 USC § 1681 et seq.
The Fair and Accurate Credit Transactions Act of 2003, Public Law §§ 108-159
Federal Trade Commission Disposal of Consumer Report Information and Records, 16 CFR Part 682
General Business Law Article 39-G
19 NYCRR § 199

Adopted: 8/25/21

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The District values the protection of private information of individuals in accordance with applicable law and regulations. The District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and Board policy.

- a) "Personal information" means any information concerning a person which, because of name, number, symbol, mark, or other identifier, can be used to identify that person.
- b) "Private information" means either:
 - 1. Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
 - (a) Social security number;
 - (b) Driver's license number or non-driver identification card number;
 - (c) Account number, credit or debit card number, in combination with any required security code, access code, password, or other information which would permit access to an individual's financial account;
 - (d) Account number, or credit or debit card number, if circumstances exist where the number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or
 - (e) Biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity;
 - 2. A username or email address in combination with a password or security question and answer that would permit access to an online account.

Private information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- c) "Breach of the security of the system" means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

Determining if a Breach Has Occurred

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or person without valid authorization, the District may consider the following factors, among others:

- a) Indications that the information is in the physical possession or control of an unauthorized person, such as a lost or stolen computer or other device containing information;
- b) Indications that the information has been downloaded or copied;
- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
- d) System failures.

Notification Requirements

- a) For any computerized data owned or licensed by the District that includes private information, the District will disclose any breach of the security of the system following discovery or notification of the breach to any New York State resident whose private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization. The disclosure to affected individuals will be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the integrity of the data system. The District will consult with the New York State Office of Information Technology Services to determine the scope of the breach and restoration measures. Within 90 days of the notice of the breach, the New York State Office of Information Technology Services will deliver a report to the District on the scope of the breach and recommendations to restore and improve the security of the system.

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- b) Notice to affected persons under State Technology Law is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the District reasonably determines the exposure will not likely result in the misuse of the information, or financial or emotional harm to the affected persons. This determination must be documented in writing and maintained for at least five years. If the incident affected over 500 New York State residents, the District will provide the written determination to the New York State Attorney General within ten days after the determination.
- c) If notice of the breach of the security of the system is made to affected persons pursuant to the breach notification requirements under certain laws and regulations, the District is not required to provide additional notice to those affected persons under State Technology Law. However, the District will still provide notice to the New York State Attorney General, the New York State Department of State, the New York State Office of Information Technology Services, and to consumer reporting agencies.
- d) For any computerized data maintained by the District that includes private information which the District does not own, the District will notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, accessed or acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. The required notification will be made after the law enforcement agency determines that the notification does not compromise the investigation.

If the District is required to provide notification of a breach, including breach of information that is not private information, to the United States Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 or the Health Information Technology for Economic and Clinical Health Act, it will provide notification to the New York State Attorney General within five business days of notifying the United States Secretary of Health and Human Services.

Methods of Notification

The required notice will be directly provided to the affected persons by one of the following methods:

- a) Written notice;
- b) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving the notice in electronic form and a log of each notification is kept by the District when notifying affected persons in electronic form. However, in no case will the District require a person to consent to accepting the notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- c) Telephone notification, provided that a log of each notification is kept by the District when notifying affected persons by phone; or
- d) Substitute notice, if the District demonstrates to the New York State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds 500,000, or that the District does not have sufficient contact information. Substitute notice will consist of all of the following:
 - 1. Email notice when the District has an email address for the subject persons;
 - 2. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
 - 3. Notification to major statewide media.

Regardless of the method by which notice is provided, the notice will include:

- a) Contact information for the notifying District;
- b) The telephone numbers and websites of the relevant state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information; and
- c) A description of the categories of information that were, or are reasonably believed to have been, accessed or acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, accessed or acquired.

In the event that any New York State residents are to be notified, the District will notify the New York State Attorney General, New York State Department of State, and New York State Office of Information Technology Services as to the timing, content, and distribution of the notices and approximate number of affected persons and provide a copy of the template of the notice sent to affected persons. This notice will be made without delaying notice to affected New York State residents.

In the event that more than 5,000 New York State residents are to be notified at one time, the District will also notify consumer reporting agencies as to the timing, content, and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents.

A list of consumer reporting agencies will be compiled by the New York State Attorney General and furnished upon request to any district required to make a notification in accordance with State Technology Law.

SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

The District will restrict the use and access to employee personal identifying information. As defined in law, "personal identifying information" includes social security number, home address or telephone number, personal electronic mail address, Internet identification name or password, parent's surname prior to marriage, or driver's license number.

The District will not unless otherwise required by law:

- a) Publicly post or display an employee's social security number;
- b) Visibly print a social security number on any identification badge or card, including any time card;
- c) Place a social security number in files with unrestricted access; or
- d) Communicate an employee's personal identifying information to the general public.

A social security number will not be used as an identification number for purposes of any occupational licensing.

District staff will have access to this policy, informing them of their rights and responsibilities in accordance with Labor Law Section 203-d. District procedures for safeguarding employee "personal identifying information" will be evaluated; and employees who have access to this information as part of their job responsibilities will be advised as to the restrictions on release of this information in accordance with law.

Labor Law § 203-d

Adopted: 8/25/21

SUBJECT: DATA NETWORKS AND SECURITY ACCESS

The District values the protection of private information of individuals in accordance with applicable law, regulations, and best practice. Accordingly, District officials and Information Technology (IT) staff will plan, implement, and monitor IT security mechanisms, procedures, and technologies necessary to prevent improper or illegal disclosure, modification, or denial of sensitive information in the District Computer System (DCS). Similarly, IT mechanisms and procedures will also be implemented in order to safeguard District technology resources, including computer hardware and software. District network administrators may review District computers to maintain system integrity and to ensure that individuals are using the system responsibly. Users should not expect that anything stored on school computers or networks will be private.

In order to achieve the objectives of this policy, the Board entrusts the Superintendent or designee to:

- a) Inventory and classify personal, private, and sensitive information on the DCS to protect the confidentiality, integrity, and availability of information;
- b) Develop password standards for all users including, but not limited to, how to create passwords and how often passwords should be changed by users to ensure security of the DCS;
- c) Ensure that the "audit trail" function is enabled within the District's network operating system, which will allow the District to determine on a constant basis who is accessing the DCS, and establish procedures for periodically reviewing audit trails;
- d) Develop procedures to control physical access to computer facilities, data rooms, systems, networks, and data to only authorized individuals; these procedures may include ensuring that server rooms remain locked at all times and the recording of arrival and departure dates and times of employees and visitors to and from the server room;
- e) Establish procedures for tagging new purchases as they occur, relocating assets, updating the inventory list, performing periodic physical inventories, and investigating any differences in an effort to prevent unauthorized and/or malicious access to these assets;
- f) Periodically grant, change, and terminate user access rights to the overall networked computer system and to specific software applications and ensure that users are given access based on, and necessary for, their job duties;
- g) Limit user access to the vendor master file, which contains a list of vendors from which District employees are permitted to purchase goods and services, to only the individual who is responsible for making changes to this list, and ensure that all former employees' access rights to the vendor master list are promptly removed;

(Continued)

SUBJECT: DATA NETWORKS AND SECURITY ACCESS (Cont'd.)

- h) Determine how, and to whom, remote access should be granted, obtain written agreements with remote access users to establish the District's needs and expectations, as appropriate, and monitor and control remote access;
- i) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;
- j) Develop a Business Continuity Plan appropriate for the size and complexity of District IT operations to ensure continuous critical IT services in the event of any sudden, catastrophic event, including, but not limited to fire, computer virus, or deliberate or inadvertent employee action.

SUBJECT: STUDENT GRADING INFORMATION SYSTEMS

Student performance is assessed in many ways, but primarily through assigned grades. The District will help ensure the integrity of student grades by controlling access to its grading information system and by approving modifications to grades where warranted.

The System

The District utilizes an electronic software system that contains a record of student performance, credit accumulation, report cards, and a transcript. More specifically, the system includes class rosters where teachers enter student grades and track their students' academic progress. The system is used to generate student report cards and transcripts, and to maintain all student grading records.

To protect student data in the system, the District will first establish who has the authority to grant, change, or terminate user access. The personnel with this authority will be very limited. Further, if the grading system has a feature that allows one user or account to assume the identity of another user or account, the District will restrict or disable that feature. These types of features could allow a user greater access than intended, including inheriting permissions of another user that are greater than the user's.

System Access

The District will create categories of system users and assign appropriate system permissions to each. Users' permissions will be compatible with and restricted by their roles and job duties; their access will be as restrictive as possible. Typically, teachers will have the ability to enter, update, and modify grades each marking period before a pre-determined lockout date. The lockout function will be consistently used throughout the school year to help prevent grade modifications without authorization after a marking period closes. Through increased system permissions, other individuals—such as non-classroom teachers, guidance counselors, information technology (IT) staff, clerical staff, and support staff—will be able to view or modify grades.

The District will work with its IT, human resources, and other appropriate departments to determine how best to timely establish access rights, add users, deactivate or modify user accounts, and monitor user accounts. As appropriate, the District will develop further IT controls that protect against improper access and promote data security. Further, the District recognizes that system access is most secure when District-owned devices are used. Accordingly, staff should only use District-owned devices to view, enter, or modify student grades and comments.

Grade Changes

Once the lockout period begins, only authorized users identified by the District may change grades, and only under certain circumstances. The system will recognize when grades change, and a log of modified grades may then be viewed and printed. Any grade mismatches will be reconciled before the next marking period closes or before the end of the school year, whichever is earlier.

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SUBJECT: STUDENT GRADING INFORMATION SYSTEMS (Cont'd.)

The staff member seeking to change a grade will submit a grade-change form signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form and all other documents supporting a grade modification will be electronically filed in the grading system or filed in a non-electronic system—if electronic filing is impossible or impractical—and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

- a) Data entry error;
- b) Computational error;
- c) A modification based on work submitted or considered after the lockout date;
- d) Changing an incomplete grade to a regular grade because a student completed course requirements;
- e) Credit recovery coursework;
- f) Administrative change; or
- g) Other acceptable justifications.

Audit Log and Monitoring

The District's grading system will have an audit log or grade-change report function that records certain system activities, including modifications to grades. The District will periodically monitor audit logs or grade-change reports to confirm the integrity of the system, to ensure proper access by personnel, and to confirm that modifications within the system are appropriate and completed in a timely manner. The District will also periodically monitor user accounts and rights so that the permissions granted are proper and the minimum necessary for each user or user group. To the extent feasible, the District will make sure that user accounts are current and updated regularly. The District will be able to print user information, logs, reports, and other documents from the student grading information system, as needed.

Student Transcripts

Student transcripts may show all credit-bearing classes; final grades; test scores; grade-point average; class rank; diploma type; SAT, ACT, and other standardized test scores; and graduation date. The same controls, protections, and monitoring applicable to student grading information apply equally to student transcripts.

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

Definitions

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

- h) "Educational agency" means a school district, Board of Cooperative Educational Services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.
- s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

- t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

- a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

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SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**Chief Privacy Officer**

The Commissioner of Education has appointed a Chief Privacy Officer who will report to the Commissioner on matters affecting privacy and the security of student data and teacher and principal data. Among other functions, the Chief Privacy Officer is authorized to provide assistance to educational agencies within the state on minimum standards and best practices associated with privacy and the security of student data and teacher and principal data.

The District will comply with its obligation to report breaches or unauthorized releases of student data or teacher or principal data to the Chief Privacy Officer in accordance with Education Law Section 2-d, its implementing regulations, and this policy.

The Chief Privacy Officer has the power, among others, to:

- a) Access all records, reports, audits, reviews, documents, papers, recommendations, and other materials maintained by the District that relate to student data or teacher or principal data, which includes, but is not limited to, records related to any technology product or service that will be utilized to store and/or process PII; and
- b) Based upon a review of these records, require the District to act to ensure that PII is protected in accordance with laws and regulations, including but not limited to requiring the District to perform a privacy impact and security risk assessment.

Data Protection Officer

The District has designated a District employee to serve as the District's Data Protection Officer. The Data Protection Officer for the District is: Assistant Superintendent for Curriculum, Instruction and Technology.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**District Data Privacy and Security Standards**

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;
- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
 1. Improve academic achievement;
 2. Empower parents and students with information; and/or
 3. Advance efficient and effective school operations.
- b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**Third-Party Contractors**District Responsibilities

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;
- b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;
- f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;
- g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and
- h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND
PRINCIPAL DATA (Cont'd.)**Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the District under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

- a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- b) Comply with District policy and Education Law Section 2-d and its implementing regulations;
- c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);
- d) Not use the PII for any purpose not explicitly authorized in its contract;
- e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:
 1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the District; or
 2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;
- f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
- g) Use encryption to protect PII in its custody while in motion or at rest; and
- h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)Cooperative Educational Services through a BOCES

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District may not need its own contract or agreement where:

- a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and
- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;
- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the District's Data Privacy Officer or designee.

The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

Parents' Bill of Rights for Data Privacy and Security

The District will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the District will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District.

The Bill of Rights will contain all required elements including supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

- f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

Right of Parents and Eligible Students to Inspect and Review Students' Education Records

Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data**

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

- a) All complaints must be submitted to the District's Data Protection Officer in writing.
- b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.
- d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies.

Reporting a Breach or Unauthorized Release

The District will report every discovery or report of a breach or unauthorized release of student data or teacher or principal data within the District to the Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

Each third-party contractor that receives student data or teacher or principal data pursuant to a contract or other written agreement entered into with the District will be required to promptly notify the District of any breach of security resulting in an unauthorized release of the data by the third-party contractor or its assignees in violation of applicable laws and regulations, the Parents' Bill of Rights for Student Data Privacy and Security, District policy, and/or binding contractual obligations relating to data privacy and security, in the most expedient way possible and without unreasonable delay, but no more than seven calendar days after the discovery of the breach.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

- c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or
- d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

Notification of a Breach or Unauthorized Release

The District will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

- b) A description of the types of PII affected;
- c) An estimate of the number of records affected;
- d) A brief description of the District's investigation or plan to investigate; and
- e) Contact information for representatives who can assist parents or eligible students that have additional questions.

Notification will be directly provided to the affected parent, eligible student, teacher, or principal by first-class mail to their last known address, by email, or by telephone.

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the District for the full cost of this notification.

Annual Data Privacy and Security Training

The District will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The District may deliver this training using online training tools. Additionally, this training may be included as part of the training that the District already offers to its workforce.

Notification of Policy

The District will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d
8 NYCRR Part 121

Adopted: 8/25/21

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE DISTRICT AND ON SCHOOL BUSES

It is the Board's responsibility to ensure the safety of the District's students, staff, facilities, and property. While the Board recognizes the importance of privacy, it has authorized the use of surveillance cameras on District property including in school buildings, school facilities, as well as on school buses, when necessary. These surveillance cameras will help to assist the Board in maintaining the overall safety and welfare of the District's students, staff, property, and visitors, as well as to deter theft, violence, and other criminal activities.

Further, surveillance cameras will only be placed in public or common areas, such as stairwells, hallways, cafeterias, parking lots, school buses or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy.

Disciplinary Proceedings

Video recordings or footage from District surveillance cameras may be used in student or employee (as permitted by any applicable collective bargaining agreement) disciplinary proceedings, as appropriate.

Signage/Notification

The District will place signage at entrances to the school campus or at major entrances into school buildings notifying students, staff, as well as any visitors of the District's use of surveillance cameras. Students and staff will also receive additional notification, as deemed appropriate by the Superintendent, regarding the use of its surveillance cameras through means such as publication in the District calendar, employee handbook, and/or the student handbook.

Maintenance of Video Recordings

Any video surveillance recording in the schools, on school buses, or on school property, on tape, CD, or digitally, will be the sole property of the District. Security camera footage is routinely maintained by the District for a limited period of time and then purged unless a specific exception is warranted and approved by administrative staff.

In addition, to the extent that any video images create student or personnel records, the District will comply with all applicable state and federal laws related to record retention, record maintenance, and record disclosure, including the Family Educational Rights and Privacy Act ("FERPA").

SUBJECT: EXPOSURE CONTROL PROGRAM

The District will establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program will consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike;
- b) Written standard operating procedures for blood or body fluid clean-up;
- c) Appropriate staff education and training;
- d) Evaluation of training objectives;
- e) Documentation of training and any incident of exposure to blood or body fluids;
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and Human Immunodeficiency Virus (HIV);
- g) Written procedures for the disposal of medical waste; and
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids, or tissues.

29 CFR § 1910.1030

Adopted: 8/25/21

SUBJECT: COMMUNICABLE DISEASES

Whenever, upon investigation and evaluation by the Director of School Health Services or other health professionals acting upon his or her direction or referral, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, that student will be excluded from the school and sent home immediately. The Director of School Health Services will immediately notify a local public health agency of the disease.

Following absence on account of illness or from unknown cause, the Director of School Health Services may examine each student returning to a school without a certificate from a local public Health Officer, a duly licensed physician, physician assistant, or nurse practitioner.

The Director of School Health Services, or other health professionals acting upon his or her direction or referral, may make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Education Law § 906
8 NYCRR §§ 136.3(h) and 136.3(i)

SUBJECT: TRANSPORTATION PROGRAM

The Board recognizes and assumes the responsibility for all aspects of the transportation of children where the health and safety of students are involved, in light of its legal obligation to safeguard the welfare of bus-riding children. The purposes of the transportation program are to transport students to and from school, to transport them for extracurricular activities, to transport them on field trips, and to transport those requiring special services.

Scheduling and Routing

Bus routes are authorized by the Board and any requests for a change must be submitted to the Superintendent or designee.

Transportation services will be provided to meet the needs of the students of the District within specified limits and areas established by the Board.

School Bus Schedules

The District may either mail schedules directly to parents or request that parents pick up schedules at the school. If the District posts school bus schedules online, access to the schedules will be password protected.

Use of Buses by Community Groups

Upon formal application to and approval by the Board, buses may be rented or leased to a municipal corporation; to any senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Rentals or leases will be made only for times when vehicles are not needed for student transport and for a consideration acceptable to the Board which will not be less than the full amount of the costs and expenses resulting from the lease or rental.

Education Law §§ 1501-b, 1807, 3602(7), 3620-3628, 3635, and 3636

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: 8/25/21

SUBJECT: TRANSPORTATION OF STUDENTS**Requests for Transportation to and from Nonpublic Schools**

The parent or person in parental relation of a parochial or private school child residing in the District who desires his or her child to be transported to a parochial, private, or charter school within or outside the District during the next school year, must submit a written request to the Board no later than April 1 of the preceding year, or within 30 days of moving into the District. The District will publish the April 1 date in its school calendar and/or local newspaper as a reminder to parents of this deadline. Late requests will not be denied where a reasonable explanation is provided for the delay.

Transportation to Nonpublic Schools on Holidays

The District will share its calendar and start and dismissal times with nonpublic schools before the start of the school year. The District is not required to provide transportation to nonpublic schools on days on which the District's schools are not in session.

Transportation for Nonpublic School Students with Disabilities who are Parentally Placed

For students with disabilities, ages 5 through 21, who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services.

The district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Transportation of Students with Disabilities

Transportation of students with disabilities in the District may not exceed 50 miles one way from the student's home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within 50 miles. In that event the Commissioner may then establish transportation arrangements.

Student Information

Upon written consent of the parent or person in parental relation, every school bus which is used to regularly transport students with disabilities will maintain the following information about each student with a disability being transported:

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

- a) Student's name;
- b) Nature of the student's disability;
- c) Name of the student's parent, guardian, or person in parental relation and one or more telephone numbers where that person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian, or person in parental relation who can be contacted in an emergency.

This information will be used solely for the purpose of contacting the student's parent, guardian, person in parental relation, or designee in the event of an emergency involving the student, will be kept in a manner which retains the privacy of the student, and will not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, this information may be accessed by any emergency service provider.

This information will be updated as needed, but at least once each school year and will be destroyed if parental consent is revoked, the student no longer attends the school, or the disability no longer exists.

Transportation of Non-Resident Students

Non-resident families must provide their own transportation.

Transportation to School-Sponsored Events

Where the District has provided transportation to students enrolled in the District to a school-sponsored field trip, extracurricular activity, or any other similar event, it will also provide transportation back to either the point of departure or to the appropriate school in the District unless a student's parent or legal guardian has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for the student. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, and the parent has not authorized alternative return transportation, a representative of the District will remain with the student until the student's parent or legal guardian has been contacted and informed of the intervening circumstances and the student has been delivered to his or her parent.

Transportation in Personal Vehicles

Personal cars of teachers and staff will not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

Education Law §§ 1604, 1709, 1804, 1807, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15),
3623-a(2c), 3635, 4401-a, 4401(4), 4402, 4404, 4405, and 4410-6
Vehicle and Traffic Law § 375(20)(1) and 375(21-i)

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

SUBJECT: SCHOOL BUS SAFETY

The safe transportation of students to and from school is of primary concern in the administration of the school bus program. All state laws and regulations pertaining to the safe use of school buses will be observed by drivers, students, and school personnel.

Use of Portable Electronic Devices Prohibited

For purposes of this policy, and in accordance with applicable law, the terms below will be defined as follows:

- a) "Portable electronic device" means any mobile telephone (hand held or "hands free"), personal digital assistant (PDA), portable device with mobile data access, laptop computer, pager, two-way messaging device, electronic game, or portable computing device.
- b) "Using" means holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving email, text messages, or other electronic data.
- c) "In operation" means that the bus engine is running, whether in motion or not.

The use of portable electronic devices by a school bus driver at times the vehicle is in operation on the roadway poses a potential safety risk. All school bus drivers are prohibited from using portable electronic devices while the bus is in operation.

All school bus drivers' personal portable electronic devices must be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Portable electronic devices, including cell phones, may be used in case of emergency.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the District will have frequent safety inspections, and will be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly to the Transportation Supervisor any school bus accident, regardless of the severity, involving death, injury, or property damage.

(Continued)

SUBJECT: SCHOOL BUS SAFETY (Cont'd.)

Education Law § 3623

Vehicle and Traffic Law §§ 509-a(7), 509-1(1-b), 1174(a), 1174(b), and 1225-c

8 NYCRR § 156.3

NOTE: Refer also to Policy #5741 -- Drug and Alcohol Testing for School Bus Drivers

Adopted: 8/25/21

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The Board recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. The District will ensure that each driver of a school bus or other vehicle owned, leased, or contracted for by the District turns off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while the vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Exceptions

Unless otherwise required by state or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work; or
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the District and a private vendor will include a provision requiring the vendor's compliance with the provisions of reducing idling in accordance with Commissioner's regulations.

Education Law § 3637
Vehicle and Traffic Law § 142
8 NYCRR § 156.3(h)

Adopted: 8/25/21

SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person will be qualified to operate a bus only if that person:

- a) Is at least 21 years of age;
- b) Has been issued a currently valid operator's or commercial driver's license which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered in accordance with Commissioner of Education and Commissioner of Motor Vehicles regulations. In no case will the interval between physical examinations exceed a 13-month period;
- d) Is not disqualified to drive a motor vehicle under Vehicle and Traffic Law Sections 509-c and 509-cc and any other provisions of Article 19-A;
- e) Has on file at least three statements from three different persons who are not related to the driver or applicant pertaining to the moral character and to the reliability of the driver or applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;
- h) Has taken and passed a physical performance test at least once every two years and/or following an absence from service of 60 or more consecutive days from his or her scheduled work duties; and
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

Special Requirements for New Bus Drivers

Before employing a new bus driver, the Superintendent or designee will:

- a) Require the person to pass a physical examination within four weeks prior to the beginning of service;
- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three years;

(Continued)

SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

- c) Investigate the person's employment record during the preceding three years;
- d) Require the person to submit to the mandated fingerprinting procedures and criminal history background check;
- e) Request the Department of Motor Vehicles to initiate a driving record abstract check; and
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's regulations, before they transport students.

Occasional Drivers

Under Commissioner's regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)

49 USC § 521(b)

49 CFR Parts 40, 382, 391, 392, and 395

Education Law § 3624

Vehicle and Traffic Law §§ 509-c, 509-cc, and Article 19-A

8 NYCRR § 156.3

15 NYCRR Part 6

NOTE: Refer also to Policy #5741 -- [Drug and Alcohol Testing for School Bus Drivers](#)

Adopted: 8/25/21

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

In accordance with federal regulations, employees in safety-sensitive positions who are required to have and use a commercial driver's license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opioids, and phencyclidine (PCP). The District will adhere to federal law and regulations requiring the implementation of a controlled substance/drug and alcohol testing program for those employees in safety-sensitive positions.

The District will either establish and manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSEs), including school bus drivers, lead mechanic, mechanic, bus driver/cleaner, transportation supervisor, and other employees, who drive a vehicle which is designed to transport 16 or more passengers (including the driver), will be subject to this requirement.

Federal regulations require that school bus drivers and other SSEs be tested for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) SSEs are also subject to a random drug and/or alcohol test on an unannounced basis just before, during, or just after performance of safety-sensitive functions.
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
- d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and will only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer, and any other individual designated by law.

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMV) and other SSEs:

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

- a) Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If testing shows an alcohol concentration of 0.02 or greater but less than 0.04, the employee must be removed from performing safety-sensitive activities for 24 hours, but no punitive action will be taken by the employer.
- b) Being on duty or operating a CMV while the driver possesses alcohol unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using controlled substances or alcohol while performing safety-sensitive functions.
- d) New York State law prohibits safety-sensitive employees from consuming and/or being under the influence of drugs, controlled substances, or alcohol within six hours before duty.
- e) When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the SSE uses any controlled substances and/or tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties in accordance with District policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in prohibited behavior will not be allowed to perform safety-sensitive functions until they are:

- a) Evaluated by a substance abuse professional (SAP).
- b) Complete any requirements for rehabilitation as set by the District and the SAP.
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

- d) The SSE will also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of the follow-up testing will be as directed by the SAP, and consist of at least six tests in the first 12 months.

The Superintendent will ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each SSE, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any SSEs. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use or abuse.

Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee will be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements, and applicable law.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 USC §§ 31136 and 31306
49 CFR Parts 40, 382, 383, 391, 392 and 395
Vehicle and Traffic Law § 509-L

I, _____, am employed by the South Jefferson Central School District as a _____. I hereby acknowledge that I have received a copy of and read Board Policy 5741, Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees.

Signature: _____ Date: _____

cc: Personnel File

Adopted: 8/25/21

South Jefferson Central School District

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**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT
PERSONNEL****General Provisions**

Officers and employees of the District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct.

The provisions of this policy are intended to supplement Article 18 of the General Municipal Law and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

Standards of Conduct

The following rules and standards of conduct apply to all officers, including Board members, and employees of the District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his or her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired by him or her in the course of his or her official duties or use this information to further his or her personal interests.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when he or she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his or her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

(Continued)

Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT
PERSONNEL (Cont'd.)**

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. Employees, officers, and agents will not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer or employee as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract of: his or her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he or she is a member or employee; a corporation of which he or she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him or her.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer or employee in one or more positions of public employment, not prohibited by law.

Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

(Continued)

Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT
PERSONNEL (Cont'd.)**Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his or her official duties, or that would otherwise impair his or her independence of judgment in the exercise or performance of his or her official powers or duties.

Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future Employment

No person may, after the termination of service or employment with the District, appear before the District on behalf of his or her employer in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment with the District or which was under his or her active consideration while he or she was with the District.

Notice of Code of Ethics and General Municipal Law Sections 800-809

The Superintendent will distribute a copy of this code of ethics to every District officer and employee, and a copy of General Municipal Law Sections 800-809 will be posted conspicuously in each District building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of District officers and employees to comply with their provisions, or the ability of the District or other relevant authorities to enforce them.

Penalties

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law § 410
General Municipal Law Article 18 and §§ 800-809
2 CFR § 200.318(c)(1)

Adopted: 8/25/21

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, creed, national origin, religion, sex (including gender identity or the status of being transgender), sexual orientation, disability, age, military status, predisposing genetic characteristics, marital status, domestic-violence-victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Investigation of Complaints and Grievances

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

When appropriate, follow-up inquiries will be made so that discrimination does not resume and that all those involved in the investigation of the discrimination are not suffering retaliation.

Age Discrimination in Employment Act, 29 USC § 621
Americans with Disabilities Act, 42 USC § 12101, et seq.
Genetic Information Non-Discrimination Act of 2008 (GINA), Public Law 110-233
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794, et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d, et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e, et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681, et seq.
Civil Rights Law § 40-c
9 NYCRR § 466.13
Civil Service Law § 75-B
Executive Law § 290, et seq.
Military Law §§ 242 and 243

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6121 -- Sexual Harassment in the Workplace

Adopted: 8/25/21

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

The District is committed to maintaining a discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, 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 person" 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.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

What Constitutes Sexual Harassment

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

(Continued)

Personnel

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

Under New York State Human Rights Law, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

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

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

A sexually harassing hostile work environment 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also 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. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 2. Rape, sexual battery, molestation or attempts to commit these assaults.

(Continued)

Personnel

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

- b) Unwanted sexual 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 or detriments; and
 - 2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as 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.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, 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; and
 - 3. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

(Continued)

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

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

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 harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

(Continued)

Personnel

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

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

Investigating Complaints

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation 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 persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

(Continued)

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

- e) 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.
- f) Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - 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 prior relevant incidents, reported or unreported; and
 - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

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.

Notice

The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.

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 his or her 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 is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, 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, an individual may seek the legal advice of an attorney.

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

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, Section 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

(Continued)

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

Complaints with DHR may be filed any time within one year (three years beginning August 12, 2020) of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR'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.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC Section 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the 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, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. 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.

(Continued)

Personnel

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

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 or via email at info@eeoc.gov.

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

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments 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 such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
29 CFR § 1604.11(a)
34 CFR Subtitle B, Chapter I
Civil Service Law § 75-B
Executive Law Article 15
Labor Law § 201-g

NOTE: Refer also to Policy #3420 -- Non-Discrimination and Anti-Harassment in the District

Adopted: 8/25/21

Personnel

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)**Prohibited Conduct**

The Board, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, will set a positive example for students.

The Board, therefore, prohibits staff from consuming, sharing, selling, using, and/or possessing illegal drugs, counterfeit and designer drugs, drug paraphernalia, or alcohol in the workplace or when the effects of these actions may impair job performance. Additionally, the Board prohibits the misuse and/or unprescribed use of prescription and over-the-counter drugs in the workplace or when the effects of these actions may impair job performance.

In accordance with law, regulation, and District policy, smoking and vaping are prohibited on school grounds; within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools; and/or at any school-sponsored event or activity that occurs off school grounds.

Disciplinary Measures

Staff will be informed of the range of penalties or consequences, up to and including, termination of employment that may be imposed for engaging in prohibited conduct in accordance with any applicable law, District policy, collective bargaining agreement, and/or other similar document.

Information on Substance Use Related Services

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

The designated individual(s) for the District is/are: District RN Supervisor and Superintendent.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a)

41 USC § 8101 et seq.

Civil Service Law § 75

Education Law §§ 409, 2801, 3020-a, and 3038

Public Health Law § 1399-o

NOTE: Refer also to Policies #5640 -- Smoking/Tobacco Use
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
District *Code of Conduct*

Adopted: 8/25/21

Personnel

SUBJECT: DRUG-FREE WORKPLACE

The unlawful possession, manufacture, use or distribution of illicit drugs and alcohol on school premises or as a part of school activities is strictly prohibited.

Employees who use or are under the influence of alcohol, drugs, or controlled substances while on duty are a serious risk to themselves, to students and to other employees. Employees, who display physical manifestations of drug or alcohol use while on duty, may be subject to drug testing. Any employee who violates this policy will be subject to disciplinary action up to and including termination as provided for by statute and/or collective bargaining agreement, as well as referral for prosecution. Employees may also be required to satisfactorily participate in rehabilitation programs.

As a condition of employment, all employees must abide by the terms of this policy. Employees who are convicted of a drug offense which occurred on school premises or while on duty must notify the Superintendent of their conviction. Notification must be made by the employee to the Superintendent within 5 days of the conviction. Within ten days, the Superintendent will provide notice of such violation to the Impact Aid Program, United States Department of Education, or other appropriate government agency.

The District administration will institute a drug-free workplace program to inform employees of: (1) the dangers of drug and alcohol abuse in the workplace; (2) this policy of maintaining a drug-free workplace; (3) available counseling and rehabilitation; and (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The District will conduct a triennial review of this policy to determine its effectiveness, implement necessary changes, and to see that the disciplinary sanctions are consistently enforced. This policy will be distributed in writing to all present and future employees.

Drug-Free Workplace Act, 41 USC § 8101 et seq.
34 CFR §§ 84.200 et seq.

NOTE: Refer also to Policies #6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
District Code of Conduct

Adopted: 8/25/21

Personnel

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

The Superintendent, in consultation with the appropriate administrative staff and/or teacher committees, will arrange in-service programs and other staff development opportunities which provide for the selection of subjects pertinent to the curriculum in the schools, to build from these subjects those topics or courses for in-service or staff development which will help employees acquire new methods of performing their job responsibilities or help staff improve on those techniques which are already being used in the schools, with the objective of improving professional competencies.

Attendance at professional development programs must be directly related to the duties and responsibilities of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Staff members are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences, and meetings.

Funds for participating at conferences, conventions, and other similar professional development programs will be budgeted for by the Board on an annual basis. Reimbursement to District staff for all approved actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences will be in accordance with established regulations for conference attendance and expense reimbursement.

The Superintendent or designee has authority to approve release time and expenses for staff members' attendance at professional training conferences, study councils, in-service courses, workshops, summer study grants, school visitations, and professional organizations within budgetary constraints.

A conference request form or course approval form must be submitted by the employee and approved by the designated administrator prior to the employee's attendance at the conference or other professional development program. Prior approval is required for any expenses for which the employee claims reimbursement.

Mentoring Programs for First Year Teachers

First year teachers must participate in a mentoring program as a component of the District's Professional Development Plan. The purpose of the mentoring program is to increase the retention of new teachers and improve their ability to assist students in attaining state learning standards. The mentor's role is to provide guidance and support to a new teacher. However, additional mentor responsibilities may be negotiated and reflected in a collective bargaining agreement.

Education Law §§ 1604(27), 3004, and 3006

General Municipal Law §§ 77-b and 77-c

8 NYCRR §§ 52.21(b)(3)(xvi), 52.21(b)(3)(xvii), 80-3.4(b)(2), 80-5.13, 80-5.14, and 100.2(dd)

Adopted: 8/25/21

Personnel

SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT

Conference travel will be for official business utilizing a cost-effective and reasonable method of travel.

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent or designee must approve those Travel Conference Requests which have reimbursable employee expenses. Travel Conference Request Forms are only to be used by District employees.

Conference expenses, which have received prior approval from the employee's supervisor, will be reimbursed at the USGS rates once the employee has submitted a Travel Conference Reimbursement form.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for approved business travel will only be reimbursed for actual expenses up to the Board approved rates which are modeled after the USGS Administration rates.

New York State sales tax cannot generally be reimbursed. Sales tax may, however, be reimbursed when it is an actual and necessary expense. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Original receipts are required when submitting for parking and tolls, however "E-ZPass" statements may be substituted with the appropriate charges highlighted.

General Municipal Law § 77-b(2)

NOTE: Refer also to Policy #5323 -- Reimbursement for Meals/Refreshments

Adopted: 8/25/21

Personnel

SUBJECT: FINGERPRINTING CLEARANCE OF NEW HIRES

If an employee is serving under a conditional appointment or emergency conditional appointment pending employment clearance from the State Education Department, the Superintendent, or designee, shall advise the employee's immediate supervisor and/or building principal of such appointment status, and request that he or she provide enhanced supervision as deemed appropriate to address safety of children who have contact with the employee. The immediate supervisor or building principal shall, upon the commencement of the staff member's employment, meet with the staff member to review safety considerations and expectations for any contact such staff member will have with students. The Superintendent or designee shall promptly notify the immediate supervisor or building principal of any changes in the employee's appointment status, including receipt of clearance for employment.

Education Law §1804(9)(d)

Adopted: 8/25/21

Personnel

SUBJECT: SAFE MENTORING

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record check from the Division of Criminal Justice Services (DCJS) for each prospective employee as well as prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in a setting without constant oversight.

Definitions

- a) "Prospective employee" means a person being considered for employment by a mentoring program.
- b) "Prospective mentor" means an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. This help will include, but not be limited to, being a positive role model for youth, building relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of children to become responsible adults.
- c) A "criminal history record" means a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the Federal Bureau of Investigation (FBI).
- d) "Mentoring program" means a formalized program operated by an educational institution or school district that matches youth with adult volunteers with the purpose of providing youth with positive role models to enhance their development.

Prospective School Employees

All prospective school employees must receive clearance from the State Education Department in accordance with existing procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring program.

The District requires that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee" per Commissioner's regulations and in accordance with Social Services Law Section 390-e and District procedures.

Prospective Volunteer Mentors

Volunteers, however, are not covered by these regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role or program) will be subject to the requirements of Social Services Law Section 390-e and District procedures.

(Continued)

SUBJECT: SAFE MENTORING (Cont'd.)**Fees for Fingerprinting**

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search will be an amount equal to the fees established by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees will be payable to Office of Children and Family Services (OCFS) and paid by money order, check, or certified check, by the District.

Unless otherwise authorized by the Board, the prospective employee or prospective volunteer mentor will pay those fees.

Waiver by Custodial Parent or Guardian

A custodial parent or guardian may sign a waiver authorizing a mentor to work with his or her child regardless of a criminal charge or crime related to a mentor, unless the crime is a sex offense or a crime against a child. No waiver is permitted in the case of a sex offense or a crime against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the District may notify a custodial parent or guardian of his or her waiver right, but a waiver will only be authorized by a custodial parent or guardian.

Confidentiality

The criminal history record will be confidential in accordance with applicable federal and state laws, rules, and regulations, and will not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law.

Parental Disclosure

The District will provide each custodial parent or guardian of every child participating in its mentoring program a description of the kind of criminal background checks conducted on prospective employees and prospective volunteer mentors in accordance with law.

Correction Law §§ 752 and 755
Executive Law § 837(8-a)
Social Services Law § 390-e
8 NYCRR § 80-1.11 and Part 87

Adopted: 8/25/21

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board requires that all District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment, and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age or express or implied consent to this conduct. Further, employees will not entertain or socialize with students in a manner so as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. Frequent personal communication with a student unrelated to course work or official school matters means any form in which personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.

Inappropriate fraternization of staff with students, even if the student participated willingly in the activity (regardless of the student's age), is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for the conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he or she has been subjected to inappropriate staff behavior as described in this policy, as well as students, school employees, or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, must report the incident to any staff member or the employee's supervisor, the student's principal, or the District's designated Compliance Officer. In all circumstances, these reports will be forwarded to the designated Compliance Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students will also be investigated by the District. Investigations of allegations of inappropriate staff-student relations will follow the procedures utilized for complaints of harassment within the District. Allegations of inappropriate staff-student behavior will be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints. If there is a finding upon completion of the investigation that inappropriate conduct occurred, District administration will take prompt corrective action.

(Continued)

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse in an educational setting must also follow the District's reporting procedures for these allegations. This information will also be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department (SED), and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee will document the incident and report it to his or her building principal or supervisor immediately, or as soon as is practicable.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring will be made so that the alleged conduct does not resume and that all those involved in the investigation do not suffer retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The principal of each school and/or program supervisor will be responsible for informing students, staff, and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training will be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students will be provided this training in an age-appropriate manner.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student will be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy, and any applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the SED.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
Education Law Article 23-B
Social Services Law §§ 411-428
8 NYCRR Part 83

Adopted: 8/25/21

2021

6211

Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD MEMBERS

The District will not employ any individual who is related by blood or marriage to any Board member unless two-thirds of the Board members consent at a Board meeting. The vote will be recorded in the Board's meeting minutes.

Education Law § 3016

General Municipal Law §§ 800-809

Adopted: 8/25/21

Personnel

SUBJECT: CERTIFICATION AND QUALIFICATIONS

The following provisions will govern certification and qualifications of District personnel:

- a) Each employee whose employment requires certification or other licensure must inform the Superintendent immediately of any change in his or her certification or licensure status. The changes may include the granting, revocation, upgrading, expiration, conversion, and/or extension of documents as to their periods of validity or their titles.
- b) Online verification of an employment applicant's certification status will be used in lieu of printed certificates for current and potential employees. The District will also check the TEACH database to ensure that any permanent or professional certificates for new hires remain valid.
- c) It is the responsibility of the employee to ensure that he or she maintains the appropriate certification and/or licensure required for his or her assignment.

Parent Notification

At the beginning of each school year, the District will notify parents that they may request information about the professional qualifications of their student's classroom teachers. The District will provide in a timely manner upon request the following information to parents:

- a) Whether the student's teacher has met New York State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- b) Whether the student's teacher is teaching under emergency or other provisional status through which the New York State qualification or licensing criteria have been waived;
- c) Whether the student's teacher is teaching in the field of discipline of certification of the teacher; and
- d) Whether the student is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

In addition, the District will provide to parents timely notice that their student has been assigned or has been taught for four or more consecutive weeks by a teacher who does not meet applicable New York State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

20 USC § 6312
34 CFR § 200.61
8 NYCRR § 80-6.7

Adopted: 8/25/21

SUBJECT: PROBATION AND TENURE**Probation**

Generally, teachers, all other members of the teaching staff, principals, administrators, supervisors, and all other members of the supervising staff will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

The probationary period will not exceed three years for teachers previously appointed to tenure in any district or BOCES within the state, provided that the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in his or her final year of service there.

Additionally, up to two years of service as a regular substitute teacher may be applied toward probationary service. (This is sometimes referred to as Jarema Credit.)

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during his or her probationary period upon the recommendation of the Superintendent and by majority vote of the Board.

Any staff member not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before his or her probationary period expires.

Tenure

The Board will comply with all applicable laws and regulations regarding tenure.

At the expiration of the probationary period or within six months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure those who have been found competent, efficient, and satisfactory and, in the case of teachers and building principals, those who have received APPR ratings of effective or highly effective in at least three of the preceding four years, exclusive of any breaks in service.

(Continued)

Personnel

SUBJECT: PROBATION AND TENURE (Cont'd.)

If a teacher or building principal receives an APPR rating of ineffective in their final probationary year after receiving APPR ratings of effective or highly effective in the preceding probationary years, they will not be eligible for tenure. However, the Board may extend that teacher's or building principal's probationary time by an additional year. The teacher or building principal may be eligible for immediate tenure if he or she successfully appeals the ineffective rating.

The Board may then—by a majority vote—appoint to tenure any or all of the persons recommended by the Superintendent.

A teacher or building principal will remain on probationary status until the end of the school year in which he or she has received APPR ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service. During this time, the Board may grant tenure contingent upon a teacher's or building principal's receipt of a minimum APPR rating in the final year of his or her probationary period. If the contingency is not met after all appeals are exhausted, the grant of tenure will be void and unenforceable and the teacher's or building principal's probationary period may be extended for an additional year in accordance with law.

Resolutions Making Appointments

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of his or her time;
- c) The date probationary service or service on tenure commences in each area;
- d) The length of the appointment (i.e., three-year, four-year), if made on a probationary basis;
- e) The certification status of the appointee in reference to the position to which the individual is appointed.

Education Law §§ 2509, 2573, 3012, 3014, and 3031
8 NYCRR § 30-1.3

NOTE: Refer also to Policy #6217 -- Professional Staff: Separation

Adopted: 8/25/21

Personnel

SUBJECT: DISCIPLINING A TENURED TEACHER OR CERTIFIED PERSONNEL

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, regulations, or applicable contract provisions.

Ineffective Personnel

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself or herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

Allegations of Abuse

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

Child Witnesses

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his or her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

(Continued)

**SUBJECT: DISCIPLINING A TENURED TEACHER OR CERTIFIED PERSONNEL
(Cont'd.)**

Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education

The Commissioner will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent convicted of:

- a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act; or
- b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses.

In addition, the Commissioner will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud.

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95

Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012, 3020-a, and 3020-b

Penal Law § 195.20

8 NYCRR Subpart 82-3

Correction Law Article 6-C

Personnel

SUBJECT: PROFESSIONAL STAFF: SEPARATION

A probationary professional staff member may be discontinued at any time during his or her probationary period on the recommendation of the Superintendent and by a majority vote of the Board.

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice 30 days prior to the Board meeting at which the recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least 30 days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board expects any professional staff member desiring to terminate his or her services to provide the Board with a minimum of 30 days notice before the effective termination date. When possible, a professional staff member will make every effort to terminate employment at the end of the school year. Resignations must be in writing and include the effective date.

Education Law §§ 2509, 3012, 3019-a and 3031

NOTE: Refer also to Policy #6215 -- Probation and Tenure

Adopted: 8/25/21

2021

6310

Personnel

SUBJECT: APPOINTMENT - SUPPORT STAFF

The probationary period for all new civil service employees will be for the maximum period established by the local Civil Service Commission.

The time, place, conditions of employment, and transfer of support staff will be vested in the Superintendent who will conduct these actions in compliance with all applicable contract provisions. The duties for each Civil Service employee will be clearly defined.

Civil Service Law § 63

Adopted: 8/25/21

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL**Teacher Aides**

In accordance with the Commissioner's regulations, the Board may employ teacher aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by teacher aides will be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides will be responsible to the building principal or designee.

A teacher aide may be assigned to assist teachers in non-teaching duties such as:

- a) Managing records, materials, and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when those services are determined and supervised by a teacher.

Teaching Assistants

In accordance with the Commissioner's regulations, the Board may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, direct instructional service to students.

Teaching assistants assist teachers by performing duties such as:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in areas such as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

(Continued)

Personnel

SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL (Cont'd.)

Teaching assistants who hold a pre-professional teaching assistant certificate will have the same scope of duties as described above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform duties such as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher;
and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements will be as mandated by Commissioner's regulations.

8 NYCRR § 80-5.6, 80-5.9

Adopted: 8/25/21

Personnel

SUBJECT: STAFF ACCEPTABLE USE POLICY

The Board will provide staff with access to various computerized information resources through the District's computer system (DCS) consisting of software, hardware, computer networks, wireless networks/access, and electronic communication systems. This may include access to electronic mail, on-line services, and the Internet. It may also include the opportunity for staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, will be subject to this policy and any accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research, and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. To that end, the Board directs the Superintendent or designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon documented agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. These agreements will be kept on file in the District.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance will apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications will not be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile or personal devices to access the DCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

District staff will also adhere to the laws, policies, and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously, or unlawfully damages or destroys property of the District.

(Continued)

SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)**Social Media Use by Employees**

The District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites (SNS), have great potential to connect people around the globe and enhance communication. Therefore, the Board encourages the use of District-approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

Public social media networks or SNS are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites, and any other social media generally available to the District community which do not fall within the District's electronic technology network (e.g., Facebook, Myspace, Twitter, Flickr, Vine, Instagram, Snap Chat, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. Personal use of social media or SNS by employees during District time or on District-owned equipment is discouraged. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District policies and regulations.

A determination as to whether an employee's use of social media or SNS, as either a professional/instructional or personal use, is inappropriate if that it deviates from the highest level of professionalism expected of the employee in his or her professional capacity and/or is contrary to the District's mission in serving as a role model and educating its students, shall be made by the Superintendent of Schools, after consultation with the School Attorney, bearing in mind all relevant constitutional and legal considerations. The Superintendent shall notify the District employee in writing of his or her determination. If the material is considered inappropriate, then the employee shall immediately remove the material from his or her social media outlet or blog located on his or her person computer or other technology device.

Confidentiality, Private Information and Privacy Rights

Confidential or private data, including, but not limited to, protected student records, employee personal identifying information, and District assessment data, will only be loaded, stored, or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed

(Continued)

SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)

to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Similarly, staff are prohibited from using cloud-based storage services that are not encrypted and/or appropriately password protected for confidential files.

In addition, staff will not leave any devices unattended with confidential information visible. All devices must be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas will remain District property, subject to District control and inspection. The Technology Coordinator may access all staff data files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and any accompanying regulations. Staff should not expect that information stored on the DCS will be private.

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification
#5674 -- Data Networks and Security Access
#6411 -- Use of Email in the District
#7316 -- Student Use of Personal Technology
#8271 -- Internet Safety/Internet Content Filtering Policy

SUBJECT: USE OF EMAIL IN THE DISTRICT**Overview**

Email is a valuable tool that allows for quick and efficient communication. However, careless, unacceptable, or illegal use of email may place the District and members of its community at risk. Use of email in the District must be consistent with the District's educational goals and comply with federal and state laws and regulations, as well as all applicable District policies, regulations, procedures, collective bargaining agreements, and other related documents such as the District's *Code of Conduct*. This includes, but is not limited to, this policy and the District's policies on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and record management.

District-related emails are most secure and best managed when District email services are used. Accordingly, the District's email services should be used for all District-related emails, including emails in which students or student issues are involved. Personal email accounts should not be used to conduct District-related business. Further, District email accounts should not be used as any individual's primary personal email address.

Scope and Application of Policy

This policy applies to all District employees and any individual assigned a District email address to conduct District-related business (authorized user).

Sending Emails with Personal, Private, and Sensitive Information

Personal, private, and sensitive information (PPSI) is any information to which unauthorized access, disclosure, modification, destruction, use, or disruption of access or use could have or cause a severe impact on critical District functions, employees, students, third parties, or other individuals or entities. For purposes of this policy, PPSI includes, but is not limited to:

- a) District assessment data;
- b) Protected student records;
- c) Information subject to laws protecting personal information such as Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Act (IDEA), Health Insurance Portability and Accountability Act (HIPAA);
- d) Social security numbers;
- e) Driver's license or non-driver identification card numbers;
- f) Credit or debit card numbers;

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

- g) Account numbers;
- h) Passwords; and
- i) Access codes.

The failure to follow proper security protocols when emailing PPSI increases the risk that unauthorized individuals could access and misuse PPSI.

District employees and authorized users may not send or forward emails that include:

- a) PPSI without building principal or supervisor authorization. Additional precautions, such as encrypting the email in a District-approved method, should be taken when sending any emails containing PPSI.
- b) Lists or information about District employees without building principal or supervisor authorization.
- c) Attachments with file names that may disclose PPSI. Files containing PPSI should be password protected and encrypted. File protection passwords should not be transmitted via email. District employees and authorized users will not use cloud-based storage services (such as Dropbox or OneDrive) to transmit files with PPSI without previous District approval or consulting with a building principal or supervisor.
- d) Comments or statements about the District that may negatively impact it.

Any questions regarding the District's protocols for sending emails with PPSI or what information may or may not be emailed should be directed to a supervisor.

Receiving Suspicious Emails

Social engineering attacks are prevalent in email. In a social engineering attack, an attacker uses human interaction (social skills) to obtain confidential or sensitive information.

Phishing attacks are a form of social engineering. Phishing attacks use fake email messages pretending to represent a legitimate person or entity to request information such as names, passwords, and account numbers. They may also deceive an individual into opening a malicious Web Page or downloading a file attachment that leads to malware being installed.

Malware is malicious software that is designed to harm computer systems. Malware may be inadvertently installed after an individual opens an email attachment, downloads content from the Internet, or visits an infected website.

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

Before responding to any emails, clicking on any hyperlinks, or opening any attachments, District employees and authorized users should review emails for indicators of suspicious activity. These indicators include, but are not limited to:

- a) Attachments that were not expected or make no sense in relation to the email message;
- b) When the recipient hovers the mouse over a hyperlink that is displayed in the email, the link to the address is for a different website;
- c) Hyperlinks with misspellings of known websites;
- d) The sender is not someone with whom the recipient ordinarily communicates;
- e) The sender's email address is from a suspicious domain;
- f) Emails that are unexpected, unusual, or have bad grammar or spelling errors; and
- g) Emails asking the recipient to click on a link or open an attachment to avoid a negative consequence or to gain something of value.

District employees and authorized users should forward suspicious emails to the District's information technology (IT) staff.

No Expectation of Privacy

District employees and authorized users should have no expectation of privacy for any email messages they create, receive, or maintain on their District email account. The District has the right to monitor, review, and audit each District employee's and authorized user's District email account.

Accessing District Email Services on Personal Devices

In the event a District employee or authorized user loses a personal device that has been used to access the District's email service, that District employee or authorized user should notify the District's IT staff so that measures can be taken to secure the email account.

Personal Use

The District's email services are intended for District-related business only. Incidental or limited personal use of the District's email services is allowed so long as the use does not interfere with job performance. However, District employees and authorized users should have no expectation of privacy in this email use.

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

The District's email services should not be used to conduct job searches, post personal information to bulletin boards, blogs, chat groups, and list services, etc., without authorization from a building principal or supervisor.

It is prohibited to use the District's email services for:

- a) Illegal purposes;
- b) Transmitting threatening, obscene, discriminatory, or harassing materials or messages;
- c) Personal gain or profit;
- d) Promoting religious or political causes; and/or
- e) Sending spam, chain letters, or any other type of unauthorized widespread distribution of unsolicited mail.

Personal email accounts or services (Yahoo, Gmail, etc.) should not be accessed via the District Computer System (DCS) without authorization from a building principal or supervisor.

Confidentiality Notice

A standard confidentiality notice will automatically be added to each email as determined by the District.

Training

District employees and authorized users will receive ongoing training related to the use of email in the District. This training may cover topics such as:

- a) What is expected of users, including the appropriate use of email with students, parents, and other individuals to avoid issues regarding harassment and/or charges of fraternization;
- b) How to identify suspicious emails, as well as what to do after receipt of a suspicious email;
- c) Emailing PPSI;
- d) How to reduce risk to the District;
- e) Cost of policy non-compliance;
- f) Permanence of email, including how email is never truly deleted, as the data can reside in many different places and in many different forms; and

(Continued)

SUBJECT: USE OF EMAIL IN THE DISTRICT (Cont'd.)

- g) How users should have no expectation of privacy when using the DCS or any District email service.

Notification

The District will provide annual notification of this policy and any corresponding regulations to all District employees and authorized users. The District will then require that all employees and authorized users acknowledge that they have read, understood, and will comply with the policy and regulations.

Records Management and Retention

The same laws and business records requirements apply to email as to other forms of written communication.

Email will be maintained and archived in accordance with Retention and Disposition Schedule for New York Local Government Records (LGS-1) and as outlined in any records management policies, regulations, and/or procedures.

Additionally, 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.

Disciplinary Measures

Failure to comply with this policy and any corresponding regulations or procedures may subject a District employee and authorized user to discipline such as loss of email use, loss of access to the DCS, and/or other disciplinary action up to and including termination. When applicable, law enforcement agencies may be contacted.

The District's IT staff may report inappropriate use of email by a District employee or authorized user to the District employee or authorized user's building principal or supervisor who may take appropriate action which may include disciplinary measures.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6410 -- Staff Acceptable Use Policy
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 8/25/21

Personnel

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**Personnel Records**

The District will maintain a personnel file for each individual employed by the District. Employees may review or inspect their personnel files in accordance with District procedure or practice.

Release of Personnel Information

The District will take all reasonable steps to protect the privacy of District employees, except as permitted or required by law:

- a) In accordance with a subpoena or court order, or other applicable law.
- b) When members of the Board need information from the employee's personnel record to aid them in performing their legal responsibilities in matters such as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal, or to aid in the development and implementation of personnel policies.
- c) When the employee grants permission.

Release of Information Concerning Former Employees

The District will not release information concerning the employment records, personnel file, or past performance of a former employee, unless that information is required to be disclosed by law. Only the initial and final dates of employment and the position held will be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Public Officers Law § 87
8 NYCRR Part 84

NOTE: Refer also to Policy #5673 -- Employee Personal Identifying Information

Adopted: 8/25/21

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES

Liability Protection in Accordance with Education Law

The Board recognizes its statutory obligation to indemnify District employees (and in certain circumstances, Board members and volunteers) in accordance with the provisions of Education Law. For the purposes of this policy, the term "employee" will be as defined in the applicable statute(s).

The District will not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board.

For purposes of Education Law, the employee must give written notice to the Board within five days after service of process upon him or her and must deliver the original or a copy of the relevant legal documents to the Board within ten days after service of process upon him or her.

The District will provide legal defense and/or indemnification for all damages, costs, and reasonable expenses incurred in the defense of an action or proceeding if authorized by statute and provided that the alleged action or omission which occurred or allegedly occurred is covered by the appropriate statute(s). Furthermore, the District will not be required to provide indemnification protection and/or legal defense unless the employee was, at the time of the alleged incident, acting in the discharge of his or her duties within the scope of his or her employment or authorized volunteer duties and/or under the direction of the Board.

Public Officers Law Section 18

The Board hereby also confers the benefits of New York State Public Officers Law Section 18 upon the "employees" of the District, as defined in Public Officers Law Section 18; the District assumes the liability for the costs incurred in accordance with the provisions of Public Officers Law Section 18. The benefits accorded to District employees under Public Officers Law Section 18 will supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

The term "employees" includes members of the Board, the Superintendent, District officers, District employees, volunteers expressly authorized to participate in a District-sponsored volunteer program, or any other person holding a position by election, appointment, or employment in the service of the District, whether or not compensated. The term "employee" also includes a former employee, their estate or judicially appointed representative.

The District will provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his or her public employment or duties. Furthermore, the District will indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided

(Continued)

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

that the act or omission from which the judgment or claim arose occurred while the employee was acting within the scope of his or her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless will be conditioned upon the approval of the amount of the settlement by the Board.

The duty to defend and/or indemnify and save harmless will be conditioned upon the delivery by the employee to the School Attorney or to the Superintendent a written request to provide for his or her defense, together with the original or a copy of any summons, complaint, process, notice, demand, or pleading within ten days after he or she is served with that document. The full cooperation of the employee in the defense of the action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, will also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

Exceptions to Liability Coverage

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage in accordance with law. Additionally, indemnification coverage and/or the duty to provide a defense will not arise where the action or proceeding is brought by or on behalf of the District.

Paul D. Coverdell Teacher Protection Act of 2001, as reauthorized by the Every Student Succeeds Act (ESSA) of 2015, 20 USC § 6731 et seq.
Education Law §§ 1604(25), 1604(31-b), 1709(26), 1709(34-b), 2560, 3023, 3028, and 3811
General Municipal Law §§ 6-n and 52
Public Officers Law § 18

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA)

The District allows eligible employees to take unpaid FMLA leave for up to 12 work weeks in a 12-month period as determined by the District. Employees are eligible if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the previous 12-month period.

The District must compute the time frame of the 12-month period for which FMLA leave is being requested. The District uses a "rolling" 12-month period measured backward from the date of any FMLA leave usage to calculate the FMLA leave. In certain cases, FMLA leave may be taken on an intermittent or reduced schedule basis rather than all at once. The entitlement to leave for the birth or placement of a child expires at the end of the 12-month period beginning on the date of the birth or placement.

Eligible employees may be granted leave for one or more of the following reasons:

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement of a child with the employee from foster care;
- d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a serious health condition; or
- f) The employee's serious health condition prevents the employee from performing his or her job.

Military Family Leave EntitlementsMilitary Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to 26 weeks of leave during a single 12-month period to care for the servicemember.

Qualifying Exigency Leave

An "eligible" employee may take qualifying exigency leave when his or her spouse, son, daughter, or parent who is a member of the Armed Forces, National Guard, or Reserves is on covered active duty or has been notified of an impending call or order to covered active duty.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)**Concurrent (Substitute) Leave**

Employees must use paid leave concurrently with periods of otherwise unpaid FMLA leave. In other words, if an employee is receiving benefits under Workers' Compensation, the employee will not be required to substitute their paid time off during their FMLA leave.

Special Provisions for Instructional Employees

An instructional employee's principal function is to teach and instruct students in a class, a small group, or an individual setting. Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an instructional employee.

Intermittent Leave Taken by Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is continuous leave. The period during summer vacation is not counted against an employee's FMLA leave entitlement; the employee will continue to receive any benefits that are customarily given over the summer break.

If an instructional employee requests intermittent leave or leave on a reduced schedule, and will be on that leave for more than 20% of the number of working days during that period, the District may:

- a) Require the employee to take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer the employee temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring leave periods than the employee's regular position.

Leave Taken by Instructional Employees Near the End of the Instructional Year

If the instructional employee begins leave more than five weeks before the end of the term, the District may require him or her to continue taking leave until the end of the term if the leave lasts more than three weeks and the employee would return during the three weeks before the end of the term.

If the instructional employee begins leave less than five weeks before the end of the term for any FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two weeks and the employee would return to work during that two-week period at the end of the instructional term.

If the instructional employee begins taking leave during the three weeks before the end of the term for any FMLA-related reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave will last more than five working days.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)

Any additional time that is required by the District will not be charged against the employee as FMLA leave.

Benefits and Restoration

An employee is entitled to have group health insurance and benefits maintained while on leave. If an employee was paying all or part of the premium payments before leave, the employee will continue to pay his or her share during the leave period.

In most instances, an employee has a right to return to the same or an equivalent position following a leave. The Superintendent or designee may reassign an employee in accordance with any applicable collective bargaining agreement to a different grade level, building, or assignment consistent with the employee's certification and tenure area.

Employee Notice and Medical Certification

When leave is foreseeable, the employee must give at least 30 days' advance notice of when and how much leave he or she needs. When leave is not foreseeable, the employee must provide notice as soon as practicable.

The District may require an employee to submit certification from a healthcare provider to substantiate a leave request. If the certification is incomplete or insufficient, the District will identify in writing what information the employee must provide to correct the deficiency within seven days. If the employee fails to timely provide the requested information, the District may deny his or her FMLA leave request.

The District may also request a second opinion regarding the employee's medical status from a healthcare provider of its choice at its expense, and a third opinion from a provider agreed upon by the District and the employee, to be paid for by the District.

FMLA Notice

The District will display a general notice to employees about FMLA leave rights, that will include how to file a complaint, in each school building. The District will also provide a written general notice about the FMLA in the employee handbook to each new employee upon hire. The District has five days to supply this notice from the date of hire.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3

National Defense Authorization Act of 2008, Public Law 110-181

10 USC §101(a) (13)

29 USC §§1630.1 and 2611-2654

29 CFR Part 825 and Part 1630

42 USC §12102

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

45 CFR Parts 160 and 164

Personnel

SUBJECT: REMOTE WORKING

Generally, the District believes that its goals and objectives are best served when employees work in-person on District premises. However, the District recognizes that, in certain circumstances, remote working or telecommuting may be advantageous to both the employee and the District. It may also be necessary in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote working, the District will take into consideration any applicable laws, regulations, collective bargaining agreements, or existing policies and procedures. This policy will be superseded by any conflicting law, regulation, or collective bargaining agreement.

Remote Working Arrangements

Remote working is not an entitlement or a District-wide benefit. The ability to work remotely is completely at the discretion of the District. Except where specifically provided by an applicable collective bargaining agreement, employees will not be permitted to file a grievance as a result of a denial of their request to work remotely.

Upon request, an employee's supervisor, in conjunction with the Superintendent or designee, may grant an employee a full-time, part-time, or short-term remote work arrangement provided that the employee's work is able to be performed remotely and the employee has consistently demonstrated the ability to effectively work independently.

Extraordinary Circumstances

In the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation, it may be necessary to establish remote working arrangements for some or all employees. In these circumstances, the District will notify employees of whether they are expected to work at home full-time, part-time, or not at all. The District retains the right to change the remote working arrangement for any employee at any time.

Continuity of Work

Unless specifically agreed upon, working remotely will not alter an employee's work schedule, job duties, compensation, benefits, or any other term and condition of employment. Further, while working remotely, employees will be required to remain available during their normal workhours via email, phone, or other means. Failure to respond in a reasonable time frame may result in discipline and/or termination of the remote work arrangement.

(Continued)

SUBJECT: REMOTE WORKING (Cont'd.)Compliance with District Policies and Procedures

District employees who are working remotely are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would if they were working on District premises. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and copyright. Engaging in prohibited conduct may result in disciplinary action as warranted.

2021 7000

Students

South Jefferson Central School District

NUMBER

ATTENDANCE

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE**Statement of Overall Objectives**

The District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. The District recognizes that consistent school attendance, academic success, and school completion have a positive correlation, and therefore has developed, and, if necessary, will revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) Increase school completion for all students;
- b) Raise student achievement and close gaps in student performance;
- c) Identify attendance patterns in order to design attendance improvement efforts;
- d) Know the whereabouts of every student for safety and other reasons;
- e) Verify that individual students are complying with education laws relating to compulsory attendance;
- f) Determine the District's average daily attendance for state aid purposes.

Description of Strategies to Meet Objectives

The District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Develop a Comprehensive Student Attendance Policy based upon the recommendations of a multifaceted District Policy Development Team that includes representation from the Board, administrators, teachers, students, parents, and the community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy.
- c) Maintain accurate recordkeeping via a Register of Attendance to record attendance, absence, tardiness, or early departure of each student.
- d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

- e) Develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness, and Early Departures

Based upon the District's education and community needs, values, and priorities, the District has determined that absences, tardiness, and early departures will be considered excused or unexcused according to the following standards:

- a) **Excused:** An absence, tardiness, or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, or other reasons as may be approved by the Board.
- b) **Unexcused:** An absence, tardiness, or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, haircut, obtaining learner's permit, road test, oversleeping).

A written excuse, signed by a parent or person in parental relation should be presented by the student when returning to school following each absence.

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness, and early departure will be kept in a register of attendance in a manner consistent with Commissioner's regulations. An absence, tardiness, or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

Attendance will be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade 5 (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), the student's presence or absence will be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. For purposes of APPR and Teacher-Student Data Linkages (TSDL), classroom attendance for all students in grades K through 12 must be recorded on a subject by subject basis for Teacher of Record Determinations.
- b) For students in grades 6 through 12 or in departmentalized schools at any grade level (i.e., students pass individually to different classes throughout the day), each student's presence or absence will be recorded after the taking of attendance in each period of scheduled instruction.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

- c) Any absence for a school day or portion thereof will be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- d) In the event that a student at any instructional level from grades K through 12 arrives late for, or departs early from, scheduled instruction, the tardiness or early departure will be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record will be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or other cause as may be found satisfactory to the Commissioner of Education.

Attendance records will also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information will be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness, or early departure will be coded on a student's record in accordance with the established District or building procedures.

Student Attendance and Course Credit

The District believes that classroom participation is related to, and affects, a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period, a certain percentage of a student's final grade may be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc., as determined by the building administrator or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

Students with properly excused absences, tardiness, and early departures for which the student has performed any assigned make-up work, assignments, and/or tests will not be counted as an absence for the purpose of determining the student's eligibility for course credit. District procedures will specify how student tardiness and early departures will be calculated and factored into the District's minimum attendance standard.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

However, the District may not deny course credit to a student who has exceeded the allowable number of absences but taken all tests, completed missed class work, and secured a passing grade.

For summer school and courses meeting 1/2 year or 1/4 year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students will be considered in attendance if the student is:

- a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or
- b) Working under an approved independent study program; or
- c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school-sponsored activity must arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school-sponsored events where instruction is substantially equivalent to the instruction which was missed will be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness, or early departure, it will be the responsibility of the student to consult with his or her teacher(s) regarding arrangements to make up missed work, assignments, and/or tests in accordance with the time schedule specified by the teacher.

Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit

In order to ensure that parents or persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed prior to the denial of course credit to the student for insufficient attendance, the following guidelines will be followed:

- a) Copies of the District's Comprehensive Student Attendance Policy will be available to parents or persons in parental relation and provided to students at the beginning of each school year or at the time of enrollment in the District via the District's website.
- b) School newsletters and publications may include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. A summary of the Attendance Policy will also be included in parent or student handbooks or posted on the District website.

(Continued)

Students

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

- c) At periodic intervals, a designated staff member(s) will notify, by telephone, the parent or person in parental relation of the student's absence, tardiness, or early departure and explain the relationship of the student's attendance to his or her ability to receive course credit. If the parent or person in parental relation cannot be reached by telephone, a letter will be sent detailing this information.
- d) A designated staff member from the Pupil Services Team will review the District's Attendance Policy with students who have excessive and/or unexcused absences, tardiness, or early departures. Further, appropriate student support services within the District, as well as the possible collaboration or referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

Notice of Students who are Absent, Tardy, or Depart Early Without Proper Excuse

A designated staff member will notify by telephone the parent or person in parental relation to a student who is absent, tardy, or departs early without proper excuse. The staff member will explain the District's Comprehensive Student Attendance Policy, the District's or building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent or person in parental relation cannot be reached by telephone, the staff member will provide the notification by mail. Further, the District's Attendance Policy will be mailed to the parent or person in parental relation to promote awareness and help ensure compliance with the policy.

If deemed necessary by appropriate school officials, or if requested by the parent or person in parental relation, a school conference will be scheduled between the parent or person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be requested to attend this conference in order to address appropriate intervention strategies that best meet the needs of the student.

Chronic Absenteeism

Chronic absenteeism is defined as missing at least 10% of enrolled school days in a year for any reason, excused or unexcused. Chronic absenteeism differs from truancy because it emphasizes missed instructional time rather than unexcused absences. Missed instructional time can increase a student's risk for disengagement, low achievement, and dropping out, among other things.

Students who miss at least 5% of enrolled school days in a year are at risk of becoming chronically absent. In light of this, the District will implement intervention strategies for students who miss 5% or more of the enrolled school days in a year.

Disciplinary Consequences

Disciplinary consequences for tardiness are outlined in the *Code of Conduct*.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)**Intervention Strategy Process**

Students identified as having a pattern of excused absences, unexcused absences, tardiness, or early departures will be referred to the Pupil Services Team for appropriate intervention.

Appeal Process

A parent or person in parental relation may request a building level review of his or her child's attendance record.

Building Review of Attendance Records

The building principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness, and early departures.

Annual Review by the Board

The Board will annually review the building level student attendance records and if those records show a decline in student attendance, the Board will make any revisions to the Policy and plan deemed necessary to improve student attendance.

Community Awareness

The Board will promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- a) Making available a plain language summary of the policy to parents or persons in parental relation to students at the beginning of each school year and promoting the understanding of this policy to students and their parents or persons in parental relation;
- b) Providing copies of the policy to any other member of the community upon request.

Education Law §§ 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213
8 NYCRR §§ 104.1, 109.2, and 175.6

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: 8/25/21

Students

SUBJECT: AGE OF ENTRANCE**Kindergarten**

Students who are legal residents of the District and who reside with parents or guardians within the District at the time of the opening day of school must be five years of age or more on December 1 in order to register for kindergarten.

A student who transfers into the District at any time during the school year may be considered for admission to kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the District on the opening day of school, and
- b) The student has been registered and enrolled in kindergarten in the District in which his or her parents were legal residents.

Other Grades

Admission of students to other grades will involve a consideration of both chronological age and his or her readiness to do the work of those grades.

Proof of Age

A student's birth certificate or other satisfactory evidence of age must be presented at the time of initial registration and will be enrolled under his or her legal name.

Education Law §§ 1712, 3202, 3212, and 3218

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: 8/25/21

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING

The Board recognizes the unique challenges that face students in temporary housing (i.e., homeless children and youth) and will provide these students with access to the same free and appropriate public education, including public preschool education, as other students, as well as access to educational and other services necessary to be successful in school. The District will ensure that these students are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, and success of students in temporary housing.

Identification of Students in Temporary Housing

All districts are obligated to affirmatively identify all students in temporary housing. Therefore, the District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child.

In addition to using the housing questionnaire, the District will also contact the local department of social services (LDSS) (i.e., the social services district) to identify students in temporary housing, as well as the local runaway and homeless youth shelter, and any other shelters located within District boundaries to ensure all students in temporary housing are properly identified and served.

Definitions

- a) "Feeder school" means:
1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
 3. A school that sends its students to a receiving school in a neighboring school district.
- b) "Homeless child" means:
1. A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- (a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason (sometimes referred to as "doubled-up");
 - (b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - (c) Abandoned in hospitals;
 - (d) A migratory child who qualifies as homeless under (a), (b), or (c) of this subparagraph or item 2) below; or
 - (e) An unaccompanied youth; or
2. A child or youth who has a primary nighttime location that is:
- (a) A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or
 - (b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
- c) "Migratory child" means a child or youth who made a qualifying move in the preceding 36 months:
- 1. As a migratory agricultural worker or a migratory fisher; or
 - 2. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.
- d) "Preschool" means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.
- e) "Receiving school" means:
- 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
 - 2. A school that enrolls students from a feeder school in a neighboring local educational agency.

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- f) "Regional placement plan" means a comprehensive regional approach to the provision of educational placements for homeless children that has been approved by the Commissioner of Education.
- g) "School district of current location" means the public school district within New York State in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth, is located, which is different from the school district of origin.
- h) "School district of origin" means the school district within New York State in which:
1. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;
 2. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
 3. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.
- i) "School of origin" means:
1. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
 2. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
 3. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.
- j) "Unaccompanied youth" means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**The McKinney-Vento Liaison for Students in Temporary Housing**

The District will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the District liaison for students in temporary housing (otherwise referred to as the McKinney-Vento liaison). The District's McKinney-Vento liaison serves as one of the primary contacts between families experiencing homelessness and school staff, District personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District's McKinney-Vento liaison must ensure that:

- a) Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
- b) Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the District's schools;
- c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District;
- d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
- e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
- g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;
- h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- i) A record is maintained of all appeals of enrollment, school selection, and transportation;
- j) Public notice of the educational rights of students in temporary housing is posted in locations where these students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth;
- k) School personnel providing services to students in temporary housing receive professional development and other support;
- l) Unaccompanied youths:
 - 1. Are enrolled in school;
 - 2. Have opportunities to meet the same challenging state academic standards as the state establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations; and
 - 3. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the McKinney-Vento liaison to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA);
- m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and
- n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

School District and School Designations

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

- a) The parent or person in parental relation (guardian) to a student in temporary housing;
- b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- c) The director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where the student is living in that program.

The District will ask the designator to designate one of the following as the school district of attendance for the student in temporary housing:

- a) The school district of current location;
- b) The school district of origin; or
- c) A school district participating in a regional placement plan.

The District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

- a) The school of origin; or
- b) Any school that permanent housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

A student in temporary housing is entitled to attend the schools of the school district of origin without the payment of tuition for the duration of his or her homelessness and through the remainder of the school year in which the student becomes permanently housed and for one additional year if that year constitutes the student's terminal year in that school building, subject to a best interest determination.

Designation/STAC 202 Form

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all these students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

- a) Sought enrollment in school; or
- b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

(Continued)

Students

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

Where a parent or person in parental relation or a child who is neither placed in a temporary housing facility by the LDSS nor housed in a residential program for runaway homeless youth, designates the District as the school district of current location, the District will forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the District's schools.

Immediate Enrollment and Best Interest Determinations

Upon identification of a child who is in temporary housing and/or receipt of a completed designation/STAC 202 form, the District will:

- a) Immediately review the designation form to ensure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- b) Determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
 1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
 2. Consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child's parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District will provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal.
- c) Provide the child with access to all of the District's programs, activities and services to the same extent as they are provided to resident students;
- d) Immediately contact the school district where the child's records are located in order to obtain a copy of these records and coordinate the transmittal of records for students with disabilities pursuant to applicable laws and regulations;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- e) Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- f) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;
- g) Arrange for transportation in accordance with applicable laws and regulations; and
- h) Arrange for the child to receive free school meals.

Request for Records

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

Tuition Reimbursement

The District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

- a) The District is either the school district of current location or a school district participating in a regional placement plan;
- b) The District is designated as the school district of attendance; and
- c) The school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District schools after finding permanent housing midyear in a different school district within New York State. In these cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**Transportation Responsibilities**

The LDSS is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law Section 350-j and placed in temporary housing arrangements outside their designated districts. Where the LDSS requests that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District will provide or arrange for the transportation and directly bill the LDSS so that the district will be fully and promptly reimbursed for the cost of the transportation.

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, the district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:

- a) The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- b) The student meets the eligibility criteria for the activity; and
- c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

Dispute Resolution Process

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- c) If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**The McKinney-Vento Liaison's Dispute Resolution Responsibilities**

The District's McKinney-Vento liaison must assist the student in temporary housing's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner of a final school district decision regarding enrollment, school selection and/or transportation. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

- a) Provide the parent or guardian or unaccompanied youth with a copy of the form petition;
- b) Assist the parent or guardian or unaccompanied youth in completing the form petition;
- c) Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth;
- d) Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party, or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;
- e) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that he or she has received the form petition and supporting documents, and will either accept service of these documents on behalf of the District employee or officer or District, or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;
- f) Transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- g) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that he or she has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- h) Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. He or she will also make this correspondence available to the parent or guardian or unaccompanied youth; and
- i) Maintain a record of all appeals of enrollment, school selection, and transportation determinations.

Coordination

The District will coordinate the provision of services described in this policy with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

Coordination with Title I

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

- a) Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- b) Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- c) Its local plan describes the services provided to students in temporary housing;
- d) Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. These efforts will include contacting the LDSS or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

- e) Its housing questionnaire asks about the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire will also be kept on file.

Reporting Requirements

The District will collect and transmit to the Commissioner of Education, at the time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence.

Access to Free Meals

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately.

Removal of Barriers

The District will review and revise its policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

Comparable Services

The District will provide services to students in temporary housing comparable to those offered to other students in the District, including: transportation services; educational services for which the child or youth meets the relevant criteria, such as services provided under Title I or similar state or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**Student Privacy**

Information about a student in temporary housing's living situation will be treated as a student education record and will not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent or guardian or unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

Training

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of students in temporary housing. Other staff members including school nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act (ESSA) of 2015, 42 USC § 11431, et seq.
Education Law §§ 902(b) and 3209
Executive Law Article 19-H
8 NYCRR § 100.2(x)

Students

SUBJECT: NON-RESIDENT STUDENTS

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal District residents and who are of legal age to attend school. The Board of Education does not accept students who do not reside within the geographical borders of the South Jefferson Central School District for enrollment in its schools with the following exceptions:

SENIORS: Students whose parents/guardians become non-residents after the 3rd academic quarter of the student's 11th grade year at South Jefferson, the student may remain enrolled in the District's schools for his or her 12th grade year without the payment of tuition if the following conditions are met:

- a. The student must be in good academic standing, as determined by being on track to graduate with a NYS diploma or certificate at the end of the student's 12th grade year.
- b. The student must be in and must maintain good behavioral standing, as determined by the Superintendent of Schools.
- c. The parent or guardian will be responsible for providing/arranging for their child's transportation to and from the South Jefferson schools.
- d. For any students who do not meet these exceptions, they must enroll in their new school district within 10 days of becoming a non-resident student.

K through 11th Graders: Students in grades K through 11 whose parents or guardians become non-residents during the 4th marking period may remain enrolled in the District's schools for the remainder of that academic year without payment of tuition if the following conditions are met:

- a. The student must be in and must maintain good behavioral standing, as determined by the Superintendent of Schools.
- b. The parent or guardian will be responsible for providing/arranging for their child's transportation to and from the South Jefferson schools.

(Continued)

Students

- c. For any students who do not meet these exceptions, they must enroll in their new school district within 10 calendar days of becoming a non-resident student.

Regarding the children of School District employees and other contracted employees, as per the South Jefferson Teachers' Association, South Jefferson Administrators Association and the Civil Service Employees' Association collective bargaining agreements: The children/adopted children of bargaining unit members and other contracted employees choosing to enroll in the South Jefferson Central School District may attend tuition free. The Superintendent will determine which building the student will attend. Non-resident families must provide their own transportation.

Pre-K: School District employees who want to enroll their children in Pre-K at South Jefferson, may do so if the following conditions exist:

- a. If an open slot is available on August 1st prior to the new school year starting, the employee's child may attend South Jefferson. (during the enrollment period)
- b. The placement will be assigned by the Superintendent of Schools or designee.
- c. The parent or guardian will be responsible for providing/arranging for their child's transportation to and from the South Jefferson schools.
- d. In the event there are more non-resident employee children interested in attending Pre-K than slots, a lottery will be utilized.

Education Law § § 1709(13) and 3202
8 NYCRR § 174.2

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: April 5, 2023

SUBJECT: REMOTE LEARNING**Use of Remote Learning in the District**

The District may offer remote or distance learning to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote learning, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. The District will also ensure that it is complying with applicable teaching and learning requirements.

Extraordinary Circumstances

In the event of an extraordinary circumstance that requires long-term and widespread use of remote learning, a plan will be developed that outlines how the District will accomplish remote learning. This plan will outline the number of students involved, modes of remote learning, asynchronous and synchronous learning opportunities, Internet and device access among students, and alternatives available for students who have neither a device nor consistent access. It will also address the needs of different populations of students including, but not limited to, vulnerable students, younger students, students with disabilities, and English language learners.

If warranted, the District may use a hybrid model of in-person instruction and remote learning.

Formats and Methods of Remote Learning

Remote learning may be delivered by teachers through a variety of formats and methods. Instruction may be provided through video, audio, and/or written materials. Communication between teachers and students may occur through video conferencing, prerecorded videos, online discussion boards, and/or other instruction that relies on technology. Remote learning can occur synchronously, which involves real-time interaction and collaboration between teachers and students, or asynchronously, which involves delayed interactions between teachers and students and self-directed learning.

Determinations about how to best deliver remote learning will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the District and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.

Remote Learning Support

As necessary, the District will provide instruction on using remote learning technology and IT support for students, teachers, and families. The District will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote learning experience.

(Continued)

SUBJECT: REMOTE LEARNING (Cont'd.)**Compliance with District Policies, Procedures, and the *Code of Conduct***

Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the *Code of Conduct* at all times while engaged in remote learning. Violations of the *Code of Conduct* and/or engaging in prohibited conduct may result in disciplinary action as warranted.

Privacy and Security of Student and Teacher Data

In compliance with law, regulation, and District policy, the District will take measures to protect the personal information of students and teachers from unauthorized access when using remote learning technologies. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, deidentifying data, and the use of encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

Students

SUBJECT: STUDENT EVALUATION, PROMOTION, AND PLACEMENT**Grade Promotion and Placement**

Grade promotion and the placement of students within the District's instructional system will be at the discretion of the school administration and will be subject to review at any time. In making these decisions, the administrator or building principal will be guided by: performance in class; past records, including various measures of student growth; recommendations from parents, persons in parental relation to District students, and teachers; and any other appropriate sources of information. With regard to student placement decisions, parents or persons in parental relation to District students may submit written requests for teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

Testing Program

The District utilizes various ability, achievement, diagnostic, readiness, interest, and guidance tests for the purpose of complying with state and federal law and/or aiding the implementation of quality educational services. The District will not make any student promotion or placement decisions based solely or primarily on student performance on the state administered English language arts and mathematics assessments for grades 3 through 8. The District may, however, consider student performance on state assessments in making student promotion and placement decisions provided that multiple measures be used in addition to these assessments and that these assessments do not constitute the major factor in these determinations.

Alternative Testing Procedures

The use of alternative testing procedures will be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures will be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English (i.e., English language learners) in accordance with State Education Department (SED) Guidelines.

The alternative testing procedures employed will be based upon a student's individual needs and the type of test administered.

The District will report the use of alternative testing procedures to the SED on a form and at a time prescribed by the Commissioner.

(Continued)

SUBJECT: STUDENT EVALUATION, PROMOTION, AND PLACEMENT (Cont'd.)**Reporting to Parents or Persons in Parental Relation to Students**

Parents or persons in parental relation to District students will receive an appropriate report of student progress at regular intervals.

The District will not place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades 3 through 8. However, the District will comply with state and federal requirements regarding the maintenance and transfer of student test scores. Any test results on a state administered standardized English language arts or mathematics assessment for grades 3 through 8 sent to parents or persons in parental relation to a student will include a clear and conspicuous notice that these results will not be included on the student's official transcript or in the student's permanent record and are being provided to the student and parents for diagnostic purposes.

When necessary, attempts will be made to provide interpreters for non-English speaking parents or persons in parental relation to District students.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Education Law §§ 305(45) - (47), 1709(3)
8 NYCRR §§ 100.2(g), 100.2(l), 100.3(b)(2)(iv), 100.4(b)(2)(v), 100.4(e)(6)
8 NYCRR Parts 117 and 154

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board will provide interpreter services, provided sufficient notice is given, at no charge, to parents or persons in parental relation, who are hearing impaired for school meetings or activities related to their child's educational program. Notice of the need for an interpreter will be considered sufficient if a written request for the service has been submitted to the District's Compliance Officer and received no less than five school days prior to the scheduled meeting or activity. If an interpreter is unavailable, the District will make other reasonable accommodations which are satisfactory to the parents (e.g., note taker, transcript, decoder, or telecommunication device for the deaf).

Education Law § 3230
8 NYCRR § 100.2(aa)

Adopted: 8/25/21

Students

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS

Response to Intervention (RtI) is a multi-tiered early prevention and intervention system designed to improve outcomes for all students. In accordance with Commissioner's regulations, the District has established administrative practices and procedures for implementing District-wide initiatives that address an RtI process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RtI services pursuant to Commissioner's regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

The New York State Education Department (SED) has released a guidance document to assist school districts in designing and implementing an effective RtI process, which includes, but is not limited to, information regarding regulatory requirements, quality indicators, staff development, tools to assist districts in selecting a specific model and procedures for the use of RtI data in determining if a student has a learning disability. This guidance document is available on the SED's official website.

The District has established procedures for identifying students with learning disabilities that use a research-based RtI process prior to, or as part of, an individual evaluation to determine whether a student has a learning disability. An RtI process is required for all students in grades kindergarten through grade 4 suspected of having a learning disability in the area of reading. RtI cannot be utilized as a strategy to delay or deny a timely initial evaluation of a student suspected of having a disability under the Individuals with Disabilities Education Act (IDEA).

Minimum Requirements of District's RtI Program

The District's RtI process will include the following minimum requirements:

- a) Scientific, research-based instruction in reading and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per Commissioner's regulations, means scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- b) Screenings will be provided to all students in grades K-5 to identify those students who are not making academic progress at expected rates;
- c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;
- d) Repeated assessments of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;

(Continued)

Students

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)

- e) The application of information about the student's response to intervention to make educational decisions about changes in goals [i.e., goals for all students, not just Individualized Education Program (IEP) goals], instruction and/or services and the decision to make a referral for special education programs and/or services; and teachers may submit a referral to the District's Instructional Support Team (IST) containing information about the student's response to intervention. The District will identify staff members who will serve on the IST and who will review referrals and make decisions concerning student academic progress and further intervention, as deemed necessary.
- f) Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:
 - 1. The amount and nature of student performance data that will be collected and the general education services that will be provided as enumerated in Commissioner's regulations;
 - 2. Strategies for increasing the student's rate of learning; and
 - 3. The parents' right to request an evaluation for special education programs and/or services.

Structure of RtI Program

The District will implement a three-tiered RTI model.

The District's RtI program will consist of multiple tiers of instruction or assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

Instructional Support Teams (ISTs), whose members may include, but are not limited to, regular education teachers, special education personnel, the school psychologist, reading and math specialists, designated administrators, and other individuals deemed appropriate by the District, will be available for each building or grade level classification to address the implementation of the District's RtI process.

The IST's responsibilities will include, but are not limited to, the following:

- a) Determining the level of interventions and student performance criteria appropriate for each tier of the RtI model;
- b) Analyzing information and assessments concerning a student's RtI and making educational decisions about changes in goals, instruction, or services;
- c) Determining whether to make a referral for special education programs or services.

(Continued)

Students

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)**Criteria for Determining the Levels of Intervention to be Provided to Students**

The IST will meet regularly to review student data and make recommendations.

Research-based progress monitoring tools will be used to track and evaluate progress.

Types of Interventions

The District will provide multiple tiers of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that use of the Tier Level of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

Tier One Instruction

Tier One instruction is provided to all students in the general education setting. The use of scientific, research based instruction in the areas of reading and math will be provided by the general education teacher and/or other qualified personnel as appropriate, and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment, and reinforcement activities will be provided as deemed appropriate by the classroom teacher.

The analysis of Tier One student performance data will be used to identify those students who need additional intervention at the Tier Two Level of instruction.

Tier Two Instruction

In general, Tier Two instruction will consist of small group, targeted interventions for those students identified as being "at risk" and who fail to make adequate progress in the general education classroom. Tier Two instruction will include programs and intervention strategies designed to supplement Tier One interventions provided to all students in the general education setting.

Tier Two instruction may be provided by specialized staff such as reading and math teachers, tutors, speech therapists, school psychologists, and/or school counselors as determined by the IST.

At the conclusion of Tier Two instruction, the IST will review the student's progress and make a determination as to whether Tier Two interventions should be maintained, the student returned to the general education classroom if satisfactory progress is shown, or referred for Tier Three instruction.

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)**Tier Three Instruction**

Tier Three instruction is the provision of more intensive instructional interventions, tailored to the needs of the individual student, and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier Two level. Tier Three instruction may include longer periods of intervention program and services than those provided in the first two Tiers based upon the significant needs of the student.

Tier Three instruction will be provided by those specialists, as determined by the IST, best qualified to address the individual student's targeted area(s) of need. If deemed appropriate by the Team, and in accordance with applicable law and regulation, a referral of the student may be made to the CSE.

Progress monitoring on a continuous basis is an integral part of Tier Three and the student's response to the intervention process will determine the need or level of further intervention services and/or educational placement.

Amount and Nature of Student Performance Data to be Collected

The IST will determine the amount and nature of student performance data that will be collected to assess, on an ongoing basis, student performance results and address ongoing academic needs as warranted. This data collection will reflect the Tier Level of intervention provided to the student. Student performance data will also be used to review the District's RtI program and make modifications to the program as deemed necessary.

Manner and Frequency for Progress Monitoring

The IST will monitor the progress of those students receiving intervention services beyond that provided to all students in the general education classroom. The Team will meet with the student's teacher(s) and determine if further adjustments must be made to the student's current instructional program and/or a change made to the Tier Level of intervention provided. Monitoring of student progress will be an ongoing part of the RtI program from the initial screening to completion of the RtI process as applicable. Parents may also request that the SST review their child's progress.

Fidelity measures (e.g., an observational checklist of designated teaching behaviors in accordance with the RtI process being implemented) will also be completed by Team members to assess whether the intervention was implemented as intended and uniformly applied. Clear benchmarks will be established for student performance and performance charts will be plotted at the completion of the instructional period or intervention process.

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (Cont'd.)**Staff Development**

All staff members involved in the development, provision, and/or assessment of the District's RtI program, including both general education and special education instructional personnel, will receive appropriate training necessary to implement the District's RtI program. Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data, and the manner and frequency for monitoring progress.

34 CFR §§ 300.309 and 300.311

Education Law §§ 3208, 4002, 4401, 4401-a, and 4410

8 NYCRR §§ 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

Students

SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS

To graduate from the District, a student must meet or exceed the requirements set forth in Part 100 of the Commissioner's regulations. The Board may establish graduation requirements that exceed the minimum standards set by the Board of Regents. The District will award the appropriate diploma, credential, or both to students.

Pathways to Graduation

Students must pass the required number of Regents examinations or approved alternative exams and meet any further graduation requirements; these requirements may include passing an approved pathways assessment, other assessment, or an additional exam that measure an equivalent level of knowledge and skill. Students who fail certain Regents examinations may appeal the result in accordance with Commissioner's regulations.

Early Graduation

A student may be eligible for early graduation (fewer than eight semesters) if the student completes all requirements for graduation, excluding physical education. The District will consult with appropriate personnel, the student, and persons in parental relation, and consider factors such as the student's grades, performance in school, future plans, and benefits to graduation early in making its decision.

Accelerated ProgramsEighth Grade Acceleration for Diploma Credits

Eighth grade students may take appropriate high school courses. The Superintendent or designee will determine whether an eighth grade student is eligible to take high school courses using criteria that examines each student's readiness. By the end of seventh grade, accelerated students must receive instruction designed to facilitate their attainment of the state intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement (AP)

Advanced Placement examinations afford students the opportunity to earn credit or advanced standing in many colleges and universities. The College Board administers a variety of AP examinations in May of each year. The District will determine a student's readiness for enrollment in any AP class.

(Continued)

SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)**Dual Credit for College Courses**

Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with the District. Students who wish to enroll in college-level coursework must meet all academic, grade level, and coursework requirements. These opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. The administration will review and approve any college courses before they are taken during the school day. The Board will not pay tuition and other related costs for those high school students enrolled in college courses.

Online Coursework

The District may offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

To receive credit for online coursework, students must successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam or other assessment in the subject area.

8 NYCRR §§ 100.1(i), 100.2(f), 100.4(d), 100.5, 100.6, and 200.5

NOTE: Refer also to Policy #7222 -- Diploma or Credential Options for Students with Disabilities

Students

SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The District will provide students with disabilities appropriate opportunities to earn a diploma or non-diploma high school exiting credential in accordance with Commissioner's regulations. Students with disabilities may be eligible for one or more of the following:

Diploma Options

- a) Regents Diploma, including with honors, an advanced designation, a career and technical education endorsement, and/or any other designation or endorsement as may be available.
- b) Local Diploma, including with any endorsement as may be available.

Existing Credentials Options

- a) Career Development and Occupational Studies (CDOS) Commencement Credential, which may be earned as a supplement to a Regents or local diploma or as a student's only exiting credential.
- b) Skills and Achievement Commencement Credential.

Specific requirements and detailed information for each diploma and non-diploma high school exiting credential are specified in the Commissioner's regulations and various guidance materials issued by the New York State Department of Education.

8 NYCRR §§ 100.1, 100.2, 100.5, and 100.6

NOTE: Refer also to Policy #7220 -- Graduation Options/Early Graduation/Accelerated Programs

Adopted: 8/25/21

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The District will comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents or guardians and noncustodial parent(s) whose rights are not limited by court order or formal agreement, of a student under 18, or a student who is 18 years of age or older, or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the District.

Education Records

The term "education records" is defined as all records, files, documents, and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for that agency or institution. This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA and they are subject to the confidentiality provisions of both Acts.

However, personal notes made by teachers or other staff are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

Additionally, FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

Access to Student Records

Administrative regulations and procedures will be developed to comply with the provisions of federal law relating to the availability of student records. The purpose of these regulations and procedures is to make available to the parents or guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are 18 years of age or older, or who are attending an institution of post-secondary education, student records, and files on students, and to keep these records confidential with respect to third parties.

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information (PII) contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that the signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates the person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent or eligible student, the District may release a student's information or records when it is:

- a) Directory Information and Limited Directory Information

"Directory information" is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. "Limited Directory Information Disclosure" means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, honor roll lists, graduation programs, and playbills, but restrict disclosure for more potentially dangerous purposes. The District will limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.

- b) To School Officials who have a Legitimate Educational Interest

To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student, other students, or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- c) To Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or post-secondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that these disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, the District will provide a copy of the information disclosed and an opportunity for a hearing.

d) For Health and Safety Emergency Reasons

The District must balance the need to protect students' PII with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. The District may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials, and medical personnel. The District's determination that there is an articulable and significant threat to the health or safety of a student or other individuals will be based upon a totality of the circumstances, including the information available, at the time the determination is made. The District must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

e) To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In these cases, the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

f) To Foster Care Agencies

The District may release records to an agency caseworker or other representative of a state or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or maltreatment, absent an order or subpoena.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)g) Pursuant to a Subpoena or Court Order

When the District receives a subpoena or court order for the release of records, it will make a reasonable effort to notify the parent or guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent or guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

The District may disclose a student's records without first notifying parents or guardians or eligible students if the disclosure is:

1. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
2. In accordance with a judicial order in cases where the parents are a party to a court proceeding involving child abuse or maltreatment or dependency matters, and the order is issued in the context of that proceeding; or
3. Made to a court (with or without an order or subpoena) when the District is involved in a legal action against a parent or student and the records are relevant to the matter.

h) For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions, and enforcement of terms of a student's financial aid.

i) To Accrediting Organizations

Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

j) To Parents of a Dependent Student

Even when a student turns 18 years of age or older the District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

k) For Audit/Evaluation Purposes

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state, or local educational authorities.

(Continued)

Students

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs.

The District may occasionally disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the District. As an example, the District might designate a university as its authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university could then disclose, without consent, transcript data on those former students attending the university to allow the District to evaluate how effectively the District prepared its students for success in post-secondary education.

l) For Conducting Studies

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts, or post-secondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction.

The District may disclose PII from education records without consent to these organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may occasionally disclose PII from education records that the District has previously shared with that entity, to organizations conducting studies on behalf of the District. For example, a State Education Agency (SEA) may disclose PII from education records provided by the District without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess the effectiveness of these programs with the goal of providing the best instruction.

Required Agreements for the Studies or Audit/Evaluation Exceptions (see items k and l)

To the extent required by law, the District will enter into a written agreement with organizations conducting studies for the District, or, with its designated authorized representatives in connection with audits or evaluations of education programs within the District. In the event that the District discloses PII from education records to its own designated authorized representative in connection with an audit or evaluation of an educational program within the District, it will use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**Challenge to Student Records**

Parents or guardians of a student under the age of 18, or a student who is 18 years of age or older or who is attending an institution of post-secondary education, will have an opportunity for a hearing to challenge the content of the school records and to be sure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any inaccurate, misleading, or otherwise inappropriate data.

Release of Information to the Noncustodial Parent

The District may presume that the noncustodial parent has the authority to request information concerning his or her child and release this information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it is his or her responsibility to obtain and present to the school a legally binding instrument that prevents the release of information related to the child.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g
34 CFR Part 99
Education Law § 2-d

NOTE: Refer also to Policies #5676 -- Privacy and Security for Student Data and Teacher and Principal Data
#7241 -- Student Directory Information
#7242 -- Military Recruiters and Institutions of Higher Education

Adopted: 8/25/21

Students

SUBJECT: STUDENT DIRECTORY INFORMATION

The District will publish an annual public notice informing parents or eligible students (i.e., a student 18 years of age or older or who is attending an institution of post-secondary education) of (1) the District's definition of directory information; (2) the parent or eligible student's right to opt-out of, in writing, the release of student directory information; and (3) indication of the time period to do so.

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Following this public notice and a reasonable period to opt-out, the District may release this information to an outside group without individual consent.

The Family Educational Rights and Privacy Act defines student directory information as any of the items as indicated in the following list. The District defines student directory information to include only the items of information checked below:

- Student's name
- Address
- Telephone listing
- Date and place of birth
- Major field of study
- Grade level
- Participation in officially recognized activities and sports
- Weight and height (for members of athletic teams)
- Dates of attendance
- Honors, degrees and awards received
- Email address
- Photograph
- Name of educational institution previously attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- Student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information. A student's social security number, in whole or part, will not be designated as directory information.

(Continued)

SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)

20 USC § 1232g
34 CFR Part 99

NOTE: Refer also to Policies #7240 -- Student Records: Access and Challenge
#7242 -- Military Recruiters and Institutions of Higher Education

Adopted: 8/25/21

SUBJECT: MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER EDUCATION**Requests for Information**

The District will comply with requests from military recruiters and institutions of higher education (IHEs) for access to the name, address and telephone listing of each secondary school student, except for any student whose parent (or the student, if he or she is at least 18 years of age) has submitted a written request to opt-out of this disclosure, in which case the information will not be released without the parent's (or student's, if he or she is at least 18 years of age) prior written consent.

Annual Notification and Opt-Out Opportunity

The District will annually notify parents of a secondary student (or the student, if he or she is at least 18 years of age) of the opportunity to submit a written request to opt-out of disclosure of the student's name, address, and telephone listing to military recruiters and IHEs. If a written opt-out request is submitted, the District will not disclose the student's information to military recruiters or IHEs without the parent's (or student's, if he or she is at least 18 years of age) prior written consent.

Military Recruiter Access

The District will provide military recruiters the same access to secondary school students as is provided generally to IHEs or prospective employers of those students.

Elementary and Secondary Education Act of 1965, 20 USC § 7908 as amended
by the Every Student Succeeds Act (ESSA) of 2015
10 USC § 503
Education Law § 2-a

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following protected areas:

- a) Political affiliations or beliefs of the student or the student's parent or guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent or guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA) and does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents or guardians under PPRA transfer from the parent or guardian to the student when the student turns 18 years old or is an emancipated minor under applicable state law.

The District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental or guardian involvement in areas affecting the in-school privacy of students.

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

Annual Parental Notification of Policies/Prior Written Consent/Opt-Out Provisions

The District will provide for reasonable notice of the adoption or continued use of this policy directly to parents or guardians and eligible students enrolled in the District. At a minimum, the District will provide this notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District will offer an opportunity for parents or guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

- a) The administration of any survey containing one or more of the protected areas.
 1. U.S. Department of Education-Funded Surveys: prior written consent from parents must be obtained before students are required to submit to the survey.
 2. Surveys funded by sources other than U.S. Department of Education: notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his or her child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during the examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Specific Notification

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it will directly notify, such as through U.S. Mail or email, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his or her child out of participation in accordance with law and the surveys conducted.

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

U.S. Department of Education-Funded Surveys

The District is committed to protecting the rights and privacy interests of parents or guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District will make instructional materials available for inspection by parents or guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the District will obtain prior written parental or guardian consent before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the protected areas.

Surveys Funded by Sources Other than U.S. Department of Education

The District has developed and adopted this policy, in consultation with parents or guardians, regarding the following:

- a) The right of the parent or person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents or guardians to inspect the surveys are to be submitted, in writing, to the building principal at least ten days prior to the administration or distribution of any survey. Further, the District will grant a request by the parent or guardian for reasonable access to the survey within a reasonable period of time after the request is received by the District.
- b) Arrangements will be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the protected areas, including the right of the parent or guardian of the student to inspect, upon request, any survey containing one or more of the protected areas. These requests must be submitted by the parent or guardian, in writing, to the building principal at least ten days prior to the administration or distribution of any survey.
- c) Parents or guardians will be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the District, for the purposes of this policy, as 30 days) after the request is received by the District. Requests must be submitted by parents or guardians, in writing, to the principal. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

(Continued)

Students

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

- d) The administration of physical examinations or screenings that the District may administer to a student.

Further, this law does not apply to any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the District incorporates by reference Board policies that address student health services, as applicable, including, but not limited to, policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated or authorized in accordance with federal or state law or regulation, it is policy of the Board, to not permit the collection, disclosure, or use of personal information (defined as individually identifiable information including a student's or parent/guardian's first and last name, home address, telephone number, or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted in accordance with law as noted below. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent or designee.

This law is not intended to preempt applicable provisions of state law that require parental or guardian notification.

These requirements do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other post-secondary education recruitment, or military recruitment;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing these tests and assessments) and the subsequent analysis and public release of the aggregate data from these tests and assessments;

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO
MINORS (Cont'd.)**

- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g, as amended by the Every Student Succeeds Act of 2015
Protection of Pupil Rights Amendment (PPRA), 20 USC 1232h
34 CFR Part 98
34 CFR Part 99

NOTE: Refer also to Policies #7242 -- Military Recruiters and Institutions of Higher Education
#7513 -- Medication and Personal Care Items

Adopted: 8/25/21

Students

SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten and under the age of 18 where the student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced, or destroyed real or personal property in the care, custody, and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained, or withheld personal property owned or maintained by the District.

False Reporting of an Incident and/or Placing a False Bomb

The District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten and under the age of 18 where the student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb means the funds reasonably expended by the District in responding to the false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as described in law.

In seeking restitution, the District will file with the court, the County District Attorney, and defense counsel, an affidavit stating that the funds reasonably expended for which restitution is being sought have not been, and will not be, recovered from any other source or in any other civil or criminal proceeding, except as provided for in accordance with General Obligations Law.

General Obligations Law § 3-112

Penal Law §§ 60.27, 240.50, 240.55, 240.60 and 240.61

Adopted: 8/25/21

Students

SUBJECT: STUDENT ACCEPTABLE USE POLICY (AUP)

The Board will provide access to various computerized information resources through the District's computer system ("DCS") consisting of software, hardware, computer networks, and electronic communications systems. This may include access to email, on-line services, and the Internet. It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, will be subject to this policy. Further, all DCS use must be in support of education or research and consistent with the goals and purposes of the District.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents or guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the District. The District cannot screen or review all of the available content or materials on these external computer networks, thus, some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents or guardians.

It is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access this content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians should establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage.

District students must also adhere to the laws, policies, and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use of the DCS may lose access in accordance with applicable due process procedures, and may be subject to further discipline in accordance with the District *Code of Conduct*.

(Continued)

Students

SUBJECT: STUDENT ACCEPTABLE USE POLICY (AUP) (Cont'd.)

Student data files and other electronic storage areas are considered District property subject to control and inspection. The Computer Coordinator may access all files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy. Students should not expect that information stored on the DCS will be private.

Notification

The District's AUP will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

General Obligations Law § 3-112

NOTE: Refer also to Policy #8271 -- Internet Safety/Internet Content Filtering
District *Code of Conduct*

Adopted: 8/25/21

Students

SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY

The Board seeks to maintain a safe and secure environment for students and staff.

Liability

The District will not be liable for the loss, damage, misuse, or theft of any personal technology brought to any of its schools. The District reserves the right to monitor, inspect, and/or confiscate personal technology when the administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

The Board expressly prohibits inappropriate use of personal technology (i.e., actions that violate another person's privacy) in locker rooms, restrooms, Health Offices, and any other areas where a person would reasonably expect some degree of personal privacy.

Prohibition During State Assessments

All students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, test monitors, and school officials have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device.

Students with disabilities may use certain devices if the device is specified in that student's IEP or 504 plan or a student has provided medical documentation that they require the device during testing.

Permission

Students will not be permitted to use personal technology devices in school or at school functions until they have reviewed the AUP, the applicable sections of the *Code of Conduct* and associated technology guidelines, and signed the Student Use Policy with their parents. The District reserves the right to restrict student use of District-owned technologies and personal technology on school property or at school-sponsored events.

Students must follow the guidelines for use set out in the District *Code of Conduct* and the AUP at all times. Consequences for misuse are set forth in the District's *Code of Conduct*.

NOTE: Refer also to Policies #7315 -- Student Acceptable Use Policy (AUP)
#7550 -- Dignity for All Students
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 8/25/21

Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)**Prohibited Conduct**

The Board recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, and/or possession of these and similar substances, as well as tobacco products, marijuana products and drug paraphernalia are prohibited in accordance with law and regulation, District policy, the District *Code of Conduct*, and/or other similar documents.

Students are not permitted to be under the influence of alcohol, drugs, or other prohibited substances on school grounds or at school-sponsored events.

Disciplinary Measures

Students will be disciplined in accordance with District policy, the District *Code of Conduct*, and/or other similar documents for the consumption, sharing, selling, use, and/or possession of alcohol, tobacco, e-cigarettes, drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances, as well as tobacco products and drug paraphernalia.

Information on Substance Use Related Services

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

The designated individual(s) for the District is/are: RN Supervisor, members of the Pupil Services Team, and the Superintendent.

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a)
Education Law §§ 409, 2801, and 3038
Public Health Law § 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment
#5640 -- Smoking/Tobacco Use
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
District *Code of Conduct*

Adopted: 8/25/21

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**Corporal Punishment**

Corporal punishment as a means of discipline will not be used against a student by any teacher, administrator, officer, employee, or agent of this District.

Whenever a school employee uses physical force against a student, the school employee will immediately report the situation to the building principal or designee who will within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent will submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

If alternative procedures and methods which do not involve physical force do not work, then the use of reasonable physical force is permitted for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property.

Emergency interventions will only be used in situations where alternative procedures and methods that do not involve the use of reasonable physical force cannot reasonably be employed. Emergency interventions will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify, or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) of the student will be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;
- b) Setting and location of the incident;

(Continued)

SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)

- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

8 NYCRR §§ 19.5, 100.2(1)(3) and 200.22(d)

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

With the exception of those students who receive prior written permission from the Board or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school-sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with law and the District's *Code of Conduct*. Discipline may include a mandatory suspension for a period of not less than one calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights set forth in the Individuals with Disabilities Act and Education Law Article 89. This policy does not authorize suspension of students with disabilities in violation of those authorities.

This policy also does not diminish the authority of the Board to offer courses in instruction in the safe use of firearms in accordance with Education Law Section 809-a.

Gun-Free Schools Act as amended by the Every Student Succeeds Act (ESSA) of 2015, 20 USC § 7961
18 USC §§ 921(a) and 930(g)(2)
Criminal Procedure Law § 1.20(42)
Education Law §§ 809-a and 3214

NOTE: Refer also to Policy #3411 -- Prohibition of Weapons on School Grounds
District *Code of Conduct*

Adopted: 8/25/21

SUBJECT: EXTRACURRICULAR ACTIVITIES

Any organization within the District whose activities are conducted by students, and whose financial support is raised other than by taxation or through charges of the Board, is an extraclassroom activity (ECA). All ECAs must be approved by the Board. The Superintendent or designee will maintain an up-to-date register of all ECAs that are approved or discontinued. The District will develop detailed procedures for the establishment of ECAs.

The Board may adopt rules and regulations to abolish and/or prohibit any fraternity, sorority, or other secret society in any secondary school in the District provided that the Board has found that the fraternity, sorority, or secret society has, by virtue of its activities, caused or created a disruption of or interference with the academic process of any secondary school within the District or caused or created a disruption of the academic process of any individual student or students in any secondary school within the District.

Eligibility for Attendance

Student participation in extracurricular activities is a privilege. Students must abide by the academic standards and standards of conduct for participation in extracurricular activities as established by the Board and outlined in the District's *Code of Conduct* and/or any other applicable document.

Censorship of School-Sponsored Student Publications and Activities

The District may exercise editorial control over the style and content of student speech in school-sponsored publications and activities that are part of the educational curriculum.

Limited Open Forum

The District maintains a limited open forum where one or more noncurricular related secondary student groups meet on District premises during noninstructional time. The District will not deny equal access or a fair opportunity to, or discriminate against these groups on the basis of the religious, political, philosophical, or other content of the speech at those meetings.

To provide a fair opportunity to students who wish to conduct a meeting, the District will ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the District, the government, or its agents or employees;
- c) Employees or agents of the District or government are present at religious meetings only in a nonparticipatory capacity;

(Continued)

SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)

- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the District; and
- e) Non-District persons may not direct, conduct, control, or regularly attend activities of student groups.

However, the District, its agents, and its employees, retain the authority to:

- a) Ban unlawful groups;
- b) Maintain order and discipline on District premises;
- c) Protect the well-being of students and employees;
- d) Assure that attendance of students at meetings is voluntary; and
- e) Restrict groups that materially and substantially interfere with the orderly conduct of educational activities.

20 USC §§ 4071-4074

Education Law §§ 1709-a, 2503-a, and 2554-a

8 NYCRR Part 172

NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds,
Revised 2019

Adopted: 8/25/21

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM**General Principles and Eligibility**

Athletics are an integral part of a well-balanced educational program. The District's interscholastic athletic program will conform with the Commissioner's regulations, as well as the established rules of the New York State Public High School Athletic Association (NYSPHSAA) and the State Education Department.

Athletic eligibility requires that the student:

- a) Provide written parental or guardian consent. The consent form must contain information regarding mild traumatic brain injuries (concussions) as specified in the Commissioner's regulations.
- b) Obtain medical clearance from the school physician or nurse practitioner or the student's personal physician. The school physician or nurse practitioner retains final approval on any physicals performed by a student's personal physician.
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and the NYSPHSAA.
- d) Comply with all District rules, codes, and standards applicable to athletic participation.

Title IX Compliance

The Board supports equal athletic opportunities for members of both sexes through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider:

- a) Its accommodation of athletic interests and abilities (the nature and extent of sports offered, including levels of competition, team competition, and team performance);
- b) Equipment and supplies;
- c) Scheduling of games and practice time;
- d) Travel costs and opportunities for travel;
- e) Assignment and compensation of coaches;
- f) Locker rooms, practice, and competitive facilities;
- g) Available medical and training facilities and services; and

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

- h) The nature and extent of support, publicity, and promotion.

The District may consider other pertinent factors as well. Each of the factors will be assessed by comparing availability, quality, type of benefits, kind of opportunities, and form of treatment. Identical benefits, opportunities, or treatment are not required.

The District's Title IX Coordinator(s) will coordinate the District's efforts to comply with its responsibilities under Title IX. This person will be appropriately trained and possess comprehensive knowledge about applicable federal and state laws, regulations, and policies. To the extent possible, the District will not designate an employee whose other job duties may create a conflict of interest, such as the athletic director.

Booster Clubs

The District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services, and opportunities regardless of their source. When determining equivalency, therefore, benefits, services, and opportunities attained through private funds—including donations, fundraising, and booster clubs—must be considered in combination with all benefits, services, and opportunities.

Athletic Placement Process for Interscholastic Athletic Programs (APP)

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for students in grades no lower than seventh grade to compete on interscholastic athletic teams organized for senior high school students, and for senior high school students to compete on interscholastic athletic teams organized for students in the seventh and eighth grades. The Superintendent will implement procedures for the APP, and will direct the athletic director to maintain records of students who have successfully completed the APP.

Student Athletic Injuries

No injured student will be allowed to practice or play in an athletic contest. An appropriate medical professional should diagnose and treat an athlete's injuries. The coach should ensure that any player injured while under his or her care receives prompt and appropriate medical attention, and that all of the medical professional's treatment instructions are followed. The injured student has an obligation to promptly inform his or her coach of all injuries. No student will be allowed to practice or compete if there is a question whether he or she is in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition.

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SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**Athletic Program-Safety**

The District will take reasonable steps to minimize physical risks posed to students participating in the interscholastic athletic program by:

- a) Requiring timely medical examinations of participants;
- b) Employing certified or licensed staff to coach all varsity, junior varsity, and modified practices and games;
- c) Providing or requiring certified or licensed officials to officiate all competitions;
- d) Ensuring that its players' equipment is safe and operates within the applicable manufacturers' guidelines;
- e) Ensuring that all home fields, courts, pools, tracks, and other areas where athletes practice, warm-up, or compete are safe and appropriate for use; and
- f) Providing professional development and training opportunities for all coaching staff.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
45 CFR Part 86
8 NYCRR §§ 135 and 136

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#7520 -- Accidents and Medical Emergencies
#7522 -- Concussion Management

Adopted: 8/25/21

Students

SUBJECT: STUDENT VOTER REGISTRATION AND PRE-REGISTRATION

The District recognizes the importance of voting and civic engagement. As such, the District seeks to encourage student voter registration and pre-registration. A person who is at least sixteen years of age and who is otherwise qualified to register to vote may pre-register to vote, and will then be automatically registered to vote upon reaching the age of eligibility as provided by law.

The District promotes student voter registration and pre-registration through the following means:

- a) Collaborating with county boards of elections to conduct voter registration and pre-registration in the District's high school(s); and
- b) Encouraging voter registration and pre-registration at various student events throughout the year.

The completion and submission of voter registration or pre-registration forms will not be a course requirement or graded assignment for District students.

Election Law § 5-507

Adopted: 8/25/21

Students

SUBJECT: FUNDRAISING BY STUDENTS

Fundraising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the building principal. Any plan must have a clearly defined purpose and, in general, must contribute to the educational experience of students. Fundraising must not conflict with instructional programs or state mandates. Fundraising activities away from school property will be held to a minimum. All participation will be voluntary.

Door-to-door sales projects undertaken by any organization using the District's name require prior Administrative approval. Profits will be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include these sales or fees. In addition, employees are not permitted to deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition or fee-free basis. Further, employees engaged in these activities may be held personally liable.

New York State Constitution, Article VIII, § 1
Education Law § 414
8 NYCRR § 19.6

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations

Adopted: 8/25/21

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS**Administration of Medication**

The school's registered professional nurse, or LPN under the direction of a supervising RN, may administer medication to a student during the school day under certain conditions. For the purpose of this policy, the term "medication" includes both prescription and non-prescription medications. The school must receive the following before medication will be administered to a student:

- a) The original written order from the student's provider stating the name of the medication, precise dosage, frequency, and time of administration;
- b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the physician, to the student in school; and
- c) The medication, properly labeled in its original container, must be delivered to the school health office by the student's parent or person in parental relation. The term "properly labeled," in the context of this policy, means that the container must include the following information: the student's name, name of medication, dosage, frequency, and prescribing physician. A student is not permitted to carry any medication on his or her person in school, or on the school bus, or keep any medication in his or her school locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

Students with Asthma or Other Respiratory Illnesses

The District will make a nebulizer available on-site in school buildings where full- or part-time nursing services are provided. Only students with a patient-specific order may have access to the nebulizer. School nursing personnel will clean and maintain the District nebulizer as appropriate.

The District will obtain and stock albuterol metered dose inhalers (MDIs) and/or liquid albuterol from a licensed pharmacy. This stock albuterol is for use in a nebulizer for students diagnosed with asthma whose personal prescription albuterol supplies are empty and while awaiting the parent or person in parental relation to provide the school with a new one. School health office personnel will promptly inform parents or persons in parental relation of the need for replacement of the student's albuterol medication. Students utilizing the school's stock albuterol must provide a patient specific order for albuterol from their own private health provider, including an order permitting the student to utilize the school's stock albuterol. Stock albuterol may only be utilized when the school nurse is available to administer the medication. The student's parent or guardian must also provide the school with written

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SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

permission allowing his or her child to be administered the school's stock albuterol in the event that the student's own prescription albuterol supply is empty. The school health office will promptly inform students' parents or persons in parental relation any time that the school stock albuterol was utilized.

Personal equipment used to deliver albuterol to a student will be cleaned and appropriately labeled with the student's name and used solely by that individual student. (Examples of equipment to be cleaned and labeled are nebulizer tubing, facemask, mouthpiece, spacer, etc.)

Self-Administration of MedicationGenerally

Each student who is permitted to self-administer medication should have a signed attestation from their physician to self-carry/administer medication, on file with the District. An emergency care plan will be developed if deemed necessary by the District's Medical Director and/or supervising RN. Further, the school will maintain a record of all written parental consents in the student's cumulative health record.

School health office personnel will also maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by school nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may determine the proper resolution of this behavior.

Students with Asthma or Another Respiratory Disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he or she can self-

(Continued)

Students

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and

- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra inhaled rescue medication in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician.

Students with Allergies

A student will be permitted to carry and self-administer his or her prescribed EpiPen during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions; the student has demonstrated that he or she can self-administer the prescribed EpiPen effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant the use of the medication; and
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra EpiPen in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with Diabetes

A student will be permitted to carry and self-administer his or her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he or she can self-administer effectively, can self-check glucose or ketone levels independently,

(Continued)

Students

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.

- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with District policy.

Storage and Disposal of Medication

The District will comply with relevant state laws, regulations, and guidelines governing the District's receipt, storage, and disposal of medication.

Personal Care ItemsFeminine Hygiene Products

Each school building within the District serving students in any grade from six through twelve will provide feminine hygiene products in building restrooms. These products will be provided at no charge to students.

Alcohol-Based Hand Sanitizers

The New York State Education Department (SED) permits the use of alcohol-based hand sanitizers in schools. The school medical director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use this product.

(Continued)

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)**Sunscreen**

Students may carry and use FDA-approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Education Law §§ 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, 6908(1)(a)(iv), and 6909
Public Health Law §§ 267, 3000-a, 3000-c, and 3309
8 NYCRR §§ 136.6, 136.7

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

Students

SUBJECT: STUDENT HEALTH RECORDS

The District will keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they will be kept confidential.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' "education records." For pre-K through grade 12 students, health records maintained by the District, including immunization records and school nurse records, generally are considered "education records" subject to FERPA. In addition, records that the District or school maintains on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA) are considered "education records."

Since student health and medical information in education records is protected by FERPA, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule excludes this information from its coverage.

Generally, these records may not be shared with third parties without written parental consent unless the disclosure meets one of the exceptions to FERPA's general consent requirement. One exception permits the disclosure of education records, without parental consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Parents have a right under FERPA to inspect and review those health and medical records that are considered "education records" under FERPA. Individual records may be interpreted by the school's registered professional nurse to administrators, teachers, and other school officials, consistent with law.

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC § 1232g
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, 34 CFR Part 99
45 CFR Parts 160, 162, and 164
Education Law §§ 902(b) and 905
8 NYCRR Part 136

Adopted: 8/25/21

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**Student Emergency Treatment**

All staff members of the District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances, first aid should be rendered and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR), and Automated External Defibrillators (AEDs).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called. The District will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary.

Insurance

The Board will approve provisions for all students to be covered by group insurance. These student accident insurance policies will be a co-insurance with family coverage(s) as primary.

Education Law §§ 1604(7-a), 1604(7-b), 1709(8-a), and 1709(8-b)

NOTE: Refer also to Policy #7420 -- Sports and the Athletic Program

Adopted: 8/25/21

Students

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or life-threatening medical conditions such as anaphylaxis, diabetes, seizure disorders, or severe asthma and acute medical conditions such as substance overdose. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

Life-Threatening Conditions

For those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma, and allergies, the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

- a) Immediately develop an ECP for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;
- b) If appropriate, develop an IHP that includes all necessary treatments, medications, training, and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;
- e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he or she works toward self-management;

(Continued)

Students

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)

- f) Allow supervised students to carry life-saving medication in accordance with relevant laws, regulations, and procedures. The District will also encourage parents and students to provide duplicate life-saving medication to be maintained in the health office in the event the self-carrying student misplaces, loses, or forgets their medication;
- g) Identify appropriate and reasonable building accommodations to be put in place.

In addition, the District will:

- a) Provide training for transportation, instructional, food service, or physical education staff, as appropriate, in the recognition of an anaphylactic reaction;
- b) Have standing emergency medical protocols for nursing or other staff;
- c) Request the school medical director to write a non-patient specific order for anaphylaxis treatment agents for the school's registered professional nurse or other staff, as designated by the administration and allowed under federal and New York State laws and regulations, to administer in the event of an unanticipated anaphylactic episode;
- d) Maintain or ensure the maintenance of a copy of the standing order(s) and protocol(s) that authorizes them to administer emergency medications such as anaphylactic treatment agents;
- e) As permitted by New York State law, maintain stock supplies of life-saving emergency medications such as epinephrine auto-injectors or Naloxone (Narcan) for use, especially in first time emergencies;
- f) Allow the school registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent or person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner's regulations;
- g) Ensure that building-level safety plans and the District-wide emergency response plan include appropriate accommodations for students with life-threatening health conditions;
- h) Encourage families to obtain medic-alert bracelets for at risk students;
- i) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**Creating an Allergen-Safe School Environment**

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks, and other surfaces.

In an effort to prevent accidental exposure to allergens, the District will monitor the following high-risk areas and activities:

- a) Cafeteria;
- b) Food sharing;
- c) Transportation;
- d) Parties and holiday celebrations;
- e) Field trips.

Medication Self-Management

The District will work toward assisting students in the self-management of their chronic health condition based upon the student's knowledge level and skill by:

- a) Adequately training all staff involved in the care of the child, as appropriate;
- b) Assuring the availability of the necessary equipment or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Developing an emergency plan for the student; and
- e) Providing ongoing staff and student education.

Americans with Disabilities Act, 42 USC § 12101, et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
34 CFR Part 300
Education Law §§ 6527 and 6908
8 NYCRR §§ 136.6 and 136.7
Public Health Law §§ 2500-h, 3000-a, and 3000-c

NOTE: Refer also to Policy #7513 -- Medication and Personal Care Items

Adopted: 8/25/21

SUBJECT: CONCUSSION MANAGEMENT

The Board recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of District students is a primary concern. As such, the District supports the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI) that occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academic performance as well as their athletic pursuits.

Concussion Management Team (CMT)

The District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the athletic coordinator, a school nurse, the school physician, a coach of an interscholastic team, or such other appropriate personnel as designated by the District. The CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, and nurses who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBIs to parents and persons in parental relation throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse, and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities will complete a course of instruction every two years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

(Continued)

Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The course can be completed by means of instruction approved by State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference. The CMT will utilize the District's existing system to document all required training and professional development for District staff. Upon completion of the training each year, staff will forward their course completion certificate to the appropriate staff for entry into the system. The system will also use an email to remind staff of the need to complete the training each year. Because concussion symptoms may manifest themselves in any setting, all school staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Information to Parents and Students

The District will include the following information on MTBIs or concussions in any permission or consent form or similar document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education, health or mental health classes. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website to this list of information from the SED's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District requires the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a MTBI or concussion. Any student demonstrating signs, symptoms, or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity will be removed from the class, game, or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The District may allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion. The District must seek authorization from the parent/guardian prior to the testing. Additionally, parents/guardians should be given a copy of the results upon request.

Return to School Activities and Athletics

The student will not return to physical activity (including athletics, physical education class, and recess) until he or she has: 1) been evaluated and received written authorization from a licensed physician that he or she may begin the District's approved "return to play" protocol, **and** 2) successfully completed the "return to play" protocol, **and** 3) been cleared by the District's Medical Director. In accordance with Commissioner's regulations, the District's Medical Director will give final clearance on a return to activity for extra-class athletics. All authorizations will be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District will follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District will also develop a coordinated communication plan among appropriate staff to ensure that the treating physician's orders for post-concussion management are implemented and followed. The school nurse will work to ensure that all the necessary staff get the information they need to care for and work with the injured student.

The District's Medical Director and other licensed healthcare professionals employed by the District will also formulate a procedure and treatment plan to be utilized by District staff who may respond to students or staff with possible concussions during the school day.

In accordance with SED guidelines, this policy will be both reviewed and updated periodically. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law § 305(42)

8 NYCRR §§ 135.4 and 136.5

Guidelines for Concussion Management in Schools, SED Guidance Document, 2018

Adopted: 8/25/21

SUBJECT: CHILD ABUSE AND MALTREATMENT

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a. Mandatory reporting of suspected child abuse or maltreatment;
- b. Reporting procedures and obligations of persons required to report;
- c. Provisions for taking a child into protective custody;
- d. Mandatory reporting of deaths;
- e. Immunity from liability and penalties for failure to report;
- f. Obligations for provision of services and procedures necessary to safeguard the life or health of a child; and
- g. Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., “mandated reporters”) who, as part of their usual responsibilities, visit children’s homes.

Additionally, an ongoing training program for all current and new school officials will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative office; provide it to parents and persons in parental relation at least once per school year by electronic communication sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT**Persons Required to Report**

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are not limited to , school teachers, school counselor, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

The District will not take any retaliatory action against an employee because the employee believes that they have reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior notification, upon any staff member specifically designated a mandated reporter.

Report Form

The “Report of Suspected Child Abuse or Maltreatment” Form LDSS-2221A may be accessed at the OCFS website.

Notification

Teachers and all other school officials will be provided an annual written explanation concerning the reporting of child abuse and child abuse in an educational setting including the immunity provisions as set forth in law. The Commissioner will furnish the District with

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT

required information, including rules and regulations for training necessary to implement District and staff responsibilities under the law.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and § § 409-1, 3028-b, and 3209-a
Family Court Act § 1012
Labor Law § 740 (1)(e)
Penal Law Articles 130, 235, and 263
Social Services Law §§ 411-428
8 NYCRR Part 83 and § 100.2(hh) and (nn)
20 USC § 7926

Adopted: 7/26/23

Students

SUBJECT: DIGNITY FOR ALL STUDENTS

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions.

The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by employees or other students on school property and at school functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off school property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee to serve as the Dignity Act Coordinator (DAC) and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

- a) Approved by the Board;
- b) Licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent;
- c) Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;
- d) Thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- e) Provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- f) Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

- g) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

If a DAC vacates his or her position, the District will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board within 30 days of the date the position was vacated. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional development and will be conducted consistent with guidelines approved by the Board, and will include training to:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

- d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;
- e) Make employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

Internal Reports and Investigations of Harassment, Bullying, and/or Discrimination

All District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. District employees must make an oral report promptly to the Superintendent or principal, their designee, or the Dignity Act Coordinator (DAC) not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the District employee must file a written report with the Superintendent or principal, their designee, or the DAC.

The Superintendent or principal, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or principal, their designee, or the DAC will take prompt action, consistent with the District's *Code of Conduct*, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

The Superintendent or principal, their designee, or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

Reporting IncidentsReporting Incidents to the Superintendent

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent in a manner prescribed by the District. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

Reporting of Material Incidents to the Commissioner of Education

Each school year, the District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

Publication of District Policy

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18 and 2801
8 NYCRR § 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#3420 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6411 -- Use of Email in the District

Adopted: 8/25/21

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. The District intends to minimize the possibility that any sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District will cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

The District will disseminate all information it receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties. The Superintendent reserves the right to automatically disseminate this information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents or guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of this data in order to maintain student safety.

All staff members will be informed of the availability of the information received by the District in accordance with Megan's Law upon written request to the applicable building principal or designee or supervisor.

Staff members must inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the District in accordance with Megan's Law may or may not be disclosed by the District in its discretion. Any information the District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law (FOIL).

Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of 18 or who has been designated a Level 3 sex offender, the court requires that the sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of these individuals are present.

However, by exception, a sex offender may enter school grounds or facility with the written authorization of his or her parole officer and the Superintendent for limited authorized purposes. Entrance upon the premises is subject to the following conditions:

(Continued)

Students

SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)

- a) The offender is a registered student, participant, or employee of the facility;
- b) The offender is an employee of an entity contracted by the facility;
- c) The offender has a family member enrolled in the facility; or
- d) If the school is the offender's designated polling place and he or she enters solely to vote.

Correction Law Article 6-C
Executive Law § 259-c(14)
Penal Law §§ 65.10(4-a) and 140.15
Public Officers Law § 84 et seq.

Adopted: 8/25/21

Students

SUBJECT: CHILDREN WITH DISABILITIES

A child with a disability means a student under the age of 21 who is entitled to attend public schools and who, because of mental, physical, or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his or her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural, or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department (SED) finds that the District has inappropriate policies, procedures, or practices resulting in a significant disproportionality by race or ethnicity in the suspension, identification, classification, or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures, or practices.

The Board recognizes the existence of individual differences in the intellectual, social, emotional, and physical development of children attending school in the District. In recognizing these differences, the Board supports a system of services offered in the least restrictive environment (LRE) for children with disabilities which includes:

- a) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services;
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full-time education in a special class, home instruction and education in a residential setting;
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate;
- d) Recruiting, hiring, training and retaining highly qualified personnel to provide special education programs and services;
- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
 1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;
 2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;

(Continued)

Students

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

- f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs.
- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's regulations.
- i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed

The district of location is responsible for Child Find, including individual evaluations, CSE meetings, provision of special education services, and due process to parentally placed nonpublic school students attending nonpublic schools located in the geographic region of the public school district.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs, or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, state-supported or state-operated schools, or to charter schools.

The actual cost for CSE administration, evaluations, and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student's school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parental consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the school district. The school district must engage in consultation regarding the Child Find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

- a) Child Find;
- b) Provision of Special Education Services; and
- c) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of-state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Tuition Reimbursement Claims for Disabled Nonpublic School Students

The parent must comply with the IDEA's pre-hearing notice requirement for tuition reimbursement claims. Specifically, the IDEA directs that at least ten business days before submitting a request for an impartial due process hearing for tuition reimbursement, the parent must give the district written notice of intent to enroll the child in private school at public expense. The purpose of this requirement is to give the public school district's CSE the opportunity to meet and potentially develop a new IEP for the student that addresses the parent's concerns. A parent who does not provide written notice within ten days may have his or her request for reimbursement reduced or denied.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

20 USC § 9101(23)

21 USC § 812(c)

34 CFR Part 300

Education Law §§ 3004(4), 3004(5), 3208, 3242, 3602-c, 4401-4407 and 4410-6

8 NYCRR §§ 52.21, 57-3, 100.5, 100.9, 177.2, 200.2(b), 200.2(c)(2)(v), 200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment

Adopted: 8/25/21

Students

SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines will apply:

- a) Each student with a disability will be identified, evaluated, and placed as determined by the Committee on Special Education (CSE).
- b) The CSE will determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.
- c) The CSE will recommend to the Board appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE will provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information will include physical, psychological, and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs will be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
 1. Academic achievement, functional performance, and learning characteristics;
 2. Social development;
 3. Physical development; and
 4. Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student will not be the sole determinant for placement of a student in a special education program.
- h) The management needs of these students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 NYCRR §§ 200.1(ww), 200.2(b), 200.4(d) and 200.6(a)(3)

Adopted: 8/25/21

Students

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three and four year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure the timely evaluation and placement of each preschool child with a disability residing in the District so the child has the opportunity to participate in preschool programs;
- b) Establish a Committee on Preschool Special Education (CPSE) in accordance with applicable federal and state law and regulation;
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Evaluations for Preschool Children with Disabilities

The District will collect entry assessment data in the three outcome areas on all preschool children who receive an initial evaluation. As required by Commissioner's regulations, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This includes a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three outcome areas from approved preschool evaluators conducting initial evaluations on all preschool children suspected of having disabilities. The CPSE will then meet to determine the child's eligibility for preschool education programs and/or services and complete the Child Outcomes Summary Form to determine the child's entry level of functioning in the three outcome areas for all preschool children evaluated and found to be eligible. The form will be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department.

If the committee recommends placing a child in an approved program that also conducted an evaluation of the child, it will indicate in writing that this placement is an appropriate one for the child. In addition, the committee will provide notice to the Commissioner of this recommendation.

Individuals with Disabilities Act (IDEA), 20 USC § 1400 et seq.
Education Law § 4410
8 NYCRR §§ 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7630 -- Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE)

Adopted: 8/25/21

Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

The District has an obligation, in accordance with law and regulation, to educate students with disabilities in the least restrictive environment (LRE). LRE means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. Supplementary aids and services refers to aids, services, and other supports that are provided in regular education classes and extracurricular and nonacademic settings to enable children with disabilities to be educated to the maximum extent appropriate.

The District will ensure that:

- a) Placement is based on the student's individualized education program (IEP) and determined at least annually;
- b) Placement is as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student will be educated in the school he or she would have attended if not disabled;
- c) In selecting the LRE, consideration will be given to any potential harmful effect on the student or on the quality of services that he or she needs; and
- d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The placement of an individual student with a disability in the LRE will:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of the device; and
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities.

The District will ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may also be provided in the regular class, including, as appropriate, related services, consultant teacher services, paraprofessional support, resource room services, integrated co-teaching, and special class programs within the general education classroom.

(Continued)

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Students

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)

Individuals with Disabilities Education Act (IDEA) 20 USC § 1400 et seq.

34 CFR Part 300

Education Law §§ 4401-4410-a

8 NYCRR §§ 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

Adopted: 8/25/21

Students

SUBJECT: PREREFERRAL INTERVENTION STRATEGIES

The District will implement school-wide approaches and prereferral interventions in order to remediate a student's performance within the general education setting prior to referral to the Committee on Special Education (CSE) for special education. The determination of prevention and prereferral intervention strategies or services will take into consideration the student's strengths, environment, social history, language, and cultural diversity, in addition to the teacher's concerns. The District may also provide a Response to Intervention (RtI) program to eligible students that is developed in accordance with Commissioner's regulations as part of its school-wide approach to improve a student's academic performance prior to a referral for special education.

The provision of programs and/or services for students starts with consideration and implementation of instruction in the general education curriculum, with appropriate supports, or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources or strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973 and Academic Intervention Services (AIS) as defined in Education Law and/or Commissioner's regulations. The District will ensure that there is a system in place, with qualified, appropriately certified personnel, for developing, implementing, and evaluating prereferral intervention strategies.

If a student is identified as needing additional instructional support, the District will establish formal Instructional Support Teams (ISTs) in accordance with law, regulations, and District guidelines, as may be applicable, to review information from the student's work, screenings, and assessments. The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience, who may then recommend which type of instructional support the student requires and the frequency with which he or she should receive these services or supports. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an IST. Parents or persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of the child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

District administration will also ensure that opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents or persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

Prereferral/Intervention Instructional Support Plans will be designed so as to set forth proactive strategies to meet the broad range of individual student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans will be reviewed and evaluated to determine their effectiveness and modified as appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented will be maintained.

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SUBJECT: PREREFERRAL INTERVENTION STRATEGIES (Cont'd.)

If a referral is made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated to fulfill its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program (IEP), if applicable.

Academic Intervention Services

The Board will provide to students at risk of not achieving state standards with AIS. AIS means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting those state learning standards as defined in Commissioner's regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. The District will identify students to receive AIS through a two-step identification process set forth in Commissioner's regulations.

The District will provide AIS to students who are limited English proficient (LEP) and are determined, through uniformly applied District-developed procedures, to be at risk of not achieving state learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language.

The District has developed a description of the AIS offered to grades K through 12 students in need of these services. The description includes any variations in services in schools within the District and specifically sets forth:

- a) The District-wide procedure(s) used to determine the need for AIS;
- b) Academic intervention instructional and/or student support services to be provided;
- c) Whether instructional services and/or student support services are offered during the regular school day or during an extended school day or year; and
- d) The criteria for ending services, including, if appropriate, performance levels that students must obtain on District-selected assessments.

The District will review and revise this description every two years based on student performance results.

Parental Notification

- a) Commencement of Services: Parents or persons in parental relation to a student who has been determined to need AIS will be notified in writing by the building principal. This notice will be provided in English and translated into the parent's native language or mode of communication, as

(Continued)

SUBJECT: PREREFERRAL INTERVENTION STRATEGIES (Cont'd.)

necessary. The notice will also include a summary of the AIS to be provided to the student, why the student requires these services, and the consequences of not achieving expected performance levels.

- b) Ending of AIS: Parents or persons in parental relation will be notified in writing when AIS is no longer needed. This notice will be provided in English and translated to the parent's native language or mode of communication, as necessary.

Parents will be provided with ongoing opportunities to consult with the student's teachers and other professional staff providing AIS, receive reports on the student's progress, and information on ways to work with their child to improve achievement.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.

Education Law §§ 3602, 4401, and 4401-a

8 NYCRR §§ 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c), and Part 154

NOTE: Refer also to Policy #7212 -- Response to Intervention (RtI) Process

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The District will establish and implement a plan for the appropriate declassification of students with disabilities which includes:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

Eligibility Determinations

The District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's regulations, and the District will provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program.

Prior to the reevaluation, the District will obtain informed written parental consent unless otherwise authorized by law and/or regulation. Parental consent is not necessary if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation or due process procedures.

The District will take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Recommendation for Declassification

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation will:

- a) Identify the declassification support services, if any, to be provided to the student and/or the student's teachers; and
- b) Indicate the projected date of initiation of the services, the frequency of provision of the services, and the duration of these services, provided that the services will not continue for more than one year after the student enters the full-time regular education program.

(Continued)

Students

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**Declassification Support Services**

Declassification support services means those services provided to the student or the student's teacher(s) to aid in the student's transition from special education to full-time regular education. These services are provided by persons certified or licensed in the appropriate area of service in accordance with Commissioner's regulations. These services may include:

- a) For the student: psychological services, social work services, speech and language improvement services, non-career counseling, and other appropriate support services; and
- b) For the student's teacher(s): the assistance of supplementary school personnel and consultations with appropriate personnel.

When appropriate, the District will provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

Procedural Safeguards Notice

The District will use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District will take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that all due process procedures have been met.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

34 CFR Part 300

Education Law §§ 4401-4410-a

8 NYCRR §§ 100.2(u), 100.6, 200.1(ooo), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4),
200.4(d)(1) and 200.5(a)

NOTE: Refer also to Policy #7222 -- Diploma or Credential Options for Students with Disabilities

Adopted: 8/25/21

Students

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, will be provided with full access and opportunity to participate in District programs, including nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the District and assistance in making outside employment available).

Parents or guardians of students with disabilities, including those students placed in out-of-District programs, will receive timely notice of District programs and activities.

Community Resources

The District may compile a list of appropriate community resources to provide to parents or persons in parental relation of a child with a disability. This list will clearly state that these services are in addition to programs and services provided by the District and will not be paid for by the District. Any member of the District's committees or subcommittees on special education, or the District, who, acting reasonably and in good faith, provides this information will not be liable for this action.

Education Law §§ 4402(1)(b)(3-a) and 4410 (5)(b)(IV)
8 NYCRR §§ 200.2(b)(1) and 200.2(b)(2)

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility. Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District will make its program and facilities accessible to all its students with disabilities.

The District will also identify, evaluate, and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction, or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent. The Superintendent will provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

Prohibition Against Disability-Based Discrimination in Accelerated Programs

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II, which extends the prohibition on discrimination established in Section 504. The District may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless the criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his or her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program or Section 504 plan.

The District's schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. However, Section 504 and/or Title II does not require schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans with Disabilities Act, 42 USC § 12101 et seq.
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
28 CFR Part 35
34 CFR Parts 104 and 300

NOTE: Refer also to Policy #3420 -- Non-Discrimination and Anti-Harassment in the District

Adopted: 8/25/21

SUBJECT: COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE)

Committee on Special Education (CSE) Membership

The Board will appoint a CSE in accordance with relevant law and regulations, whose membership will include, but not be limited to, the following members:

- a) The parent(s) or persons in parental relation of the student;
- b) At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
- c) At least one special education teacher of the student, or, if appropriate, at least one special education provider (i.e., related service provider) of the student;
- d) A school psychologist;
- e) A District representative who is qualified to provide or supervise special education and who is knowledgeable about the general education curriculum and the availability of District resources. This individual may also be the same individual appointed as the special education teacher or special education provider of the student or the school psychologist. The District representative will serve as the chairperson of the Committee;
- f) An individual who can interpret the instructional implications of evaluation results, who may also be the CSE member appointed as the regular education teacher, the special education teacher, or special education provider, the school psychologist, the District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- g) A school physician, if specifically requested in writing by the parent or by the District at least 72 hours prior to the meeting;
- h) An additional parent member of a student with a disability residing in the District or a neighboring school district, provided that this parent's child has been declassified less than five years' prior or the child has graduated less than five years' prior, if specifically requested in writing by the parent of the student, the student, or member of the CSE at least 72 hours prior to the meeting;
- i) Other persons having knowledge or special expertise regarding the student as designated by either the parent or District;
- j) The student, if appropriate.

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SUBJECT: COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) (Cont'd.)

Subcommittee on Special Education Membership

The Board may appoint, as necessary, Subcommittees on Special Education to assist in the timely evaluation and placement of students with disabilities in accordance with applicable law and Commissioner's regulations. The Board will determine the number of subcommittees to be appointed upon the recommendation of the CSE.

Committee on Preschool Special Education (CPSE) Membership

The Board will appoint a CPSE whose membership and purpose varies slightly from the membership of the CSE. The CPSE must include those same individuals as the CSE as set forth within this policy and also include the following members:

- a) For a child in transition from early intervention programs and services, at the request of the parent or person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child; and
- b) A representative of the municipality of the preschool child's residence.

Member Attendance

All members of the CSE or CPSE must attend committee meetings except that the parent and District may agree in writing prior to the meeting date that the attendance of a member or members is not necessary or impossible in accordance with applicable Commissioner's regulations and, as a result, may be excused from the meeting.

Training

The training of qualified personnel is essential to the effective implementation of Commissioner's regulations regarding the education of all students with disabilities.

The Director of Special Education will establish administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's regulations as well as members of the CSE and CPSE.

Alternative Means of Meeting

When conducting a meeting of the CSE or CPSE, the parent and the representative of the District appointed to the CSE or CPSE may agree to use alternative means of meeting participation, such as videoconferences and conference calls.

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Students

**SUBJECT: COMMITTEE ON SPECIAL EDUCATION (CSE)/COMMITTEE ON
PRESCHOOL SPECIAL EDUCATION (CPSE) (Cont'd.)**

Individuals with Disabilities Education Act (IDEA) 20 USC § 1400 et seq.
34 CFR Part 300 and § 300.321
Education Law § 4402, 4410
8 NYCRR §§ 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policy #7614 -- Preschool Special Education Program

Adopted: 8/25/21

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board directs the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) to prepare a written individualized education program (IEP) for each child with a disability. Each student with a disability will have an IEP in effect at the beginning of each school year.

The IEP will be developed by the CSE or CPSE upon referral, and reviewed or revised, as appropriate, for every child with a disability at least annually or when the program no longer appears to be appropriate to meet the student's needs.

Functional Behavioral Assessments/Behavioral Intervention Plans

A functional behavioral assessment (FBA) is an evaluative tool, requiring parental consent, which should be used throughout the process of developing, reviewing, and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to his or her environment.

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity, and/or latency across activities, settings, people, and times of the day and includes the:

- a) Identification of the problem behavior;
- b) Definition of the behavior in concrete terms;
- c) Identification of the contextual factors that contribute to the behavior (including cognitive and affective factors); and
- d) Formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The FBA must, as appropriate, be based on multiple sources of data such as structured interviews, behavior ratings scales, standardized assessments, and checklists. To this end, the FBA cannot be based solely on the student's history of presenting problem behavior.

In the case of a student whose behavior impedes his or her learning or that of others, the CSE or CPSE will consider strategies, including positive behavioral interventions and supports, to address that behavior. The need for a behavioral intervention plan (BIP) will be documented on the IEP which will be reviewed at least annually by the CSE or CPSE. In addition, regular progress monitoring of the frequency, duration, and intensity of the behavioral interventions will be conducted at scheduled intervals and documented and reported to the parent(s) and CSE or CPSE.

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Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)****Individual Evaluations**

Parental consent must be provided for an initial evaluation. If this consent is not received within 30 calendar days of receipt of the referral, the CSE or CPSE Chairperson will document all attempts made to obtain consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE or CPSE within 60 calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

- a) An extension is mutually agreed to by the parent and the CSE or CPSE for transfer students or students suspected of having learning disabilities; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student will be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental, and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP.

As part of any evaluation, a group that includes the CSE or CPSE and other qualified professionals, as appropriate, will review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group will identify what additional data, if any, are needed to determine a variety of factors including, if the student has or continues to have a disability, present levels of academic achievement and developmental needs of the student.

The District must notify the parents if additional data is not needed, and the reasons for that determination as well as their right to request an assessment to determine whether, the student continues to be a student with a disability. The District is not required to conduct the assessment unless requested to do so by the student's parents.

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Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Commissioner's regulations.

Individual Re-evaluations

The CSE or CPSE will arrange for an appropriate re-evaluation of each student with a disability:

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three years, unless the District and the parent or person in parental relation agree in writing that the re-evaluation is unnecessary.

A re-evaluation will not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE or CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation will be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District will encourage the consolidation of re-evaluation meetings for the student and other CSE or CPSE meetings for the student.

Amendments to the IEP

Amendments to the IEP made after the annual review by the CSE or CPSE may be made by reconvening the CSE or CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that there is a request for, and agreement to, the amendment by the parent(s) and the District provides the parent(s) a written proposal to amend the IEP conveyed in language understandable to the parent(s) in their native language or other dominant mode of communication, informs and allows the parent(s) the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parent(s) agree in writing to the amendments.

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Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

If the parent(s) agree to amend the IEP without a meeting, they must be provided prior written notice of the changes to the IEP and the CSE or CPSE must be notified of the changes. If the changes are made by rewriting the entire IEP, the District will provide the parents or persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District will provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

Use of Recording Equipment at IEP Meetings

The Board will allow recording equipment to be used at meetings regarding IEPs for students with disabilities.

Provision of Individualized Education Program

The Superintendent or designee(s) will establish administrative practices and procedures to ensure that each regular education teacher, special education teacher, related service provider, and/or other service provider who is responsible for the implementation of a student's IEP is provided with either a paper copy of the IEP or is able to access a student's IEP electronically (including amendments to the IEP) prior to the implementation of the program. The individuals responsible for implementing a student's IEP will be notified and trained on how to access the IEP electronically. For purposes of this policy, "other service provider" means a representative of another public school district, charter school, Board of Cooperative Educational Services (BOCES), or school where the student receives or will receive IEP services. Further, the District will designate at least one school official who will be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP will remain confidential in accordance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records, and will not be disclosed to any other person other than the parent of the student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of this information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when those professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE will designate for each student one or, as appropriate, more than one professional employee of the District with knowledge of the student's disability and education program who will be responsible to, prior to the implementation of the IEP, inform each teacher, provider, or school personnel of his or her responsibility to implement the recommendations on a student's IEP. Relevant school personnel will have ongoing access to a copy of the student's IEP.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):
DEVELOPMENT AND PROVISION (Cont'd.)**

A copy of a student's IEP will be provided to the student's parents at no cost to the parent(s).

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

21 USC § 812(c)

Education Law Articles 81, 85 and 89 and §§ 207, 3208 and 4402(7)

8 NYCRR §§ 200.1(hh), 200.2(b)(10), 200.4(b)(4), 200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j),
200.16(e)(6) and 200.22

Students

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS**Due Process Complaints**

The District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities. In the event these disputes cannot otherwise be resolved, either a parent or the District may file a due process complaint challenging the identification, evaluation, or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to the student. The complainant may not have an impartial due process hearing until the complainant, or the attorney representing the complainant, files a due process complaint notice that meets the requirements set forth in law for the notice. All due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide the most current version of the procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise.

A student whose education is the subject of a due process complaint will remain in his or her current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

Resolution Process

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the Committee on Special Education or Committee on Preschool Special Education who have specific knowledge of the facts identified in the complaint. This meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed upon time and place, and in a location that is accessible to the parents. The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

(Continued)

Students

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont'd.)

The parents and the District may agree, in writing, however, to waive the resolution process or agree to use the mediation process to resolve the dispute.

Selection and Board Appointment of Impartial Hearing Officers

In the event a due process complaint notice is properly filed, the Board will arrange for an impartial due process hearing to be conducted. In these instances, the Board will immediately, but not later than two business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent, initiate the process to select an Impartial Hearing Officer (IHO) through a rotational selection process. To expedite this process, the Board may designate one or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's (SED) Impartial Hearing Reporting System to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from this list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by SED.

The District will be responsible for compensating the IHO for prehearing, hearing, and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses in accordance with an annually determined schedule.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4005, 4202, 4404(1), and 4410(7)
8 NYCRR §§ 200.2 and 200.5

Adopted: 8/25/21

2021 8000

Instruction

South Jefferson Central School District

NUMBER

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Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

The District provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of actual or perceived race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of weight, ethnic group, religion, religious practice, sexual orientation, gender, or any other basis prohibited by state or federal non-discrimination laws, and provides equal access to outside organizations with fees assessed according to District guidelines.

Educational Services for Married/Pregnant Students

The District will not discriminate against students based on their parental or marital status. The opportunity to participate in all of the services, programs, and activities of the District will not be restricted or denied because of pregnancy, parenthood, or marriage.

Pregnant students will be encouraged to remain and participate in District programs. The forms of instruction provided to these students may include any or all of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;
- b) Receive home instruction;
- c) Attend BOCES programs.

In this regard, the Superintendent or designee, in consultation with student services staff, the school physician and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of these students.

Investigation of Complaints and Grievances

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and will promptly take appropriate action to protect individuals from further discrimination. All complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including, but not limited to, the designation of the Civil Rights Compliance Officer (CRCO), knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

(Continued)

Instruction

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the CRCO; however if the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity.

When appropriate, follow-up inquiries will be made so that discrimination does not resume and that all those involved in the investigation of the discrimination are not experiencing retaliation.

Americans with Disabilities Act, 42 USC § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
20 USC § 1701, et seq.
45 CFR § 84.40

NOTE: Refer also to Policy #3420 -- Non-Discrimination and Anti-Harassment in the District
District *Code of Conduct*

Adopted: 8/25/21

Instruction

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectfully and for the purpose of meeting course objectives.

The Board, in recognizing the educational uses of animals in the classroom, requires that permission be obtained from the building principal before animals are brought into the school or classrooms. It is the principal's responsibility to verify that there is an appropriate educational purpose if any animal is housed in a classroom. Animals are not to be transported on school buses with the exception of service animals.

Study and Care of Live Animals

It will be the responsibility of the principal or designee to develop a plan of care for those animals housed in school in the event of an emergency school closing or in the event the animals remain in the classroom on days when school is not in session.

Dissection of Animals

Any student expressing a moral or religious objection to the performance or witnessing of the dissection of an animal, either wholly or in part, will be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that this objection is substantiated in writing by the student's parent or legal guardian. An alternate activity clearly related to and of comparable rigor will be assigned in lieu of laboratory dissection. Some examples of alternate activities include the use of computer simulations or research. Students who perform alternative projects will not be penalized.

The District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s) or legal guardian(s) about their rights to seek an alternate project to dissection. This notice will be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

Instruction in the Humane Treatment of Animals

Students in elementary school must receive instruction in the humane treatment and protection of animals and the importance of the part they play in the economy of nature as well as the necessity of controlling the proliferation of animals that are subsequently abandoned and caused to suffer extreme cruelty. This instruction will be for a period of time as specified by the Board of Regents and may be joined with work in literature, reading, language, nature study, or ethnology.

Americans with Disabilities Act, 42 USC § 12101 et seq.

Education Law § 809

8 NYCRR § 100.2(c)(9)

Adopted: 8/25/21

Instruction

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT

The District will collaborate with parents and other family members to help students participating in Title I programs reach their full academic potential and to improve the District's overall academic quality. As part of its collaboration, the District will conduct outreach; plan and implement programs, activities, and procedures for parent and family member engagement; and consult meaningfully with parents and family members.

District-Wide Parent and Family Engagement

To facilitate parent and family participation, the District will:

- a) Involve parents and family members in jointly developing this policy, its Title I Plan, and its support and improvement plans. If the parents or family members indicate that the Title I plan is not satisfactory, the District will submit their comments to the State Education Department along with the plan;
- b) Improve student academic achievement and school performance through coordination, providing technical assistance, and giving support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;
- c) Coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local programs;

District-Wide

1. Informational Brochure Shared with All Families
 2. Homeschool Outreach Coordinator/Home Visits
 3. Embedded Care Coordinator- Leverage Outside Agency Wrap Around Support
 4. Curriculum and Standards Update Presentations
 5. Community Forums- Supporting SEL for students
- d) Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of its Title I schools. The evaluation will include identifying:
 1. Barriers to greater participation by parents and family members in Title I activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;

(Continued)

Instruction

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

2. The needs of parents and family members to assist with their child's learning, including engaging with school personnel and teachers; and
 3. Strategies to support successful school and family interactions.
- e) Use the evaluation's findings to design evidence-based strategies for more effective parent and family member engagement, and to revise the policy, if needed;
 - f) Involve parents in Title I activities, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the District to adequately represent the students' needs, to develop, revise, and review the parent and family engagement policy; and
 - g) Involve parents and family members in decisions regarding how it spends funds reserved for parent and family engagement activities.

School-Level Parent and Family Member Engagement

The Board directs each school receiving Title I funds to develop a building-level parent and family member engagement plan with that school's parents and family members. In addition to the content included above, each school building-level plan will:

- a) Describe how to convene an annual meeting, at a convenient time, to inform parents and family members of their school's participation in Title I programs, to explain Title I requirements, and to identify the right of the parents and family members to be involved. All parents and family members of these children will be invited and encouraged to attend the meeting;
- b) Offer flexibility in scheduling meetings, and may provide transportation, child care, or home visits related to parent and family member engagement, using Title I funds;
- c) Involve parents and family members in an organized, ongoing, and timely way in planning, reviewing, and improving Title I programs, including this policy;
- d) Provide parents and family members with timely information about programs, a description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, the achievement levels of the challenging state academic standards, and, if requested by parents or family members, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to their child's education. The District will respond to any suggestions as soon as practicably possible; and

(Continued)

Instruction

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

- e) Develop a compact jointly with parents and family members that outlines how they, school staff, and students will share responsibility for improved student academic achievement. The compact will also detail the means by which the school and parents and family members will build and develop a partnership to help all children achieve the state's standards.
- f) Have a compact that:
 - 1. Describes the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment to enable these students to meet the challenging state academic standards;
 - 2. Describes the ways in which each parent or family member will be responsible for supporting the child's learning, volunteering in the child's classroom, and participating, as appropriate, in decisions relating to the child's education and positive use of extracurricular time; and
 - 3. Addresses the importance of communication between teachers and parents or family members on an ongoing basis through, at a minimum:
 - (a) Parent or family member-teacher conferences in elementary schools, at least annually, during which the compact will be discussed as it relates to the individual child's achievement;
 - (b) Frequent reports to parents or family members on the child's progress;
 - (c) Reasonable access to staff, opportunities to volunteer and participate in the child's class, and observing their classroom activities;
 - (d) Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

If the parents or family members believe that the building-level parent and family engagement plan is not satisfactory, the school will submit their comments when it makes the plan available to the District.

To ensure effective involvement of parents or family members and to support a partnership among the school involved, parents or family members, and the community, to improve student academic achievement, the District and each school will host Open Houses and Parent Nights, host Community Forums on Relevant Topics, and use social media and mass communication systems to promote information sharing and partnership.

(Continued)

Instruction

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

- a) Provide assistance to parents or family members of children served by the District or school to understand topics such as the challenging state academic standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of the children:
1. Sharing information on social media, the District website, and mass communication system;
 2. Presenting on these topics at PTO meetings, Open Houses, and Parent Nights;
 3. Hosting virtual or live town halls and question and answer sessions;
- b) Provide materials and training to help parents or family members to work with the children to improve their achievement, such as literacy training and using technology (including education about the harms of copyright piracy) to foster parent and family member engagement:
1. Sharing information on social media, the District website, and mass communication system;
 2. Having a Parent Resource link on the District website;
 3. Presenting on these topics at PTO meetings, Open Houses, and Parent Nights;
 4. Hosting virtual or live town halls and question and answer sessions;
- c) Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents or family members, in the value and utility of parent or family member contribution, and in how to reach out to, communicate with, and work with parents or family members as equal partners; implement and coordinate parent or family member programs; and build ties between parents or family members and the school:
1. Planning and hosting Community Forums;
 2. Professional development for staff;
- d) Coordinate and integrate, to the extent feasible and appropriate, parent and family member engagement programs and activities with federal, state, and local programs, including public preschool programs that encourage and support parents and family members in more fully participating in the education of the children:

Building-Wide

1. Title I Parent Informational Session Open House Annually;
2. Family Read Nights;
3. Google Meet Parent Conferences;
4. Ice Cream Social/Family Activity Nights for Families;
5. Streaming in School Celebrations;

(Continued)

Instruction

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

- e) Ensure that information related to school and parent and family member programs, meetings, and other activities is sent to the parents or family members of participating children in a format and, to the extent practicable, in a language the parents or family members can understand;
- f) Provide other reasonable support for parent and family member engagement activities as parents or family members may request.

In addition, the District and each school may:

- a) Involve parents or family members in developing training for teachers, principals, and other educators to improve the effectiveness of this training;
- b) Provide necessary literacy training from funds received under this part if the District has exhausted all other reasonably available sources of funding for the training;
- c) Pay reasonable and necessary expenses associated with local parent and family member engagement activities, including transportation and child care costs, to enable parents and family members to participate in school-related meetings and training sessions;
- d) Train parents or family members to enhance the involvement of other parents or family members;
- e) Arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents or family members who are unable to attend these conferences at school, to maximize parent and family engagement and participation;
- f) Adopt and implement model approaches to improving parent and family engagement;
- g) Establish a District-wide parent and family member advisory council to provide advice on all matters related to parent and family member engagement in supported programs; and
- h) Develop appropriate roles for community-based organizations and businesses in parent and family member engagement activities.

In carrying out the parent and family member engagement requirements, the District and its schools, to the extent practicable, will provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports in a format and, to the extent practicable, in a language they understand.

(Continued)

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**Procedures for Filing Complaints/Appeals**

The District will disseminate free of charge to parents and family members of children in Title I programs, and to appropriate private school officials or representatives, adequate information regarding the District's written complaint procedures for resolving Title I issues.

Comparability of Services

The District will ensure equivalence among its schools of the same grade span and levels of instruction with regard to teachers, administrators, and auxiliary personnel, as well as equivalence in providing curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA) of 2015
20 USC §§ 6318 and 6321
34 CFR Parts 74-86, 97-99, and 200

Instruction

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District will employ the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. These technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, pornographic, or, with respect to the use of computers by minors, considered harmful to students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and in chat rooms and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building or program supervisor, will also be enforced to provide for the safety of students when accessing the Internet.

Further, the Board's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the District, including the selection of appropriate instructional materials and activities to enhance the schools' programs and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing any inappropriate sites. Proper safety procedures, as deemed appropriate by the applicable administrator or program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet may include, but will not be limited to, the following guidelines:

- a) Use of Internet during classroom instruction should be supervised by District personnel. As determined by the appropriate building administrator, the use of email, chat rooms, as well as social networking websites, may be blocked as deemed necessary for the safety of students;
- b) Monitoring logs of access in order to keep track of the websites visited by students as a measure to restrict access to materials harmful to minors;
- c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy (AUP), unauthorized access, and other unlawful activities by minors are prohibited by the District and student violations of these policies may result in disciplinary action; and
- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use, and dissemination of personal identification information regarding students.

(Continued)

Instruction

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont'd.)

The determination of what is "inappropriate" for minors will be determined by the District and/or designated school official(s), the definition of which may vary depending on the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws or regulations.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the District.

The District will provide certification, in accordance with the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking or filtering of access to certain material on the Internet) for all District computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the District may provide to students in grades K through 12 instruction designed to promote the proper and safe use of the Internet. The Commissioner will provide technical assistance in the development of curricula for this course of study which will be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information, and support to aid in the safe usage of the Internet.

Additionally, students will be educated on appropriate interactions with other individuals on social networking websites and in chat rooms, as well as cyberbullying awareness and response.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

Despite the existence of District policy, regulations, and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access this content or material from their home, other locations off school premises, and/or with a student's own personal technology or electronic device on school grounds or at school events.

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

(Continued)

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING (Cont'd.)**Notification/Authorization**

The District's AUP will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

The District has provided reasonable public notice and has held at least one public hearing or meeting to address this policy prior to Board adoption. Additional public notice and a hearing or meeting is not necessary if and when amendments are made to this policy.

This policy must be made available to the FCC upon request. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of this policy as well as any other District policies relating to the use of technology.

This policy is required to be retained by the school for at least five years after the funding year in which the policy was relied upon to obtain E-rate funding.

20 USC § 7131
47 USC §§ 254(h) and 254(l)
47 CFR Part 54
Education Law § 814

NOTE: Refer also to Policies #7315 -- Student Acceptable Use Policy (AUP)
#7316 -- Student Use of Personal Technology
District Code of Conduct

Adopted: 8/25/21

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent and the Board will be informed. A committee, including the librarian and building principal, will be designated by the Superintendent to investigate and evaluate the challenged material according to the principles and qualitative standards stated in District policy.

Controversial Issues

Controversial issues may be studied as part of the curriculum and teachers will present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the principal who will keep in mind the obligation for presenting opposing views as well, and who will inform the Superintendent prior to the presentation.

If parents or citizens of the community believe that unfair and biased presentations are being made by a teacher, the Superintendent may provide for a hearing so that both parties may fairly express their views.

Education Law § 3204(5)
8 NYCRR § 135.3

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adopted: 8/25/21

Instruction

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM

The Board acknowledges the importance of religion to the understanding of society and the richness of the human experience. The District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose, the activity should neither advance nor inhibit religion, and the activity must not foster an excessive entanglement of government with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the District. Students, faculty, and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins, and their histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity, and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in discussions solely on the basis of that student's identification with the cultural or religious heritage being addressed. A student's preference not to share or participate in these discussions should be honored and respected without penalty.

School Activities Related to Religious Holidays or Themes

School activities related to the teaching about religious holidays or themes must be consistent with, and representative of, the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs. Similarly, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include activities such as parties and special foods, if they reinforce educational goals.

Symbols in the Schools

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events, or holidays.

(Continued)

SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)**Music in the Schools**

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or celebrate a religious faith.

Curriculum Areas in Conflict with Religious Beliefs

Students will be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents or guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

The District will make this policy available in order to ensure community, faculty, student, and parental or guardian awareness.

United States Constitution, First Amendment

Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) of 2015

Equal Access Act, 20 USC §§ 4071-4074

Education Law §§ 1609(9), 1609(10), 1709(1), 1709(3), 3204(5), and 3210

8 NYCRR §§ 16.2 and 109.2

NOTE: Refer also to Policy #8330 -- [Objection to Instructional Materials and Controversial Issues](#)

Adopted: 8/25/21

Instruction

SUBJECT: INDEPENDENT STUDY

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The principal, after consultation with relevant faculty, will award credit to the student based on successful completion of the independent study and demonstrated mastery of the learning outcomes of the subject.

Students enrolled in the District may earn a maximum of three units of elective credit toward a Regents diploma through independent study. The student's participation in independent study must be approved by a school-based panel consisting of, at a minimum, the principal, a teacher in the subject area for which independent credit is sought, and a school counselor.

Credit for independent study may be awarded for elective courses only and will not be awarded for courses required for the Regents diploma as specified in Commissioner's regulations.

8 NYCRR § 100.5(9)

Adopted: 12/13/23

Instruction

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

The District will attempt to cooperate with parents who wish to provide home instruction for their children. A child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses set forth in Commissioner's regulation Section 100.10.

Primary responsibility for determining compliance with Commissioner's regulations addressing home instruction rests with the Superintendent.

Provision of Services to Home-Instructed Students

Home-instructed students are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents or the District.

a) Extracurricular Participation

Students instructed at home are *not* eligible to participate in interscholastic or intramural sports. Commissioner's regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic or intramural sports. Further, the District *does not* permit home-instructed students to participate in any extracurricular activities.

b) Textbooks and Materials

The District *will not* provide textbooks and other materials to home-instructed students.

c) Health Services

The District is *not required* to furnish health services.

d) Remedial Programs

The District *is not responsible* for providing remedial programs.

e) Career and Technical/Gifted Education

The District is *not authorized* to provide Career and Technical (Occupational) or gifted educational programs to home-instructed students.

(Continued)

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)f) Special Education Services

Solely for the purpose of Education Law Section 3602-c, home-instructed students with disabilities are deemed to be students enrolled in and attending a nonpublic school, which enables them to receive special education services, as well as to be included for computation of state aid for the education by the District.

The Committee on Special Education will develop an Individualized Education Services Program (IESP) for the student. The IESP will be developed in the same manner and with the same content as an individualized education program. The Board will determine a location where special education services will be provided to a home-instructed student. This location may, but is not required to be, in the student's home.

g) Use of School Facilities

Students instructed at home will be allowed to use school facilities provided that there is a mutual agreement on the part of all involved parties.

Education Law §§ 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c, 3602-c(2-c), and 4402
8 NYCRR §§ 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

Instruction

SUBJECT: HOME TUTORING (HOMEBOUND INSTRUCTION)

Resident children attending public or nonpublic schools who are unable to attend school because of physical, mental, or emotional illness or injury as substantiated by a licensed physician are eligible to be instructed at home or in a hospital by an appropriately certified teacher provided by the District. These students will be provided with instruction in accordance with New York State Education Law and Commissioner's regulations.

Procedures for students requiring home tutoring will be developed under the direction of the Superintendent or designee.

Education Law §§ 1604(20), 1709(24), 3202 and 4401
8 NYCRR § 175.21

Adopted: 8/25/21