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 Gloversville Enlarged City 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or administrative enactment, all other parts will remain in full effect unless and until they are amended or repealed by the Board of Education.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 Gloversville Enlarged City School District will be the minutes of the Board's meetings.

GLOVERSVILLE ENLARGED CITY SCHOOL DISTRICT

POLICY MANUAL CONTENTS

SECTION 1000	BYLAWS
SECTION 2000	INTERNAL OPERATIONS
SECTION 3000	COMMUNITY RELATIONS
SECTION 4000	ADMINISTRATION
SECTION 5000	NON-INSTRUCTIONAL/BUSINESS OPERATIONS
SECTION 6000	PERSONNEL
SECTION 7000	STUDENTS
SECTION 8000	INSTRUCTION

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

Gloversville Enlarged City School District **NUMBER**

ORGANIZATION OF THE BOARD OF EDUCATION

1.1 School District and Board of Education Legal Status and Authority 1110
1.2 Board of Education: Qualifications, Numbers and Terms of Office 1120

NOMINATION AND ELECTION OF BOARD OF EDUCATION MEMBERS

2.1 Board Members: Nomination and Election 1210
2.2 Reporting of Expenditures and Contributions 1220
2.3 Resignation and Dismissal 1230

THE ROLE OF THE BOARD OF EDUCATION

3.1 Powers and Duties of the Board 1310
3.2 Nomination and Election of Board Officers and Duties of the President and Vice President 1320
3.3 Appointments and Designations by the Board 1330
3.3.1 Duties of the District Clerk 1331
3.3.2 Duties of the District Treasurer 1332
3.3.3 Duties of the Tax Collector 1333
3.3.4 Duties of the External (Independent) Auditor 1334
3.3.5 Appointment and Duties of the Claims Auditor 1335
3.3.6 Duties of the Extraclassroom Activity Fund Central Treasurer and Faculty Auditor 1336
3.3.7 Duties of the School Attorney 1337
3.3.8 Duties of the School Physician/Nurse Practitioner 1338
3.3.9 Duties of the Internal Auditor 1339

BOARD POLICY

4.1 Policy and Administrative Regulations 1410

MEETINGS OF THE BOARD OF EDUCATION

5.1 Regular Board Meetings and Rules (Quorum and Parliamentary Procedure) 1510
5.2 Special Meetings of the Board 1520
5.3 Minutes 1530
5.4 Executive Sessions 1540

Gloversville Enlarged City School District **NUMBER**

MEETINGS OF THE DISTRICT

6.1	Annual District Meeting and Election/Budget Vote	1610
	6.1.1 Business of the Annual District Election	1611
6.2	Annual Organizational Meeting	1620
6.3	Legal Qualifications of Voters at District Meetings	1630
6.4	Absentee, Military, and Early Mail Ballots	1640
6.5	Submission of Questions and Propositions at the Annual Meeting and Election and Special District Meetings	1650

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 City School District of a city with less than 125,000 inhabitants, the Gloversville Enlarged City School District is organized under and subject to the provisions of Education Law Article 51.

The Board is the corporate body charged with the general control, management, and responsibility of the schools of the Gloversville Enlarged City 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.

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

Adopted: 6/10/19

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 small city school districts, Board members may not hold any city office other than that of police officer or firefighter; and

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 nine 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 three years beginning July 1 following their election and each term will expire on the 30th day of June of the third 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: 6/10/19

SUBJECT: BOARD MEMBERS: NOMINATION AND ELECTION

For Small City Districts:

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 100 qualified voters of the District. 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 20 days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.

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 for each specific vacancy will be declared elected in accordance with Education Law.

f) At least ten days prior to the election, the Board will appoint at least three inspectors of election for each voting machine or ballot box, and set their salary.

g) The district clerk will oversee the election. The clerk 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.

Ex Officio Student Board Members

The Board will have at least one ex officio student board member. Ex officio student board members will be entitled to sit with board members at all public meetings and hearings of the Board and may participate in other board activities and responsibilities at the discretion of the Board. However, ex officio student board members will:

(Continued)

SUBJECT: BOARD MEMBERS: NOMINATION AND ELECTION (Cont'd.)

a) Not be allowed to vote;

b) Not be allowed to attend executive sessions or any other meetings or hearings not open to the public; and

c) Not be entitled to receive compensation of any form for participating at board meetings.

Ex officio student board members will serve on the Board for a term of one year, commencing July 1 and ending June 30.

Selecting Ex Officio Student Board Members

To be designated as an ex officio student board member the student must have attended a district high school for at least one year prior to selection.

The ex officio student members of the Board may be any of the following:

a) The student that has been duly elected as student president of the high school;

b) A student duly elected by the student body;

c) A student selected by the high school student government;

d) A student selected by the high school principal;

e) A student selected by the Superintendent; or

f) A student selected by a majority vote of the Board.

The District will take into consideration the number of high schools within the District and provide a mechanism which allows for fair representation among the schools.

Education Law Sections 1702, 1703, 1804, 1901, 1950, 2004, 2012, 2018, 2025, 2029, 2031-a, 2031, 2032, 2034, 2105(14), 2121, 2502, 2602, 2608(1), and 2610

Adopted: 6/10/19
Revised: 10/6/25

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

Each candidate for the position of member of the Board whose expenses and/or contributions received exceed $500 must file a statement accounting for his or her campaign expenditures and contributions with the District Clerk and an additional statement with the Commissioner of Education. In the event the expenses do not exceed $500 and the aggregate amount of all contributions made to the candidate do not exceed $500, then a sworn statement to that effect must only be filed with the District Clerk.

Required contribution statements must include:

a) The dollar amount and/or fair market value of any receipt, contribution, or transfer which is other than money;

b) The name and address of the transferor, contributor, or person from whom received;

c) If that transferor, contributor or person is a political committee as defined in Election Law Section 14-100;

d) The name and political unit represented by the committee;

e) The date of receipt;

f) The dollar amount of every expenditure;

g) The name and address of the person to whom the expenditure was made, or the name of and political unit represented by the committee to which it was made; and

h) The date of the expenditure.

The times for filing the statements are as follows:

a) The first statement on or before the thirtieth day preceding the election to which it relates;

b) A second statement on or before the fifth day before the election;

c) A third statement within twenty days after the election.

Any contribution or loan in excess of $1000 received after the close of the period covered in the last statement filed before the election (b above) but before the election itself must be reported within 24 hours after receipt.

(Continued)

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS (Cont'd.)

All statements must be sworn before a notary public, a commissioner of deeds, a lawyer or a public official authorized by New York State law to administer oaths.

Education Law §§ 1528 and 1529
Election Law § 14-100(1)

Adopted: 6/10/19

SUBJECT: RESIGNATION AND DISMISSAL

Board members may resign at a District meeting of residents (i.e., the annual meeting, not a regular Board meeting) or by filing a written resignation with the District Superintendent of the Supervisory District who must endorse his or her approval and file the resignation with the District Clerk.

Alternatively, a Board member may resign by filing a written resignation with the District Clerk. The Clerk must then notify the Board and the State Board of Elections.

A resignation may be withdrawn only with the consent of the person to whom the resignation was delivered (i.e., the District Clerk or BOCES District Superintendent). The Board has no authority to act upon a request to withdraw a resignation.

The resignation will take effect upon the date specified in the letter of resignation; however, if no effective date is specified, it will take effect on the date of delivery to or filing with the District Clerk. If an effective date is specified in the letter of resignation, the date must not be more than 30 days subsequent to the date of its delivery or filing.

It will be the duty of each member of the Board to attend all meetings of the Board and, if any member refuses to attend three consecutive meetings of the Board after having been regularly notified and a satisfactory cause for each non-attendance is not shown, the Board will proceed to declare that office vacant.

A Board member may be removed from office by the Commissioner of Education for willful violation of any provision of law, neglect of duty, or willfully disobeying any decision, order, or regulation of the Commissioner. The Board may also remove a Board member for misconduct relating to the exercise of authority as a Board member. A written copy of all misconduct charges must be served upon the Board member at least ten days before the time designated for a hearing on the charges; the Board member will be allowed a full and fair opportunity to refute the charges before removal.

As a small city school district, the District is not obligated to fill a vacancy on the Board which occurs due to death, resignation, removal from office or from the District, or refusal to serve of a Board member.

However, the Board may fill the vacancy by appointment for a term ending with the next annual election of the District. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the remaining members of the Board.

The Board, at its own option, may instead call a special election within 90 days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election.

(Continued)

SUBJECT: RESIGNATION AND DISMISSAL (Cont'd.)

A person elected or appointed to fill a vacancy will take office immediately upon filing the oath of office.

Education Law §§ 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502, 2503, and 2553
Public Officers Law §§ 30, 31, and 35

Adopted: 6/10/19

SUBJECT: POWERS AND DUTIES OF THE BOARD

As a Small City School District, the Board has the powers and duties set forth in New York State Education Law, principally Articles 33, 35, 37, 51, and 53, 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 §§ 1604, 1709, 1804, and 2503

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

Adopted: 6/10/19

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: 6/10/19

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)

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.

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;

e) Purchasing Agent;

(Continued)

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

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: 6/10/19
Revised: 3/6/23

SUBJECT: DUTIES OF THE DISTRICT CLERK

The District Clerk will be appointed by the Board at its Annual Organizational Meeting and will serve for a period of one year. The Clerk's duties include the following:

a) Attending all meetings of the Board, keeping a record of its proceedings, and recording, by name, those in attendance;

b) Preparing Board meeting minutes, obtaining approval of the minutes by the Board at the next meeting, signing the minutes to signify their official standing, and forwarding copies of the minutes to each Board member;

c) Sending notices of special meetings to Board members; contacting and communicating with members as required;

d) Ensuring that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;

e) Maintaining an up-to-date record of Board policies and bylaws;

f) Delivering to, and collecting from, the President (or Vice President) papers for signature as may be necessary;

g) Distributing notices to the public announcing availability of budget copies to be presented at the Annual District Meeting in compliance with the requirements of the State Education Law;

h) Administering oaths of office;

i) Giving written notice of appointment to persons appointed as inspectors of election;

j) Calling all meetings to order in the absence of the President and Vice President;

k) Assuming other duties customary to the office.

The above duties of the District Clerk are not intended to be complete, but should serve as a guide in undertaking the duties of this office. The District Clerk will perform other duties as may be assigned from time to time by the Board.

Education Law § 2121
Public Officers Law §§ 10 and 104

Adopted: 6/10/19

SUBJECT: DUTIES OF THE DISTRICT TREASURER

The Treasurer is appointed by the Board at the Annual Organizational Meeting and will be covered by a blanket bond. In addition to the routine duties of accounting, filing, posting, and preparing reports and statements concerning District finances, the District Treasurer will perform other specific tasks as follows:

a) Acts as custodian of all moneys belonging to the District and lawfully deposits these moneys in the depositories designated by the Board;

b) Pays all authorized obligations of the District as directed, including payments of bond principal and interest;

c) Maintains proper records and files of all checks, and approved payment of bills and salaries;

d) Makes all such entries and posts to all such financial ledgers, records and reports, including bond and note registers, as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;

e) Signs all checks drawn on District fund accounts provided that the District's Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;

f) Safeguards either his or her electronic signature and/or the check-signing machine and signature plate, personally overseeing all preparation of checks;

g) Assumes other duties customary to the office.

Education Law §§ 2122, 2130, and 2523
Local Finance Law §§ 163 and 165
8 NYCRR §§ 170.2(g), 170.2(o), and 170.2(p)
9 NYCRR § 540.4

Adopted: 6/10/19

SUBJECT: DUTIES OF THE TAX COLLECTOR

The Tax Collector is appointed annually by the Board and will be covered by a bond. It is the responsibility of the District Tax Collector to perform the following duties:

a) Prepares and mails tax notices;

b) Uses suitable printed tax receipt forms as prescribed by the State Tax Commission;

c) Collects taxes in the amount of the warrant, upon the issuance of the tax warrant by the Board and penalty fees in accordance with the terms of the warrant;

d) Turns over daily to the District Treasurer all money collected by virtue of any tax list and warrant issued;

e) Submits a report, certified by him or her to the Board, showing the amount of taxes and fees collected along with the unpaid listing. The combination of taxes collected and uncollected must equal the amount of the warrant;

f) Turns over to the County Treasurer, prior to November 15, a list of unpaid taxes;

g) Carries out any other duties of the position as prescribed in Education Law, Real Property Tax Law, or as established by the Commissioner's regulations.

Education Law §§ 2126, 2130, and 2506
General Municipal Law Article 5-G
Real Property Tax Law §§ 578(2), 922, 924, 1322, 1330, and 1338
8 NYCRR § 170.2

Adopted: 6/10/19

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law must obtain an annual audit of its records by an independent certified public accountant (CPA) or an independent public accountant (PA). The audit must also include all extraclassroom activity funds. The independent accountant will present the report of the annual audit to the Board. The Board will adopt a resolution accepting the audit report and file a copy of the resolution with the Commissioner. The District will also file the audit report with the Commissioner for a specific school year by October 15 of the following school year. In addition to the annual audit, the District is subject to state audits conducted by the State Comptroller.

The independence and objectivity of the auditor may be enhanced when the Board and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law. Similarly, no audit engagement will be for a term longer than five consecutive years. The District, may, however, permit an independent auditor engaged under an existing contract for those services to submit a proposal for those services in response to a request for competitive proposals or be awarded a contract to provide those services under a request for proposal process.

Duties and Responsibilities

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.

Below are some important considerations the District will expect of the auditor in preparing the audit; however, they should not be considered all-inclusive or a substitute for the auditor's professional judgment.

a) Independence: The auditor must document that he or she is independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.

b) Internal Quality Control System: The auditor must document that his or her internal quality control processes adequately demonstrate compliance with government auditing standards. He or she must establish an organizational structure, policies, and procedures to provide reasonable assurance of complying with applicable standards governing audits.

c) Internal Controls: The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the

control environment, risk assessment, control activities, information and communication, and monitoring.

(Continued)

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR (Cont'd.)

d) Planning and Supervision: The auditor's work is to be properly planned and supervised and will consider materiality and/or significance in order to provide reasonable assurance of detecting misstatements resulting from direct and illegal acts and irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.

e) Audit documentation: In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.

f) Reporting on Internal Controls and Compliance: The auditor must report on and present the results of his or her testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) §§ 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20
Education Law §§ 1709 (20-a) and 2116-a
General Municipal Law §§ 33 and 104-b
8 NYCRR §§ 170.2, 170.3, and 170.12

Adopted: 6/10/19

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board will appoint a Claims Auditor to examine all claims. This auditor will determine whether the amounts claimed are actual and necessary expenditures, if the goods or services were actually received, whether the District official or employee was authorized to incur the obligation, and if the claims are supported with adequate evidence. Support may include itemized documentation, a thorough description of the goods or services, and detailed receipts and invoices. The Claims Auditor will ensure that each claim is legitimate, mathematically correct, does not exceed any available appropriation within the applicable budget code, and is made in accordance with District policy, purchasing order, or contract before authorizing payment. This auditor will certify that he or she audited each claim listed on the claims warrant to authorize the Treasurer to pay. The Treasurer should compare the signed checks to the certified warrant to verify accuracy and consistency before issuing payment.

The Claims Auditor will report directly to the Board on a monthly basis. The Board may require that the Claims Auditor report to the Clerk of the District, Clerk of the Board, or to the Superintendent for administrative matters such as workspace, time, and attendance.

The Board may adopt a resolution establishing the office of Deputy Claims Auditor to act as the Claims Auditor in the absence of the Claims Auditor. The Board may, by resolution, abolish the position of Deputy Claims Auditor at any time. The same eligibility requirements and qualifications that apply to a Claims Auditor apply to the Deputy Claims Auditor.

Qualifications

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims, including experience with purchasing, bidding, and claims. The Claims Auditor must be bonded or included in the District's blanket undertaking, before assuming his or her duties.

The Claims Auditor should not be:

a) A member of the Board;

b) The Clerk or Treasurer of the Board;

c) The Superintendent or District official responsible for business management;

d) The Purchasing Agent;

e) Clerical or professional personnel directly involved in District accounting and purchasing functions or under the direct supervision of the Superintendent;

f) The individual or entity responsible for the internal audit function (the Internal Auditor);

g) The External (Independent) Auditor responsible for the external audit of the financial statements;

(Continued)

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR (Cont'd.)

h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A close family member is a parent, sibling, or nondependent child; an immediate family member is a spouse, spouse equivalent, or dependent (whether or not related).

The Claims Auditor is not required to be a resident of the District and will be classified in the civil service exempt class.

Delegation of the Claims Audit Function

The Board may delegate the claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, provided that the individual, organization, or entity:

a) Has no other responsibilities related to the business operations of the District;

b) Has no interest in any other contracts with, and does not provide any goods or services to, the District; and

c) Is not a close or immediate family member of anyone who has responsibilities related to District business operations, or has an interest in any other contracts with the District.

The Board remains ultimately responsible for auditing all claims.

Education Law §§ 1604(35), 1709(20-a), 2526, and 2554(2)
8 NYCRR § 170.12(c)

Adopted: 6/10/19

SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL TREASURER AND FACULTY AUDITOR

Extraclassroom Activity (ECA) Central Treasurer

The ECA Central Treasurer is appointed by the Board and has custody of all ECA funds. The ECA Central Treasurer's duties include, but are not limited to:

a) Disbursing ECA funds by means of prenumbered check forms upon receipt of a payment order signed by the student activity treasurer and faculty advisor of the ECA, provided that there are sufficient funds in the account;

b) Signing all checks disbursing ECA funds;

c) Providing completed checks disbursing ECA funds to the student activity treasurer of the ECA;

d) Signing a receipt for all ECA funds placed into his or her custody and depositing those funds promptly into a bank designated by the Board;

e) Maintaining a record of the receipts and disbursements of each individual ECA account and of all the ECA accounts combined;

f) Verifying bank statements and preparing a reconciliation of cash balances and ECA accounts to be forwarded to the Faculty Auditor monthly;

g) Submitting to the Board a financial report relating to the receipts and expenditures for all ECA accounts on a quarterly basis; and

h) Reporting to the Board or its designee regularly and independently of the Faculty Auditor.

Faculty Auditor

The Faculty Auditor is appointed by the Board. The Faculty Auditor's duties include, but are not limited to:

a) Examining the statements of accounts from the ECA Central Treasurer monthly;

b) Auditing the ledgers kept by the student activity treasurer(s) at least twice a year on a rotating basis, and reconciling these ledgers with the ECA Central Treasurer's records;

c) Examining transactions and paperwork to determine if correct procedures are being used, including supporting documentation requirements and receipt issuance;

(Continued)

SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL TREASURER AND FACULTY AUDITOR (Cont'd.)

d) Certifying the accuracy of entries posted and available balances listed;

e) Investigating any instances when the ECA Central Treasurer's report and the student activity treasurer's ledgers do not agree;

f) Assembling, at the end of the school year, the monthly reports and preparing a composite report listing the financial condition of each ECA account for the full school year; and

g) Reporting to the Board or its designee regularly and independently of the ECA Central Treasurer.

8 NYCRR Part 172
NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Revised 2019

Adopted: 6/10/19
Revised: 8/16/21

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board will appoint a school attorney to provide legal counsel to the District. The school attorney's duties may include:

a) Providing legal representation to the District in proceedings before courts and administrative agencies;

b) Providing legal opinions as requested by the Board or its agents, and consistent with any agreement between the District and the school attorney;

c) Providing counsel in matters related to due process hearings; and/or

d) Such other duties as are consistent with law and the scope of the school attorney's representation.

Adopted: 6/10/19

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

The school physician or nurse practitioner will be appointed by the Board. The duties of the school physician or nurse practitioner will include, but are not limited to, the following:

a) Performing professional medical services in the examination and care of school children;

b) Performing routine examinations of school children to detect the presence of contagious diseases and physical defects;

c) Serving as an on-call member on the Committee on Special Education, Committee on Preschool Special Education, and Section 504 Committee;

d) Reporting to the Board on school health services;

e) Coordinating scheduling for physical examinations to all students participating in interscholastic athletics;

f) Providing final medical clearance for a return to extra class athletic activities for all students who have or are believed to have sustained a mild traumatic brain injury (concussion);

g) Developing the program of health service in accordance with policies approved by the Board and as directed by the Superintendent; and

h) Conducting a medical evaluation on any employee at the request of the Board of Education.

8 NYCRR § 136.5
Education Law §§ 902, 913, and 6902

Adopted: 6/10/19

SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board. The District may use its employees, inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors as the person or entity serving as Internal Auditor. The person or entity serving as Internal Auditor must follow generally accepted auditing standards, be independent of District business operations, and have the requisite knowledge and skills to complete the work.

The Internal Auditor is responsible for performing the internal audit function for the Board, which includes at a minimum:

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 the risk assessment;

c) Annual testing and evaluation of one or more areas of the District's internal controls, taking into account risk, control weakness, size, and complexity of operations;

d) Preparation of reports, at least annually or more frequently as the Board may direct, which:

1. Analyze significant risk assessment findings;

2. Recommend changes for strengthening controls and reducing identified risks; and

3. Specify timeframes for implementation of such recommendations.

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

NOTE: Refer also to Policy #5573 -- Internal Audit Function

Adopted: 6/10/19

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 will delegate 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. The Board will be kept informed periodically of changes in administrative regulations.

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

Adopted: 6/10/19

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 and members of his or her staff will attend Board meetings at the Superintendent's discretion. The Board may also request that additional people attend.

Regular Board meetings will take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified. Any Board meeting may be adjourned to a future date and time if approved by a majority of the Board present. Further, if a meeting date falls on a legal holiday, interferes with other area meetings, or Board member attendance will be less than a quorum, the Board will select a date for a postponed meeting at the prior regular meeting, and it will direct the District Clerk to notify all members. The District Clerk will provide the Board members written notice of the time of and agenda for each regular meeting before the meeting.

When the Board schedules a meeting on at least one week's notice, it will give or electronically transmit public notice of the time and place to the news media and conspicuously post the notice in one or more designated public locations at least 72 hours before the meeting. Notice of other meetings will be given or electronically transmitted, to the extent practicable, to the news media and conspicuously posted at one or more designated public locations at a reasonable time before the meeting. When the Board has the ability to do so, it will conspicuously post meeting notices on the District's website. If a meeting is streamed live over the Internet, the notice will inform the public of the website's Internet address. If a meeting is streamed live over the Internet, the public notice will inform the public of the website's Internet address.

The Superintendent will prepare the meeting agenda during the week before the meeting and review it with the Board President. The agenda will then be distributed to Board members no later than the Friday before the regular meeting. The President or other Board members will submit requests to place matters on the agenda to the Superintendent. Whenever individuals or groups wish to bring a matter to the attention of the Board, they will submit a written request to the Superintendent.

District records available to the public under the Freedom of Information Law, as well as any proposed resolution, rule, regulation, policy, or amendment scheduled to be discussed at a Board meeting will be made available upon request, to the extent practicable at least 24 hours before the meeting. Copies of these records may be made available for a reasonable fee. These records will be posted on the District's website to the extent practicable at least 24 hours before the meeting.

Using Videoconferencing to Conduct Board Meetings

If videoconferencing is used to conduct a Board meeting:

(Continued)

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

a) The Board will provide an opportunity for the public to attend, listen, and observe the meeting at any location where a Board member is participating; and

b) The public notice for the meeting will inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

Extraordinary Circumstances

In extraordinary circumstances, the Board may, in its discretion, permit Board members to participate in a Board meeting remotely by videoconference from locations that are not open to the public. For purposes of this policy, this is referred to as extraordinary circumstances videoconferencing.

However, in order for the Board to utilize extraordinary circumstances videoconferencing, the following conditions must be met:

a) The District must maintain an official website.

b) The Board must have adopted a resolution, following a public hearing, authorizing the use of extraordinary circumstances videoconferencing:

1. For itself and its committees or subcommittees; or

2. Specifying that each committee or subcommittee may make its own determination.

c) The Board must have established written procedures governing Board member and public attendance at meetings where extraordinary circumstances videoconferencing is being used that are consistent with law and those procedures must be conspicuously posted on the District's website.

d) Board members must only participate in meetings remotely from locations that are not open to the public in an extraordinary circumstance. How the Board defines extraordinary circumstances must be set forth in the Board's resolution and written procedures related to

extraordinary circumstances videoconferencing. Extraordinary circumstances may include disability, illness, caregiving responsibilities, or other significant or unexpected factor or

(Continued)

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

event which precludes the Board member's physical attendance at a meeting. Except for an extraordinary circumstance, Board members must be physically present at meetings unless a state disaster emergency has been declared or a local state of emergency has been proclaimed and the Board has determined that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.

e) At the meeting where extraordinary circumstances videoconferencing is being used:

1. The public must be able to attend, listen, and observe the meeting in at least one physical location at which a Board member is participating.

2. A minimum number of Board members must be present to fulfill the quorum requirement in the same physical location or locations where the public can attend.

3. Except in the case of executive sessions, Board members must be able to be heard, seen, and identified while the meeting is being conducted, including, but not limited to, any motions, proposals, resolutions, and any other matter formally discussed or voted upon.

4. The minutes of the meeting must include which, if any, Board members participated remotely and must be made available in accordance with law.

5. The public notice must inform the public that: videoconferencing will be used; where the public can view and/or participate in the meeting; where required documents and records will be posted or available; and identify the physical location(s) for the meeting where the public can attend.

6. The meeting must be recorded. The recordings must be posted or linked on the District's website within five business days following the meeting, and must remain available for a minimum of five years thereafter. Upon request, these recordings must be transcribed.

7. The Board must provide the opportunity for the public to view the meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized and must ensure that videoconferencing

authorizes the same public participation or testimony as in person participation or testimony.

8. The Board must utilize technology to permit access by individuals with disabilities consistent with the 1990 Americans with Disabilities Act, as amended, and corresponding guidelines.

(Continued)

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

Recording Meetings

The Board allows public meetings to be photographed, broadcast, webcast, or otherwise recorded and/or transmitted 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.

Quorum

The quorum for any Board meeting is five 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.

Public Comment

The Board encourages courteous and respectful public comment at Board meetings. All speakers must conduct themselves in a civil manner. Obscene language, harassing language, defamatory statements, and threats of violence are prohibited. All participants are required to comply with the District *Code of Conduct*.

The Board will designate a specific portion of its meeting agenda for public comment for a period of up to 30 minutes on agenda items only. The public is not permitted to discuss topics unrelated to the District, matters unrelated to the agenda, and/or matters involving specific individuals. Each speaker will be allowed up to three minutes. The Board may request, but will not require, speakers identify themselves. The Board is not required to allow speakers to cede their remaining time to other speakers. Written comments may be directed to the Board.

If there are a large number of individuals who want to address the Board, the Board President may limit the number of repetitive comments being made so that the time limit on public comment is not exceeded.

If individuals engage in disruptive or unruly behavior during the meeting, the Board President will remind the audience of this policy and the requirement to conduct themselves in a civil manner

and comply with the District *Code of Conduct*. The Board President may call for the removal of disruptive or unruly individuals from the meeting. When appropriate, law enforcement may be called to remove disruptive or unruly individuals. In some instances, individuals engaging in disruptive or unruly behavior may be subject to criminal sanctions.

(Continued)

SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)

These rules apply to residents and nonresidents equally.

Education Law §§ 1708, 2504, and 2801
General Construction Law § 41
Penal Law § 240.20
Public Officers Law Article 7
8 NYCRR § 100.2

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board
#1540 -- Executive Sessions
#6211 -- Employment of Relatives of Board Members

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: SPECIAL MEETINGS OF THE BOARD

Any member of the Board may call for a special meeting. A reasonable and good-faith effort will be made by the Superintendent or the Board president, as the case may be, to give every member of the Board 24-hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the 24-hour notice requirement.

All special meetings will be held at a regular meeting place of the Board and in accordance with all applicable provisions of the Open Meetings Law. Public notice of the time and place will be given, to the extent practicable, to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Education Law § 1606(3)
Public Officers Law §§ 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adopted: 6/10/19

SUBJECT: MINUTES

Board minutes are a legal record of the activities of the Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings will be kept by the District Clerk or, in their absence, by the Superintendent or designee. The minutes will be complete, accurate, and maintained in accordance with law. All minutes must be signed by the District Clerk when approved. Unless otherwise provided by law, minutes will be available to the public and posted on the District website within two weeks from the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

Minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).

The minutes of each meeting of the Board will state:

a) The type of meeting;

b) The date, time of convening, and adjournment;

c) Board members present and absent;

d) Board members' arrival and departure time, if different from opening or adjournment times;

e) All action taken by the Board, including a record or summary of all motions, proposals, resolutions, and other matters formally voted upon, with evidence of those voting in the affirmative and the negative, and those abstaining.

Minutes of Executive Sessions

Minutes will be taken at executive sessions of any action that is taken by formal vote. The minutes will consist of a record or summary of the final determination of the action, the date, and the vote. However, this summary need not include any matter which is not required to be made public by the FOIL.

If action is taken by a formal vote in executive session, minutes will be available to the public and posted on the District website within one week of the date of the executive session.

Education Law §§ 1721, 2121, and 3020-a

Public Officers Law §§ 87, 103, 103-a, and 106

NOTE: Refer also to Policy #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: EXECUTIVE SESSIONS

Upon a majority vote of its total membership, taken in an open meeting in accordance with a motion identifying the general area or areas of the subject or subjects to be considered, the Board may conduct an executive session for discussion of the below listed purposes only, provided, however, that no action by formal vote will be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote will be taken in open meeting and properly recorded in the minutes of the meeting. Attendance at an executive session will be permitted to any Board member and any persons authorized or requested to attend by the Board. The Superintendent will attend all executive sessions except those that concern his or her evaluation, employment, or salary.

a) Matters that will imperil the public safety if disclosed;

b) Any matter that may disclose the identity of a law enforcement agent or informer;

c) Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;

d) Discussions regarding proposed, pending or current litigation;

e) Collective negotiations pursuant to Civil Service Law Article 14;

f) Medical, financial, credit, or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;

g) Preparation, grading, or administration of examinations;

h) Proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value.

Motions for executive sessions should state the subject or subjects to be discussed in executive session. It is insufficient to merely recite statutory language.

Matters discussed in executive sessions must be treated as confidential, that is, never discussed outside of that executive session.

Education Law §§ 1708(3) and 3020-a
Public Officers Law Article 7

Adopted: 6/10/19

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

The Annual District Meeting and Election/Budget Vote for the District will be held on the third Tuesday in May. At this time, the District's registered voters will elect members of the Board and will also vote on the District Budget for the upcoming school year. However, in the event that the third Tuesday in May conflicts with a religious holiday, the Board may petition the Commissioner of Education to obtain permission to hold the Annual Meeting and Election/Budget Vote on the second Tuesday in May. This request from the Board must be certified and received by the Commissioner no later than March 1.

In the event that a school budget revote is necessary, it will be held on the third Tuesday of June. However, in the event that the third Tuesday of June conflicts with a religious holiday, the Board may petition the Commissioner of Education to obtain permission to hold the budget revote on the second Tuesday in June. This request from the Board must be certified and received by the Commissioner no later than March 1.

The District Clerk will give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing this notice four times within seven weeks preceding the meeting. The first publication of the notice must be at least 45 days prior to the meeting. This notice must appear in two newspapers, if there are two newspapers which have a general circulation within the District, or one newspaper, if there is one newspaper with a general circulation within the District. The notice must also contain any other information as required by law.

Copies of the proposed annual operating budget for the succeeding year to be voted upon at the Annual Meeting and Election will be available to District residents, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday, or holiday during the 14 days preceding the Annual Meeting. The availability of this budget information will be included in a legal notice of the Annual Meeting; and the copies of the proposed budget will also be available to District residents at the time of the Annual Meeting and Election.

Education Law §§ 1608, 1716, 1804(4), 1906(1), 2003(1), 2004(1), 2007(3), 2017(5), 2017(6), 2022(1), 2504, and 2601-a(2)

NOTE: Refer also to Policy #1640 -- Absentee, Military, and Early Mail Ballots

Adopted: 6/10/19

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

The Board will appoint a qualified voter as chairperson of the Annual District Meeting and Election/Budget Vote.

The chairperson will call the Annual District Meeting to order and proceed to the following order of business:

a) Designate the District Clerk as clerk of the election and assistant clerks;

b) Designate tellers and/or inspectors of election as previously appointed by the Board;

c) Read the notice of call of the election by the Clerk;

d) Open the voting process, whether by machine or paper ballot;

e) Close the voting process;

f) Receive the Clerk's report of the election results;

g) Adjourn.

Education Law §§ 1716, 2025, and 2601-2613

Adopted: 6/10/19

SUBJECT: ANNUAL ORGANIZATIONAL MEETING

The Annual Organizational Meeting of the Board will be held at any time during the first 15 days of July, at a time to be decided by the Board. At which meeting the Board will select a President for the ensuing year. At this meeting, the Board may also select a Vice President who will be authorized to act for the President in case of the President's absence or inability to act during that year.

Officers

The meeting will be called to order by the District Clerk, who will act as a Temporary Chairperson. The Board will proceed to the election of a President. The President will then take the chair. The Board will then elect a Vice President. Election will be by a majority vote.

Oath of Office

The District Clerk will administer the Oath of Office to the newly elected officers and new members of the Board.

Education Law §§ 1701, 1707, 2502, and 2504
Public Officers Law § 10

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT DISTRICT MEETINGS

A person will be entitled to register and vote at any school meeting for election of members of the Board, and upon all matters which may be brought before such meeting, who is:

a) A citizen of the United States;

b) Eighteen years of age or older;

c) A resident within the District for a period of 30 days preceding the next meeting at which he or she offers to vote.

Any person who would not be qualified to register or vote under the provisions of Election Law Sections 5-100 and 5-106 will not have the right to register for or vote in an election.

Personal Registration of Voters

Personal registration of voters in the District has been provided. The Board will authorize registration of voters on dates to be determined at its discretion. The registration must include all persons registering personally for the referendum or election in question. The register will also include:

a) All persons who previously have registered for any annual budget referendum, special meeting, or election held or conducted during the four calendar years prior to the year in which the register is being prepared.

b) Any person who is registered to vote under the provisions of Election Law Section 5-612(2) and its amendments.

The last day of registration will not be less than five days nor more than 14 days preceding the annual budget referendum or election. Registration must be open for at least four consecutive hours between 7 a.m. and 8 p.m.

The Board reserves the right to revoke the provisions for personal registration in this District. However, once revoked they cannot be reinstated unless authorized by the voters at a district election.

Education Law Sections 2012, 2014, 2025, and 2603
Election Law Article 5

Adopted: 6/10/19
Revised: 10/6/25

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS

Absentee Ballots

The Board authorizes the district clerk to provide absentee ballots to qualified district voters. Absentee ballots will be used for the election of board members and district public library trustees, the adoption of the annual budget, and district public library budget and referenda.

A district voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason they will not be able to appear in person on the day of the district election/vote for which the absentee ballot is requested. The application must be received by the district clerk no earlier than the thirtieth day before the election/vote. The application must be received by the district clerk at least seven days before the election/vote if the ballot is to be mailed to the voter or the day before the election/vote if the applicant or their agent delivers the application to the district clerk in person.

A qualified district voter is eligible to vote by absentee ballot if they will be:

a) Absent from the county of their residence;

b) Unable to appear at the polling place because of illness or physical disability, or duties related to the primary care of one or more individuals who are ill or physically disabled, or because they will be or is a patient in a hospital;

c) An inmate or patient of a veteran's administration hospital; or

d) Absent from their voting residence because they are detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that they are qualified to vote in the election district of their residence.

Statements on the application for an absentee ballot must be signed and dated by the voter.

A voter's absentee ballot must reach the office of the district clerk not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

Qualified district voters who are unable to personally appear at the polling place because of a permanent illness or physical disability and whose registration record has been marked "permanently disabled" pursuant to law are entitled to receive an absentee ballot without application.

A list of all persons to whom absentee ballots have been issued will be maintained in the office of the district clerk and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the

(Continued)

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)

challenge. A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot. The written challenge will be transmitted by the district clerk to the election inspectors on the day of the district election/vote.

Military Ballots

The Board authorizes the district clerk to provide military ballots to military voters to be used for the election of board members and district public library trustees, the adoption of the annual budget, and district public library budget and referenda.

A military voter is:

a) A qualified voter of New York State who:

1. Is in actual military service and, by reason of that military service, is absent from the District on the day of registration or election; or

2. Is discharged from that military service within 30 days of an election; or

b) A spouse, parent, child, or dependent of the previously described voter, accompanying or being with that voter, if a qualified voter of New York State and a resident of the District.

A military voter may designate a preference to receive a military ballot application or a military ballot by mail, fax, or email. This designation will remain in effect until revoked or changed by the military voter. If a military voter does not designate a preference, a military ballot application or a military ballot will be provided to the military voter by mail.

Military ballots will be distributed as soon as practicable, but no later than 14 days before the election/vote.

Three days before the first day for distribution of military ballots, the names of all candidates duly nominated for public office and the amendments, referenda, propositions, and questions to be voted for on the ballots will be determined. If, at a later date, the nomination of any candidate named on a military ballot is found invalid, the ballot will still be valid, but no vote for the invalid candidate will be counted in the election/vote.

A voter's military ballot must be received by the office of the district clerk not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed at which point the military ballot will be processed in the same manner as absentee ballots.

All military ballot applications and military ballots must be returned by mail or in person.

(Continued)

SUBJECT: ABSENTEE, MILITARY, AND EARLY MAIL BALLOTS (Cont'd.)

Early Mail Ballots

The Board authorizes the district clerk to provide early mail ballots to qualified district voters. Early mail ballots will be used for the election of board members and district public library trustees, the adoption of the annual budget, and district public library budget and referenda.

A district voter must request in advance an application for an early mail ballot. The voter must complete the application. The application must be received by the district clerk no earlier than the thirtieth day before the election/vote. The application must be received by the district clerk at least seven days before the election/vote if the ballot is to be mailed to the voter or the day before the election/vote if the applicant or their agent delivers the application to the district clerk in person.

Any qualified district voter is eligible to vote by early mail ballot.

Statements on the application for an early mail ballot must be signed and dated by the voter.

A voter's early mail ballot must reach the office of the district clerk not later than 5 p.m. on the day of the election/vote in order that their vote may be canvassed.

A list of all persons to whom early mail ballots have been issued will be maintained in the office of the district clerk and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of this list, file a written challenge of the qualifications as a voter of any person whose name appears on this list, stating the reason for the challenge. A challenge to an early mail ballot may not be made on the basis that the voter should have applied for an absentee ballot. The written challenge will be transmitted by the district clerk to the election inspectors on the day of the district election/vote.

Education Law Sections 2014, 2018-a, 2018-b, 2018-d, 2018-e, 2018-f, and 2613
8 NYCRR Part 122

Adopted: 6/10/19
Revised: 3/6/23; 10/6/25

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.

b) A separate petition will be required for each question or proposition.

c) Each petition must be filed with the District Clerk. Petitions relating to an Annual Election must be filed not later than 60 days preceding the election at which the question or proposition is to be voted upon.

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: 6/10/19

Gloversville Enlarged City School District **NUMBER**

INTERNAL OPERATIONS

1.1 Orienting and Training Board Members 2110

BOARD OF EDUCATION COMMITTEES

2.1 Committees of the Board 2210

BOARD OF EDUCATION ACTIVITIES

3.2 Attendance by Board Members at Conferences, Conventions, and Workshops 2320
3.3 Compensation and Expenses 2330
3.4 Board Self-Evaluation 2340

SUBJECT: ORIENTING AND TRAINING 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.

Board Member Training

Within the first year of election or appointment, each Board member must complete a minimum of six hours of training on the financial oversight, accountability, and fiduciary responsibilities of a school board member and a training course acquainting him or her with the powers, functions, and duties of Boards, as well as the powers and duties of other governing and administrative authorities affecting public education. Re-elected Board members will not be required to repeat this training. The curriculum and provider of this training must be approved by the Commissioner of Education.

Upon completing the required training, the Board member will file with the District Clerk a certificate of completion issued by the provider of the training. Actual and necessary expenses incurred by a Board member in complying with these requirements are a lawful charge to the District.

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

Adopted: 6/10/19

Internal Operations

SUBJECT: COMMITTEES OF THE BOARD

The Board and/or the President of the Board may, at its discretion, establish committees for the purpose of undertaking a specific task in connection with Board activity. These committees, however, cannot make legal decisions for the entire Board.

At the request of the Board, the President will appoint temporary committees consisting of less than a quorum of the full membership for special purposes. These committees will be discharged on the completion of their assignment. The President of the Board will be an ex-officio member of these committees.

The Board recognizes that it may be necessary from time to time to authorize advisory committees for the purpose of enlisting opinions and counsel of the general public. These committees will be appointed by the Board. The Board has the right to accept, reject, or modify all or any part of a committee recommendation.

Audit Committee

The Board has established an audit committee to oversee the annual audit of the District and report on its findings to the Board.

Visitation Committees

The Board will appoint one or more committees to visit every school or department at least once annually and report on their conditions at the next regular meeting of the Board.

Education Law §§ 1708, 2116-c, and 4601

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

Adopted: 6/10/19

Internal Operations

SUBJECT: ATTENDANCE BY BOARD MEMBERS AT CONFERENCES, CONVENTIONS, AND WORKSHOPS

The Board believes that continuing in-service training and development are important for its members. The Board, therefore, encourages the participation of all members at appropriate school board conferences, conventions, and workshops which are believed to be of benefit to the District. However, in order to control both the investment of time and funds necessary to implement this policy, the Board establishes the following guidelines:

a) The Board Clerk will inform the Board of upcoming conferences, conventions, and workshops. The Board will periodically decide which meetings appear to be most likely to produce direct and indirect benefits to the District. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at these meetings.

b) Funds for participation at conferences, conventions, workshops and the like will be budgeted for on an annual basis. When funds are limited, the Board will designate which members are to participate at a given meeting.

c) Reimbursement to Board members for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for expense reimbursement.

d) When a conference, convention, or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and materials acquired at the meeting.

The authorization for Board members to attend a conference, convention, or workshop will be by Board resolution adopted prior to attendance. However, the Board, in its discretion, may delegate the power to authorize attendance at conferences to the President of the Board.

Where authorization has been delegated to the President of the Board, no expense or claim form will be paid unless a travel order or similar document signed by the President is attached to the form, authorizing the claimant to attend the conference.

Education Law § 2118
General Municipal Law §§ 77-b and 77-c

NOTE: Refer also to Policies #5323 -- Reimbursement for Meals/Refreshments
#6161 -- Conference/Travel Expense Reimbursement

Adopted: 6/10/19

SUBJECT: COMPENSATION AND EXPENSES

No member of the Board may receive any compensation for his or her services unless he or she also serves as District Clerk and is paid as Clerk. All members of the Board may be reimbursed for actual expenses incurred in representing the District. All bills or claims for reimbursement must be itemized in reasonable detail.

Conference Travel for Newly Elected Board Members

In accordance with General Municipal Law, the Board, by a majority vote, may authorize a newly elected Board member whose term of office has not yet commenced to attend a conference. This conference travel must be for official District business utilizing a cost-effective and reasonable method of travel.

Authorization must be by resolution adopted prior to attendance and duly entered in the minutes. However, the Board may delegate the power to authorize attendance at a conference to the Board President or Board Vice President.

Education Law § 2118
General Municipal Law §§ 77-b and 77-b(2)

Adopted: 6/10/19

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: 6/10/19

Gloversville Enlarged City School District **NUMBER**

SCHOOL COMMUNITY RELATIONS

1.1 Media/Municipal Governments/Senior Citizens 3110
1.2 District Standards and Guidelines for Web Page Publishing 3120
1.4 Flag Display 3140
1.5 School Volunteers 3150

PARTICIPATION BY THE PUBLIC

2.1 Visitors to the School 3210
2.2 Use of Assistance Animals 3220
2.3 Public Complaints 3230
2.7 Solicitations
2.7.1 Solicitation of Charitable Donations 3271
2.7.2 Advertising in the Schools 3272
2.8 Use of School Facilities, Materials, and Equipment 3280
2.8.1 Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups 3281
2.9 Operation of Motor-Driven Vehicles on District Property 3290

DISTRICT RECORDS

3.1 Public Access to Records 3310
3.1.1 Notification of Disclosure of Employee Disciplinary Records 3311
3.2 Confidentiality of Computerized Information 3320

PUBLIC ORDER ON SCHOOL PROPERTY

4.1 Code of Conduct 3410
4.1.1 Prohibition of Weapons on School Grounds 3411
4.1.2 Threats of Violence in School 3412
4.1.3 Use of Force 3413
4.2 Non-Discrimination and Anti-Harassment in the District 3420
4.2.1 Title IX and Sex Discrimination. 3421

4.3 Diversity, Equity, and Inclusion in the District 3430
4.5 Animals on School Grounds 3450

EMERGENCY SITUATIONS

5.1 Emergency School Closings 3510
5.2 Extraordinary Circumstances 3520

SUBJECT: MEDIA/MUNICIPAL GOVERNMENTS/SENIOR CITIZENS

School District Media

The building principal is responsible for the preparation of news releases concerning the activities within that building, and for reviewing them with the Superintendent prior to release. Copies of all final news releases will be sent to the Superintendent's Office.

In addition, a periodic newsletter may be prepared and sent to each resident of the District or posted on its website. Included in the newsletter will be information regarding school activities, a monthly calendar, and other items of interest to the community. The Board accepts the funding obligation for the necessary staff and production costs.

As the official spokesperson, the Superintendent or designee will issue all news releases concerning the District. All statements of the Board will be released through the Office of the Superintendent and/or the District Clerk.

Municipal Governments

The Board will establish and maintain a positive working relationship with the governing bodies of the municipality. The Board will also cooperate with municipal, county, and state agencies whose work affects the welfare of the children of the District, including, but not limited to, the County Social Services Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency services agencies.

Senior Citizens

The Board will consider school-related programs for senior citizens in accordance with Education Law and/or the Commissioner's regulations. These programs include special use of school buildings or school buses, school lunches, and partial tax exemptions.

Education Law §§ 1501-b(1)(a), 1501-b(1)(b), and 1709(22)
Real Property Tax Law § 467

Adopted: 6/10/19

Community Relations

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). Similarly, no individual or outside organization will be permitted to publish personal Web 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 Website Manager 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 Website Manager or his or her designee(s). If at any time, the Website Manager 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 Website Manager 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.

(Continued)

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

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.

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.

Release of Student Education Records/Directory Information

The District will not permit students' personally identifiable information to be posted on any District Web Pages unless the posting is consistent with the Family Educational Rights and Privacy Act (FERPA) and District policy.

Use of Copyrighted Materials and Fair Use Exceptions

<u>Copyrighted Materials</u>

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, Fair Use guidelines, licenses, or contractual agreements, or the permission of the copyright proprietor. Web Page publications must include a statement of copyright when appropriate and indicate that permission has been secured when including copyrighted materials or notice that the publication is in accordance with the Fair Use provisions of the Copyright Law.

(Continued)

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

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.

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 #7410 -- Extracurricular Activities

#8350 -- Use of Copyrighted Materials

Adopted: 6/10/19

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, Governor, or local official, 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 on any other occasion.

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: 6/10/19

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.

The Board has a school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program is 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.

An application must be filled out by each prospective volunteer and forwarded to the District Office for evaluation. The building principal will forward his or her decisions concerning selection, placement and replacement of volunteers to the Superintendent for final evaluation. Following approval from the Superintendent, volunteers selected for work in the District will be placed on the list of approved volunteers. However, the Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.

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: 6/10/19

Community Relations

SUBJECT: VISITORS TO THE SCHOOL

All visitors will be required to report to the Main Office upon arrival at school and state their business. 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.

When individual Board members visit the schools, they must abide by the regulations and procedures developed by the administration regarding school visits.

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

Electronic Visitor Management System

The District utilizes an electronic visitor management system (EVMS) known as Raptor in order to ensure the safety and welfare of its students, staff, and guests. When any visitor, including parents and volunteers, wishes to enter any school building during school hours, he or she must present a valid state or government issued photo ID, such as a valid driver's license. Prior to entry being permitted, the EVMS will check visitors against known sexual offender databases and order of protections. Once the visitor's ID is scanned, the EVMS will print a visitor's badge which must be worn throughout the duration of the visit. Visitors should return this badge at the end of their visit so that they may be checked out of the building in a timely fashion. Visitors who refuse to produce IDs or fail the check of sexual offender databases and order of protection listings will be directed to leave the school premises.

Education Law § 2801
Penal Law §§ 140.10 and 240.35

Adopted: 6/10/19

Community Relations

SUBJECT: USE OF ASSISTANCE ANIMALS

The District recognizes the importance of service animals and affirms its commitment to allowing the use of these animals by individuals with disabilities on school grounds to facilitate their full participation in and equal access to District services, programs, and activities. Service animals are distinguished from emotional support, therapy, comfort, or companion animals. The District will comply with all applicable federal and state laws and regulations related to service animals.

Additionally, the District permits the use of therapy dogs on school grounds subject to the conditions of this policy. The use of therapy dogs can have many benefits including reduced anxiety and increased mental stimulation, as well as decreased depression, feelings of isolation, and boredom.

Service Animals

A service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals.

The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Psychiatric service animals that have been trained to take a specific action to help avoid an anxiety attack or to reduce its effects, however, may qualify as a service animal.

Where reasonable, the Board also allows the use of miniature horses on school grounds by individuals with disabilities. This use will only be permitted where a miniature horse has been individually trained to do work or perform tasks to benefit an individual with a disability. The use of miniature horses by individuals with disabilities is subject to the considerations and restrictions permitted by federal and/or state law.

The Superintendent or designee may create procedures, regulations, and/or building-specific rules regarding the use of service animals and miniature horses on school grounds by individuals with disabilities.

Therapy Dogs

For purposes of this policy, a therapy dog is defined as a dog that has been trained, evaluated, and certified to work with a handler to provide affection and comfort to individuals in a variety of settings including schools. A handler is defined as an individual that has been trained, evaluated, and

certified to work with a particular therapy dog. Therapy dogs are not covered by the same laws that protect service animals.

(Continued)

SUBJECT: USE OF ASSISTANCE ANIMALS (Cont'd.)

Although there is no formal identification or certification for therapy dogs, the District requires that any therapy dog and accompanying handler permitted on school grounds to be certified by an American Kennel Club (AKC) recognized therapy dog organization such as Therapy Dogs International. Further, the therapy dog must not pose a health and safety risk to any individual on school grounds. In order to use a therapy dog in the District, a written request must be submitted to the Superintendent or designee. The request must include the following:

a) General information about the proposed use of the therapy dog including when and where;

b) Personal information about the therapy dog and handler including name, address, and phone;

c) Copies of the therapy dog's:

1. Current licensure from the local licensing authority;

2. Vaccination and immunization records from a licensed veterinarian;

d) Copy of a certification from an AKC recognized therapy dog organization;

e) Copy of an insurance policy that provides liability coverage for the work of the therapy dog and handler while on school grounds and names the District as an additional insured;

f) Certification from the handler that, while on school grounds, the therapy dog, will:

1. Be clean, well-groomed, and free of parasites, illness, or injury;

2. Remain under the handler's control through the use of a leash or other tether unless the use of a leash or other tether would interfere with the therapy dog's service;

3. Be supervised and accompanied by the handler;

4. Wear a therapy dog ID and/or a bandana;

5. Not disrupt the educational process by excessive barking or any other behavior;

6. Only go to locations that have been authorized by District administrators;

7. Be fed, exercised, and cleaned-up after by the handler.

Additionally, handlers who are not employed by the District must comply with all requirements for volunteers in the District. Volunteers will work under the supervision of appropriate staff and are expected to comply with all District rules and regulations.

(Continued)

SUBJECT: USE OF ASSISTANCE ANIMALS (Cont'd.)

A new request must be submitted for each proposed use of a therapy dog. There must be one request for each dog. In no case will a request for the use of a therapy dog be valid for more than one school year.

The District reserves the right to deny a request for the use of a therapy dog for any reason. Once a request has been granted, the District reserves the right to exclude a therapy dog from school grounds for any reason including, but not limited to, the therapy dog:

a) Presenting a direct and immediate threat to others;

b) Not being under the handler's control;

c) Interfering with the educational process;

d) Going into a location in the District that has not been authorized by District administrators.

If any individual suffers an allergic reaction while in the presence of a therapy dog, the District will require the handler to move the therapy dog to a different location designated by a District administrator.

The handler of a therapy dog is solely responsible and liable for any damage to school property or any injury caused by the therapy dog. Further, the District bears no financial responsibility for the required training, care, or feeding for the therapy dog.

The Superintendent or designee will ensure that parents are notified prior to any therapy dog being permitted on school grounds.

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
28 CFR §§ 35.104 and 35.136
Civil Rights Law §§ 47, 47-a, and 47-b
Executive Law § 296

NOTE: Refer also to Policy #3150 -- School Volunteers

Adopted: 6/10/19
Revised: 3/6/23

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, but is not required to, 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*

Adopted: 6/10/19
Revised: 3/6/23

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: 6/10/19

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: 6/10/19

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 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 #3281 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
#3410 -- Code of Conduct

#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) 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: 6/10/19

Community Relations

SUBJECT: USE OF FACILITIES BY THE BOY SCOUTS OF AMERICA AND PATRIOTIC YOUTH GROUPS

To the extent the District receives funds made available through the United States Department of Education and maintains a "designated open forum" or a "limited public forum," as those terms are defined in federal regulation, it will not deny any group officially affiliated with the Boy Scouts of America or any other patriotic youth group listed in Title 36 of the United States Code equal access or a fair opportunity to meet. Likewise, the District will not discriminate against any group that requests to conduct a meeting within the District's designated open forum or limited public forum, including denying access or opportunity or discriminating for reasons based on the group's membership or leadership criteria or oath of allegiance to God and country.

The District will provide groups officially affiliated with the Boy Scouts of America or other Title 36 patriotic youth group access to facilities and the ability to communicate using school-related means of communication on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

The District is not required to sponsor any group officially affiliated with Boy Scouts or any other Title 36 patriotic youth group.

20 USC § 7905
36 USC Subtitle II
34 CFR Parts 75, 76, and 108

NOTE: Refer also to Policy #3280 -- Use of School Facilities, Materials, and Equipment

Adopted: 6/10/19

Community Relations

SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATVs) and other like vehicles is prohibited on any school grounds or areas except for authorized school functions or purposes. A school function means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

All student vehicles must be registered with the high school principal and parked in authorized areas only.

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

Adopted: 6/10/19

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

Access to District records will be consistent with the rules and regulations established by the New York State Committee on Open Government and will comply with all the requirements of the New York State Freedom of Information Law (FOIL).

Records Access Officer

The Superintendent, subject to the approval of the Board, will designate a Records Access Officer who will have the duty of coordinating the District's response to public requests for access to records.

Fulfilling FOIL Requests

The District will provide copies of records in the format and on the medium requested by the person filing the FOIL request if the District can reasonably do so regardless of burden, volume, or cost of the request. The District may charge a fee for copies as permitted by law and regulation.

The District may require a person requesting lists of names and addresses to provide a written certification that they will not use the lists of names and addresses for solicitation or fundraising purposes and will not sell, give, or otherwise make available the lists of names and addresses to any other person for the purpose of allowing that person to use the lists of names and addresses for solicitation or fundraising purposes.

Requests for Records via Email

If the District has the capability to retrieve or extract electronic records with reasonable effort, it will provide the records electronically upon request. The District will accept requests for records submitted in the form of email and respond to those requests by email using the forms supplied by the District. This information will be posted on the District website, clearly designating the email address for purposes of receiving requests for records via this format.

When the District maintains requested records on the Internet, the response will inform the requester that the records are accessible via the Internet and in printed form either on paper or other information storage medium.

Notification

The District will post in a conspicuous location wherever records are kept and/or publish in a local newspaper of general circulation a notice which contains: the locations where records will be

made available for inspection and copying; the name, title, business address, and business telephone number of the Records Access Officer; and the right to appeal a denial of access to records with the name and business address of the person or body to whom the appeal should be directed.

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)

Additional Provisions

Regulations and/or procedures governing access to District records in relation to FOIL requests will be developed.

Education Law § 2116
Public Officers Law Article 6
21 NYCRR Part 1401

NOTE: Refer also to Policies #1510 -- Regular Board Meetings and Rules (Quorum and Parliamentary Procedure)
#3311 -- Notification of Disclosure of Employee Disciplinary Records

Adopted: 6/10/19
Revised: 3/6/23

Community Relations

SUBJECT: NOTIFICATION OF DISCLOSURE OF EMPLOYEE DISCIPLINARY RECORDS

Overview

In accordance with New York State Public Officers Law, this policy establishes a process to notify District employees when the District is responding to a request for their disciplinary records.

Scope

This policy applies to all current and former employees of the District whose disciplinary records may be subject to public disclosure under the Freedom of Information Law (FOIL).

What Constitutes an Employee Disciplinary Record

For purposes of this policy, disciplinary records are any record created in furtherance of a disciplinary proceeding, including, but not limited to:

a) The complaints, allegations, and charges against an employee;

b) The name of the employee complained of or charged;

c) The transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;

d) The disposition of any disciplinary proceeding; and

e) The final written opinion or memorandum supporting the disposition and discipline imposed including the District's complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee.

Notification Upon Release of Disciplinary Records

When the District releases an employee's disciplinary records in response to a FOIL request, it will promptly provide written notification to the affected employee, unless the request is from the employee for their own records.

For current employees, this notification will be sent to the employee's work email address or, if unavailable, their home address on file with human resources.

For former employees, this notification will be sent to the employee's last known home address on file with human resources. The District will make every reasonable effort to notify former employees, and will document the steps taken to do so.

(Continued)

SUBJECT: NOTIFICATION OF DISCLOSURE OF EMPLOYEE DISCIPLINARY RECORDS (Cont'd.)

Content of Notification

The notification will include a brief description of the released records. This notification is for informational purposes only and does not require employee consent. Its purpose is to ensure employees are aware of the disclosure.

Public Officers Law Section 87

NOTE: Refer also to Policy #3310 -- Public Access to Records

Adopted: 10/6/25

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

The safeguarding of confidential data from inappropriate use is essential to the success of the District's operation. Access to confidential computerized data will be limited only to authorized personnel of the District.

It is a violation of the District's policy to release confidential computerized data to any unauthorized person or agency. Any employee who releases or otherwise makes improper use of computerized data is subject to disciplinary action.

However, if the computerized information sought is available under the Freedom of Information Law and can be retrieved by means of existing computer programs, the District is required to disclose this information.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232(g)
34 CFR Part 99
Public Officers Law § 84 et seq.

Adopted: 6/10/19

Community Relations

SUBJECT: CODE OF CONDUCT

The District has developed and will amend, as appropriate, a written *Code of Conduct* for the maintenance of order on school property and at school functions. The *Code* will govern the conduct of students, teachers, and other school personnel, as well as visitors and vendors. The Board will further provide for the enforcement of this *Code of Conduct*.

For purposes of this policy, and the *Code of Conduct*, school property means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the District's elementary or secondary schools, or in or on a school bus; and a school function means a school-sponsored extracurricular event or activity regardless of where the event or activity takes place.

The District *Code of Conduct* has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

The District *Code of Conduct* will be adopted by the Board only after at least one public hearing that provided for the participation of school personnel, parents or persons in parental relation, students, and any other interested parties.

The District *Code of Conduct* will be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee to facilitate review of its *Code of Conduct* and the District's response to violations. The Board will reapprove any updated *Code of Conduct* or adopt revisions only after at least one public hearing that provides for the participation of school personnel, parents or persons in parental relation, students, and any other interested parties. The District will file a copy of its *Code of Conduct* and any amendments with the Commissioner, in a manner prescribed by the commissioner, no later than 30 days after their respective adoptions.

The Board will ensure community awareness of its *Code of Conduct* by:

a) Posting the complete *Code of Conduct* on the Internet website, if any, including any annual updates and other amendments to the Code;

b) Providing copies of a summary of the *Code of Conduct* to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;

c) Providing a plain language summary of the *Code of Conduct* to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;

d) Providing each existing teacher with a copy of the complete *Code of Conduct* and a copy of any amendments as soon as practicable following initial adoption or amendment. New teachers will be provided a complete copy of the current *Code of Conduct* upon their employment; and

(Continued)

SUBJECT: CODE OF CONDUCT (Cont'd.)

e) Making complete copies available for review by students, parents, or persons in parental relation to students, other school staff, and other community members.

Education Law Article 2, §§ 801-a, 2801, and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law § 142
8 NYCRR § 100.2

NOTE: Refer also to District *Code of Conduct*

Adopted: 6/10/19

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.

Penal Law §§ 265.01-265.06

NOTE: Refer also to Policies #3410 -- Code of Conduct
#7313 -- Suspension of Students
#7360 -- Weapons in School and the Gun-Free Schools Act

Adopted: 6/10/19

Community Relations

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

The District is committed to the prevention of violence against any individual or property in the schools, on school property, or at school activities whether such acts and/or threats of violence are made by students, staff, or others. Threats of violence against students, school personnel and/or school property will not be tolerated whether or not such threats occur on school grounds or during the school day.

Any person who commits an act or threatens an act of violence, including bomb threats, whether made orally, in writing, by email, or by any other electronic format, will be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct* and collective bargaining agreements, as necessary.

The District does not condone acts and/or threats of violence which threaten the safety and well-being of staff, students, visitors, and/or the school environment. Employees, students, agents, and invitees will refrain from engaging in threats or physical actions which create a safety hazard for others.

All staff who are made aware of physical acts and/or threats of violence directed to students or staff are to report these incidents to the building principal or designee, who will report these occurrences to the Superintendent. Additionally, the building principal or designee will also report occurrences of violence, whether involving an actual confrontation or threat of potential violence, to the school psychologist and/or Director of Special Education if applicable. Local law enforcement agencies may be called as necessary upon the determination of the Superintendent or designee.

Students should report all acts and/or threats of violence, including threats of suicide, of which they are aware to the school hotline, a faculty member, or the building principal.

The District reserves the right to seek restitution, in accordance with law, from the parent or guardian and/or student for any costs or damages which had been incurred by the District as a result of the threats or acts of violence in the schools.

This policy will be disseminated, as appropriate, to students, staff, and parents and will be available to the general public upon request. Appropriate sanctions for violations of this policy by students will be addressed in the *Code of Conduct*.

Adopted: 6/10/19

Community Relations

SUBJECT: USE OF FORCE

Purpose and Scope

This policy provides general guidelines on the reasonable use of force. While there is no way to specify the exact amount of force applied in any situation, covered employees are expected to use these guidelines to make such decisions in a reasonable manner.

Definitions

Definitions related to this policy include:

Deadly Force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows himself or herself to be searched, escorted, handcuffed or restrained.

Covered Employee - That employee (or employees) employed by the District as a safety consultant.

Policy

The School District recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Use of Force

Covered employees shall use only that amount of force that reasonably appears necessary given the facts and circumstances per the event to accomplish a legitimate school safety purpose consistent with Article 35 of the NYS Penal Law.

The reasonableness of force will be judged from the perspective of a reasonable employee on the scene at the time of the incident. Any evaluation reasonableness must allow for the fact that covered employees are often forced to make split-second decisions about the amount of force necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly changing.

Given that no policy can realistically predict every possible situation a covered employee might encounter, such employees are entrusted to determine the appropriate use of force in each incident.

(Continued)

SUBJECT: USE OF FORCE (Cont'd.)

While the ultimate objective of every security encounter is to avoid or minimize injury, nothing in this policy requires that safety consultants be exposed to possible physical injury before applying reasonable force.

Factors Used to Determine the Reasonableness of Force

When determining whether to apply force and evaluating whether a covered employee has used reasonable force, a number of factors require consideration, as time and circumstances permit. These factors include, but are not limited to:

a) Immediacy and severity of the threat to the employee or others.

b) The conduct of the individual being confronted, as reasonably perceived by the employee at the time.

c) Individual's mental state or capacity.

d) Proximity of weapons or dangerous improvised devices.

e) Training and experience of the employee.

f) Potential for injury to others.

g) Any other exigent circumstances.

Deadly Force Applications

Use of deadly force is justified in the following circumstances:

Any covered employee may use deadly force to protect himself or herself or others from what he or she reasonably believes would be contact that would result in serious bodily injury.

Reporting the Use of Force

Any use of force by a covered employee shall be documented promptly, completely and accurately.

Training

Covered employees will receive this policy annually and demonstrate their knowledge and understanding of it.

Adopted: 6/10/19

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

Overview

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

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

a) Age;

b) Race;

c) Creed;

d) Religion;

e) Color;

f) National origin;

g) Citizenship or immigration status;

h) Sexual orientation;

i) Gender identity or expression;

j) Military status;

k) Sex;

l) Disability;

m) Predisposing genetic characteristics;

n) Familial status;

(Continued)

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

o) Marital status; and

p) Status as a victim of domestic violence.

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

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

Scope and Application

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

a) Students;

b) Employees;

c) Applicants for employment;

d) Paid or unpaid interns;

e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;

f) Volunteers; and

g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or

incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)

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

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

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

Definitions

For purposes of this policy, the following definitions apply:

a) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.

b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

What Constitutes Discrimination and Harassment

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

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may

include, but are not limited to: refusing to promote or hire an individual on the basis of his or her membership in a protected class; denying an individual access to facilities or educational benefits on the basis of their membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

(Continued)

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

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

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

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

Civil Rights Compliance Officer

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

Assistant Superintendent, 234 Lincoln Street, Gloversville, NY 12078
(518) 775-5791

Director of Elementary Curriculum and Instruction, 234 Lincoln Street, Gloversville, NY 12078
(518) 775-5791

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

Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in

investigating, responding to, and remedying complaints of discrimination and/or harassment.

(Continued)

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

Reporting Allegations of Discrimination and/or Harassment

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

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

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

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

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

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

In addition to complying with the reporting requirements in this policy, District employees must comply with any other applicable reporting requirements contained in District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and

procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

(Continued)

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

Supervisory Responsibilities

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

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

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

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

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

Grievance Process for Complaints of Discrimination and/or Harassment

All complaints or information about discrimination or harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination or harassment will be prompt, thorough,

equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a discrimination or harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

(Continued)

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

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

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

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

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

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

Knowingly Makes False Accusations

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

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

The District prohibits all retaliation. Any individual that reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint is protected from retaliation. No one should fear reporting discrimination or harassment if they believe it has occurred. Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the

person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

(Continued)

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

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

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

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

Confidentiality

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

Training

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

Notification

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

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

Additional Provisions

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

(Continued)

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

42 USC § 1324b
Age Discrimination Act of 1975, 42 USC § 6101 et seq.
Age Discrimination in Employment Act of 1967 (ADEA), 29 USC § 621 et seq.
Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.
Genetic Information Non-Discrimination Act (GINA), 42 USC § 2000ff et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC § 2000c 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, 20 USC § 1681 et seq.
USERRA, 38 USC § 4301 et seq.
28 CFR Part 35
29 CFR Chapter I – National Labor Relations Board
29 CFR Chapter XIV – Equal Employment Opportunity Commission
34 CFR Parts 100, 104, 106, 110, and 270
Civil Rights Law §§ 40, 40-c, 47-a, 47-b, 48-a, and 115
Correction Law § 752
Education Law §§ 10-18, 313, 313-a, 2801, 3201, and 3201-a
Labor Law §§ 194-a, 201-d, 201-g, 203-e, 206-c, 215, and 740
New York State Human Rights Law, Executive Law § 290 et seq.
Military Law §§ 242, 243, and 318
8 NYCRR § 100.2
9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination
#6120 -- Equal Employment Opportunity
#6121 -- Sexual Harassment in the Workplace
#6122 -- Employee Grievances
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
#7554 -- Equal Educational Opportunities
District *Code of Conduct*

Adopted: 6/10/19
Revised: 3/6/23; 4/15/24

Community Relations

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.

(Continued)

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):

Lauri Kent - Director of Elementary Curriculum and Instruction
234 Lincoln Street
Gloversville, NY 12078
518-775-5792
lkent@gesdk12.org

Christopher Wojeski - Assistant Superintendent
234 Lincoln Street
Gloversville, NY 12078
518-775-5713
christopher.wojeski@gesdk12.org

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 !X Coordinator receiving the

(Continued)

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

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 the District's DASA Coordinator. 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.

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*.

(Continued)

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

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.

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 TX 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

(Continued)

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

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 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.

<u>General Requirements for the Investigative and Grievance Process</u>

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.

(Continued)

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

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.

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

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

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 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 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;

(Continued)

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

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.

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.

(Continued)

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

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.

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;

(Continued)

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

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.

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 patties 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 ten 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;

(Continued)

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

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.

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.

(Continued)

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

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.

It is anticipated that most informal resolutions will be completed within 20 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 patty 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 patties' 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).

(Continued)

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

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:

a) Submit written, relevant questions that a party wants asked of any party or witness within 20 days after the parties have received the investigative report;

b) Provide each party with the answers given by any party or witness within 20 days of receiving the questions; and

c) Allow for additional, limited follow-up questions and responses from each party to occur within 20 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 ten 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 the evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean that the party with the burden of persuasion must prove that a proposition is more probably true than false meaning a probability of truth greater than 50%.

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;

(Continued)

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

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

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 20 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;

(Continued)

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

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.

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 30 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 TX Coordinator, the Superintendent, and all parties within 30 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.

(Continued)

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

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.

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:

(Continued)

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

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.

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;

(Continued)

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

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.

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

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
#7551 -- Sexual Harassment of Students
District *Code of Conduct*

Adopted: 8/16/21

Community Relations

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT

Overview

Research shows that all students benefit when schools implement strong diversity, equity, and inclusion (DEI) policies and practices. These benefits include academic, cognitive, civic, social-emotional, and economic. This is true regardless of a school's geographic location or the demographic composition of its students and staff.

This policy provides a framework as to how the District will foster DEI in its schools. This policy considers the entirety of the educational process by addressing the following essential elements: governance; teaching and learning; family and community engagement; workforce diversity; diverse schools and learning opportunities; and student supports, discipline, and wellness. It is just one component of the District's overall commitment to maintaining a diverse, equitable, and inclusive educational and work environment.

The District may develop a DEI plan to manage and coordinate the execution of this policy.

Inquiries about this policy may be directed to the District's DEI Coordinator.

Defining Diversity, Equity, and Inclusion

For purposes of this policy:

a) "Diversity" includes, but is not limited to: race; color; ethnicity; nationality; religion; socioeconomic status; veteran status; education; marital status; language; age; gender; gender expression; gender identity; sexual orientation; mental or physical ability; genetic information; and learning style.

b) "Equity" includes, but is not limited to, seeking the fair treatment, access, opportunity, and advancement for all while striving to identify and eliminate barriers that have prevented the full participation of all groups.

c) "Inclusion" includes, but is not limited to, authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power and ensures equal access to opportunities and resources.

These descriptions are not intended to be exhaustive. Rather, they are meant to be foundational and provide clarity to the concepts of diversity, equity, and inclusion.

(Continued)

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT (Cont'd.)

Governance

DEI Committee

The District has established a DEI Committee that meets periodically throughout the year. The purpose of the DEI Committee is to assist the District in creating and implementing plans that advance the District's commitment to maintaining a diverse, equitable, and inclusive environment where all individuals feel valued and respected. As needed, the DEI Committee will also review District policies, practices, and programs and provide suggestions as to how they could potentially be modified to better promote DEI.

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

The DEI Committee will be representative of all stakeholders, and may include (to the extent possible), but not be limited to, representatives from the following groups:

a) Students;

b) Parents and persons in parental relation;

c) District/building administrators;

d) Teachers, including at least one special education teacher;

e) Guidance staff, including at least one school psychologist, social worker, or counselor;

f) Other District staff;

g) The Board; and

h) Community members.

The DEI Coordinator will be a member of the DEI Committee and convene and coordinate the activities and plans of the DEI Committee.

Teaching and Learning

The District will strive to advance inclusive and culturally responsive teaching and learning through, but not limited to, the following means: curricula in all content areas; books and instructional materials; pedagogical practices and professional development; classroom grouping policies and practices; student support systems for all developmental pathways; full and equitable opportunities to learn for all students; and multiple assessment measures. As part of this effort, the District will seek to:

(Continued)

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT (Cont'd.)

a) Implement a Culturally Responsive-Sustaining (CR-S) Education Framework that embeds the ideals of diversity, equity, and inclusion by creating student-centered learning environments that:

1. Affirm cultural identities;

2. Foster positive academic outcomes;

3. Develop students' abilities to connect across lines of difference;

4. Elevate historically marginalized voices;

5. Empower students as agents of social change; and

6. Contribute to individual student engagement, learning, growth, and achievement through the cultivation of critical thinking.

b) Develop curricula that incorporates diverse perspectives, materials, and texts so that students are taught topics not just from one single perspective, but from multiple perspectives.

c) Offer coherent opportunities for students to actively participate in experiences that prepare them for a lifetime of civic engagement and contributions to social justice, including, for example, completing projects that enable them to apply the learning they have acquired within and across subject areas.

d) Encourage academic discussions about racism and bigotry.

Family and Community Engagement

The District will strive to foster family and community engagement practices that are based on mutual trust, confidence, and respect. As part of this effort, the District will seek to:

a) Encourage participation from all stakeholders in community building conversations.

b) Reduce language barriers through various means, including, but not limited to, providing translated communications when appropriate.

c) Leverage partners such as the county government and local community organizations in developing DEI programs and activities for the District.

(Continued)

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT (Cont'd.)

Workforce Diversity

The District will strive to create a workforce that is not only diverse and inclusive, but one that recognizes and values the differences among people. As part of this effort, the District will seek to:

a) Recruit and retain a diverse workforce in all areas and at all levels, thereby reducing stereotypes and preparing students for an increasingly global society.

b) Provide staff with opportunities for professional development on cultural proficiency.

Diverse Schools and Learning Opportunities

The District will strive to promote diverse, equitable, and inclusive classrooms in which students have equal access and opportunities to learn and realize their full potential. As part of this effort, the District will seek to:

a) Take creative steps to enhance the level of socioeconomic and racial diversity within District schools.

b) Eliminate the use of terms and phrases within District schools that perpetuate negative stereotypes and minimize student opportunities.

c) Create coursework, programs, and activities that are accessible to all students, regardless of their disability status, native language, income level, or any other basis.

Student Supports, Discipline, and Wellness

The District will strive to focus on the well-being of the "whole child." As part of this effort, the District will seek to:

a) Employ programs and practices that enhance all students' self-identity, self-confidence, and self-esteem.

b) Maintain non-discriminatory discipline policies and practices.

c) Consider and address the full range of student developmental pathways.

Training

To foster DEI in its schools, the District will provide DEI training to staff and students, as appropriate. This training may be delivered in various forms including, but not limited to: workshops; instructor-led classes; webinars; videos; workbooks; pamphlets; and/or emailed information. Although specific objectives will vary from training to training, in general, trainings will be designed to:

(Continued)

SUBJECT: DIVERSITY, EQUITY, AND INCLUSION IN THE DISTRICT (Cont'd.)

a) Increase awareness of the content of this policy and/or various DEI issues; and

b) Promote a welcoming and inclusive environment for all District community members.

Special trainings may be provided to members of the DEI Committee.

Notification

The District will share information about this policy via the District website and/or District-wide communications, as appropriate.

Adopted: 3/6/23

Community Relations

SUBJECT: ANIMALS ON SCHOOL GROUNDS

Content

Based upon (1) the District's obligation to limit the use of school facilities to educational purposes, and (2) concerns related to maintenance costs and hygiene, as well as to help maintain safe and healthy conditions for the students, staff and visitors to the Gloversville Enlarged School District, it shall be a violation of district policy for any individual to bring a dog or other animal onto school grounds, except in accordance with the following regulations:

a) Animals are prohibited from school buildings except as permitted by a building principal for instructional or safety purposes.

b) All animals will be on a leash or contained in a carrier at all times and are to stay on designated sidewalks or roadways.

c) Animals are not allowed on any athletic fields under any circumstances.

d) Service and therapy dogs and properly identified service and/or therapy dogs in training will be exempt from the terms of this policy and will be subject to Policies 3220 and 8250, accordingly.

The animal owner assumes all risks for the safety of persons or property when bringing animals on school grounds.

A clean up/carry out policy will be adhered to at all times.

The District reserves the right to ban any individuals and/or animals for safety reasons or owner unwillingness to comply with expectations set forth in this policy.

No animals are allowed on school property while school (not covered in exemptions) is in session.

Public Health Law 2140

NOTE: Refer also to Policies #3220 -- Use of Assistance Animals
#8250 -- Animals in the School (Instructional Purposes)

Adopted: 12/8/25

Community Relations

SUBJECT: EMERGENCY SCHOOL CLOSINGS

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 radio and television stations, auto dialing, or the Internet or District website.

When school is closed, all related activities, including athletic events and student activities, will be cancelled for that day and evening.

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

Education Law § 3604(7)

Adopted: 6/10/19

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.

Adopted: 8/16/21

Gloversville Enlarged City School District **NUMBER**

ADMINISTRATION

1.1	Administrative Personnel	4110

ADMINISTRATIVE OPERATIONS

2.1	Administrative Organization and Operation	4210
2.2	Administrative Authority	4220
2.3	District Committees	4230
2.4	Evaluation of the Superintendent and Other Administrative Staff	4240

CENTRAL OFFICE AND BUILDING ADMINISTRATION

3.1	Superintendent of Schools	4310
3.2	Superintendent-Board Relations	4320

SUBJECT: ADMINISTRATIVE PERSONNEL

Administrative and supervisory personnel will be considered to be those District employees officially designated by Board action as responsible for the administrative and supervisory tasks required to carry out Board policy, programs, decisions, and actions.

These employees must meet all certification or Civil Service requirements as outlined in New York State Civil Service Law and the Commissioner's regulations. Administrative and supervisory staff must be eligible to meet these requirements at the time of employment.

Abolishing an Administrative Position

Existing administrative positions will not be abolished by the Board without previous written notification of the impending abolition. This written notification must be served to the individual currently holding that position. In all cases, the individual currently holding the position should receive as much advance notice as possible.

Education Law §§ 1709, 2503(5), and 3013

Adopted: 6/10/19

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

The basic principles of administrative organization and operation are:

a) The working relationships will involve two types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from Superintendent to building principal. A line officer has power and authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinators or consultants.

b) The Board will formulate and legislate educational policy.

c) Administrative regulations will be developed by the Superintendent in cooperation with affected or interested staff members or lay persons.

d) The Central Office staff will provide overall leadership and assistance in planning and research.

e) Areas of responsibility for each individual will be clearly defined.

f) There will be freedom of communication between all levels in the school staff.

Line Responsibility

All employees of the District will be under the general direction of the Superintendent. Teachers will be immediately responsible to the principal of the building in which they work. Other employees will be immediately responsible to the administrative personnel under whom they work directly.

Adopted: 6/10/19

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

From time to time 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.

Adopted: 6/10/19

SUBJECT: DISTRICT COMMITTEES

Standing or ad hoc committees may be appointed to study and to recommend courses of action in response to department, building, or District needs. These committees may be appointed by the Board, the Superintendent, or other administrators, with the knowledge of the Superintendent, and in accordance with the range of responsibilities of the appointing body or administrator to whom the committee will report. The composition of each committee will reflect its purpose, and each committee will have a clear assignment.

Adopted: 6/10/19

SUBJECT: EVALUATION OF THE SUPERINTENDENT AND OTHER ADMINISTRATIVE STAFF

Superintendent

The Board will conduct annually a formal performance evaluation of 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.

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)
NY Education Law § 3012-d

Adopted: 6/10/19

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)

Adopted: 6/10/19

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: 6/10/19

Gloversville Enlarged City School District **NUMBER**

BUDGET

1.1	Budget Planning and Development	5110
1.2	School District Budget Hearing	5120
1.3	Budget Adoption	5130
1.4	Administration of the Budget	5140

INCOME

2.1	Revenues	5210
2.2	District Investments	5220
2.3	Acceptance of Gifts, Grants, and Bequests to the District	5230
2.5	Sale and Disposal of District Property	5250

EXPENDITURES

3.1	Bonding of Employees and Board Members	5310
3.2	Expenditures of District Funds	5320
3.2.1	District Credit Card Use	5321
3.2.2	District Cell Phone Use	5322
3.2.3	Reimbursement for Meals/Refreshments	5323

PURCHASING

4.1	Purchasing: Competitive Bidding and Offering	5410
4.1.1	Procurement of Goods and Services	5411
4.1.2	Alternative Formats for Instructional Materials	5412
4.1.3	Procurement: Uniform Grant Guidance for Federal Awards …	5413

FISCAL ACCOUNTING AND REPORTING

5.1	Accounting of Funds	5510
5.1.1	Maintenance of Fund Balance	5511
5.1.2	Reserve Funds	5512

5.2 Extraclassroom Activity Fund 5520
5.3 Petty Cash Funds and Cash in School Buildings 5530
5.4 Publication of District's Annual Financial Statement 5540
5.5 Maintenance of Fiscal Effort (Title I Programs) 5550
5.5.1 Allocation of Title I, Part A Funds in the District 5551

Gloversville Enlarged City School District **NUMBER**

FISCAL ACCOUNTING AND REPORTING (Cont'd.)

5.6	Use of Federal Funds for Political Expenditures	5560
5.7	Financial Accountability	5570
5.7.1	Allegations of Fraud	5571
5.7.2	Audit Committee	5572
5.7.3	Internal Audit Function	5573
5.7.4	Medicaid Compliance Program	5574

NON-INSTRUCTIONAL OPERATIONS

6.1	Insurance	5610
6.2	Fixed Asset Inventories, Accounting, and Tracking	5620
6.3	Facilities: Inspection, Operation, and Maintenance	5630
6.3.1	Hazardous Waste and Handling of Toxic Substances by Employees	5631
6.3.2	Pest Management and Pesticide Use	5632
6.3.3	Gender Neutral Single-Occupancy Bathrooms	5633
6.4	Smoking, Tobacco, and Cannabis (Marijuana) Use	5640
6.5	Energy Conservation and Recycling in the Schools	5650
6.6	Meal Charging and Prohibition Against Meal Shaming	5660
6.6.1	Wellness	5661
6.7	Records Management	5670
6.7.1	Disposal of Consumer Report Information and Records	5671
6.7.2	Information Security Breach and Notification	5672
6.7.3	Employee Personal Identifying Information	5673
6.7.4	Data Networks and Security Access	5674
6.7.5	Student Grading Information Systems	5675
6.7.6	Privacy and Security for Student Data and Teacher and Principal Data	5676
6.8	Safety and Security	
6.8.1	School Safety Plans	5681
6.8.2	Cardiac Automated External Defibrillators (AEDs) in Public School Facilities	5682
6.8.3	Evacuation, Lockdown, and Emergency Dismissal Drills	5683
6.8.4	Use of Surveillance Cameras in the District and on School Buses	5684
6.9	Exposure Control Program	5690
6.9.1	Communicable Diseases	5691
6.9.2	Human Immunodeficiency Virus (HIV) Related Illnesses	5692

Gloversville Enlarged City School District **NUMBER**

TRANSPORTATION

7.1	Transportation Program	5710
7.2	Transportation of Students	5720
7.3	School Bus Safety	5730
7.3.1	Idling School Buses on School Grounds	5731
7.4	Qualifications of Bus Drivers	5740
7.4.1	Drug and Alcohol Testing for School Bus Drivers	5741

TECHNOLOGY

8.4	Artificial Intelligence (AI)	5840

Non-Instructional/Business Operations

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(l)
8 NYCRR §§ 170.8, 170.9, and 170.11
State Education Department Handbook No. 3 on Budget

Adopted: 6/10/19

Non-Instructional/Business Operations

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

Adopted: 6/10/19

Non-Instructional/Business Operations

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.

The District budget for any school year, or any part of the 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.

Contingency Budget

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 (i.e., 0% levy growth).

The administrative component of the contingency budget is capped at the lesser of:

a) The percent of the administrative component to the total budget in the prior year's budget, not including the capital component; or

b) The percent that the administrative component comprised in the last proposed defeated budget for the subsequent year, not including, the capital component.

Education Law §§ 1608, 1716, 1804, 1906, 1950, 2007, 2022, 2023, 2023-a, and 2601-a
8 NYCRR § 170.3

NOTE: Refer also to Policy #5110 -- Budget Planning and Development

Adopted: 6/10/19
Revised: 3/6/23

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 Brian Seeley or the Claims Auditor.

Budget Transfers

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds between and within functional unit appropriations for teachers' salaries and ordinary contingent expenses. Whenever changes are made, they are to be incorporated in the next Board agenda for informational purposes only.

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

Adopted: 6/10/19
Revised: 8/16/21; 4/15/24

Non-Instructional/Business Operations

SUBJECT: REVENUES

The District Treasurer will have custody of all District funds in accordance with the provisions of state law. The Treasurer will be authorized and directed by the Board to invest the balances available in various District funds in accordance with regulations set forth in state law.

Education Law §§ 1604(a) and 1723(a)

Adopted: 6/10/19

Non-Instructional/Business Operations

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 the maximum yield possible 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).

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.

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.

(Continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd.)

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: 6/10/19

Non-Instructional/Business Operations

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

The Board may accept gifts, donations, grants, or bequests (collectively "gifts") of money, real property, 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 District are fully tax deductible so long as the gift is used exclusively for public purposes. 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 suggests that donors or grantors work first with school administrators in determining the nature of their gift prior to formal consideration for acceptance by the Board.

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

Gifts to the District will be annually accounted for as required by Generally Accepted Accounting Principles (GAAP).

All gifts become District property. A letter of appreciation, signed by the President of the Board and the Superintendent, will be sent to donors or grantors in recognition of their 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 §§ 404(1), 1604(44), 1709(12), 1709(12-a), 1709(12-b), 1718(2), 3701, and 3703
Real Property Tax Law § 980-a(3)

Adopted: 6/10/19
Revised: 3/6/23

Non-Instructional/Business Operations

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 Property

Equipment

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: 6/10/19

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: 6/10/19

Non-Instructional/Business Operations

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 -- District Cell Phone Use
#5323 -- Reimbursement for Meals/Refreshments
#6161 -- Conference/Travel Expense Reimbursement

Adopted: 6/10/19

Non-Instructional/Business Operations

SUBJECT: DISTRICT CREDIT CARD USE

The District may issue a credit card or cards in its name for the use of its officers and designated employees for authorized, reimbursable, school business related expenses. The maximum credit limit on each card will be as designated by the Board. However, authorized personnel must submit purchase orders for those school business related expenses, such as tuition charges for attendance at conferences, travel expenses, and lodging, where costs may be fairly and accurately estimated prior to the actual incurring of expenses.

Only those officers and District personnel designated by the Board will be authorized for the use of a District credit card.

Expenses incurred on each credit card will be paid in such a manner as to avoid interest charges. The credit card(s) will be locked in a secure place in the Superintendent's Office.

Adopted: 6/10/19

Non-Instructional/Business Operations

SUBJECT: DISTRICT CELL PHONE USE

A District-owned cell phone will be issued to a District employee when required by that employee's job duties and as determined by the Superintendent or designee.

Additionally, the following rules will apply regarding the use of a District-owned cell phone:

a) An annual amount will be deducted from the paycheck of each employee who is issued a District-owned cell phone. This amount will be divided equally over 26 paychecks. This deduction covers the use of this cell phone for personal phone calls made by the employee.

b) The cell phone may not be used by anyone other than the School District employee.

Adopted: 6/10/19

Non-Instructional/Business Operations

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

Adopted: 6/10/19

Non-Instructional/Business Operations

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 offerer, 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 offerer 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;

(Continued)

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

b) Was made available for use by other governmental entities and agreeable with the contract holder; and

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

Comments concerning the District's bidding and purchasing policies and procedures will be solicited from those District employees involved in the procurement process from time to time.

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
#5413 -- Procurement: Uniform Grant Guidance for Federal Awards

Adopted: 6/10/19

Non-Instructional/Business Operations

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.

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
#5413 -- Procurement: Uniform Grant Guidance for Federal Awards

Adopted: 6/10/19

Non-Instructional/Business Operations

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)(10), 200.2(c)(2) and 200.2(i)

Adopted: 6/10/19

Non-Instructional/Business Operations

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS

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, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.

Uniform Grant Guidance Requirements

Under the Uniform Grant Guidance, the District will, among other things:

a) Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.

b) Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;

2. Reliability of reporting for internal and external use; and

3. Compliance with applicable laws and regulations.

c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.

d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.

e) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as

sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(Continued)

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

h) Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

i) Have procurement procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.

j) Award 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 matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

k) Maintain records that sufficiently detail the history of the procurement including, but not limited to:

1. Rationale for the method of procurement;

2. Selection of contract type;

3. Contractor selection or rejection; and

4. The basis for the contract price.

l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.

m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.

n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.

o) Have written procedures for procurement to ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and

2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.

(Continued)

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

p) Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

q) Use one of the following methods of procurement, which include:

1. Micro-purchases;

2. Small purchase procedures;

3. Sealed bids;

4. Competitive proposals; and

5. Noncompetitive proposals.

r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.

s) Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

t) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

u) Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.

v) Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.

w) Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

2 CFR §§ 200.61, 200.303, 200.318, 200.319, 200.320, 200.321, 200.323, and 200.326
2 CFR Part 200, App. II

(Continued)

SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)

NOTE: Refer also to Policies #5410 -- Purchasing: Competitive Bidding and Offering
#5411 -- Procurement of Goods and Services
#5570 -- Financial Accountability
#5670 -- Records Management
#6110 -- Code of Ethics for Board Members and All District Personnel
#6161 -- Conference/Travel Expense Reimbursement

Adopted: 8/10/20
Revised: 8/16/21

Non-Instructional/Business Operations

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. A monthly report of all online banking activity will be reviewed by staff independent of the online banking process and reconciled with the bank statement. 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 his or her 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: 6/10/19

Non-Instructional/Business Operations

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. Consistent with this understanding, the Board adopts the following standards and practices.

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.

Unassigned Fund Balance

Minimum Unassigned Fund Balance

In order to maintain financial stability and protect against cash flow shortfalls, the Board will strive to maintain an unassigned fund balance of at least 4% of the current year's budgeted expenses. In the event such balance falls below the 4% floor, the District will seek to replenish deficiencies through reducing expenses and/or increasing revenue.

Maximum Unassigned Fund Balance

In order to support normal operating costs and provide fiscal stability for the District, the Board will also strive to ensure that the unassigned fund balance does not exceed 4% of the current year's budgeted expenditures. If it is anticipated that such balance will exceed the 4% ceiling, the Board will evaluate current commitments and assignments in order to determine the final distribution of fund balance in any fiscal year. The District will ensure unexpended surplus funds are used to reduce taxpayer liability in conformance with Real Property Tax Law Section 1318.

Fund Balance and Budget Development

The District's ability to maintain its unassigned fund balance within the limits articulated above is contingent upon the development of a reasonable budget. Consequently, the District will develop and adopt budgets that, to the extent possible, reflect the anticipated revenues and expenditures.

Likewise, the District will ensure that appropriate reserve funds are established and utilized, consistent with applicable law and District policy, to ensure the fund balance is sufficient to meet District needs.

(Continued)

SUBJECT: MAINTENANCE OF FUND BALANCE (Cont'd.)

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: 6/10/19

Non-Instructional/Business Operations

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: 6/10/19

Non-Instructional/Business Operations

SUBJECT: EXTRACLASSROOM ACTIVITY FUND

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). The moneys raised by these organizations are referred to as ECA funds. ECA fund management provides students with the opportunity to learn proper business practices and how to operate a successful business. The Board and designated District staff will protect and provide oversight of ECA funds. All ECAs will be approved by the Board.

The Board will appoint an ECA Central Treasurer, a Faculty Auditor, and a chief faculty counselor (appointed for each building in the District, typically the building principal). Each ECA will have a faculty advisor appointed by the chief faculty counselor. Additionally, each ECA will have a student activity treasurer elected by the members of the ECA.

All ECA funds will generally be handled in accordance with the financial procedures set forth in The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Revised 2019, published by the New York State Education Department. All moneys received from the conduct, operation, or maintenance of any ECA will be deposited with the ECA Central Treasurer. Two separate and independent sets of records of receipts and expenditures will be maintained, one by the ECA Central Treasurer and one by the ECA's student activity treasurer. On a quarterly basis, the ECA Central Treasurer will submit to the Board a financial report relating to the receipts and expenditures for all ECA accounts. The authority to expend moneys will be distinct and separate from the custody of these moneys. The District will invest ECA funds in accordance with its investment policy.

ECAs are prohibited from using the District's New York State sales tax exemption. The ECA Central Treasurer is responsible for filing the periodic sales tax returns for ECA funds.

All commitments and contracts will be the sole responsibility of the ECA incurring the transaction, regardless of a change in faculty advisors, membership, or officers.

In conjunction with the annual audit of District records, the Independent Auditor will audit all ECA funds. This audit will include a statement of receipts, disbursements, and balances for each ECA, together with a reconciliation of cash.

When an ECA becomes inactive or is discontinued, the ECA Central Treasurer is directed to expend the leftover ECA funds as voted by the organization controlling these funds. If this designation does not exist, then leftover funds of inactive or discontinued ECAs and of graduating classes will automatically revert to the account of the general student organization or student council. To reactivate, inactive or discontinued ECAs must follow the start-up procedures for new ECAs.

8 NYCRR Part 172
NYSED Finance Pamphlet, The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds, Revised 2019

(Continued)

SUBJECT: EXTRACLASSROOM ACTIVITY FUND (Cont'd.)

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#1334 -- Duties of the External (Independent) Auditor
#1336 -- Duties of the Extraclassroom Activity Fund Central Treasurer and Faculty Auditor
#3280 -- Use of School Facilities, Materials, and Equipment
#5220 -- District Investments
#5530 -- Petty Cash Funds and Cash in School Buildings
#5620 -- Fixed Asset Inventories, Accounting, and Tracking
#7410 -- Extracurricular Activities
#7450 -- Fundraising by Students

Adopted: 6/10/19
Revised: 8/16/21

Non-Instructional/Business Operations

SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS

Petty Cash Funds

A petty cash fund of not more than $200 will be maintained in the District Office and $100 in the high school and middle school and $50 in each elementary 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 $1000, 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: 6/10/19

Non-Instructional/Business Operations

SUBJECT: PUBLICATION OF DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, as a Small City School District, the Board is required to annually publish a financial report within three months of the close of the fiscal year. This financial report must include the specifics of all moneys received and expended and also include a full and complete statement of any bonds issued the preceding year for school purposes and the disposition made or to be made of the proceeds of such bonds.

The law requires that this statement be published in one newspaper, or two if available, having general circulation in the District, or in pamphlet form for general distribution, as prescribed by the Commissioner. However, if the report is published in pamphlet form, then the Board is required to publish notice in a newspaper or newspapers having general circulation in the District, indicating when and where the pamphlets will be made available.

Education Law §§ 1610, 1721, 2117, 2528 and 2577
8 NYCRR § 170

Adopted: 6/10/19

Non-Instructional/Business Operations

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 Assistant Superintendent 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

Adopted: 6/10/19

Non-Instructional/Business Operations

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: 6/10/19
Revised: 8/16/21

Non-Instructional/Business Operations

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

NOTE: Refer also to Policy #6430 -- Employee Political Activities

Adopted: 6/10/19

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;

4. Quarterly extra-classroom activity fund reports; and

5. Fund balance projections (usually starting in January).

e) The District has a long-term (three to five years) financial plan for both capital projects and operating expenses.

(Continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)

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.

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: 6/10/19
Revised: 3/6/23

Non-Instructional/Business Operations

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: 6/10/19

Non-Instructional/Business Operations

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.

(Continued)

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, assist 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 assist 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 and approve the corrective action plans developed by the Superintendent and Business Official. 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 Policies #1330 -- Appointments and Designations by the Board
#1335 -- Appointment and Duties of the Claims Auditor
#2210 -- Committees of the Board

Adopted: 6/10/19

Non-Instructional/Business Operations

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

NOTE: Refer also to Policy #1339 -- Duties of the Internal Auditor

Adopted: 6/10/19

Non-Instructional/Business Operations

SUBJECT: MEDICAID COMPLIANCE PROGRAM

Overview

The District will comply with New York State and federal laws and regulations related to the District's participation as a provider of care, services, or supplies under the Medicaid program. The District has established and implemented a Medicaid Compliance Program designed to detect and prevent fraud, waste, and abuse. Failure to comply with applicable laws, regulations, District policies, procedures or standards of conduct may result in sanctions.

Compliance Program

As required by the New York State Office of the Medicaid Inspector General (OMIG), the District's Medicaid Compliance Program includes the following core elements:

a) Written policies and procedures that describe compliance expectations as embodied in a code of ethics applicable to all District personnel, including Board members. These compliance expectations or standards of conduct include provisions designed to: implement the operation of the Medicaid Compliance Program; provide guidance to employees and others on dealing with potential compliance issues; identify how to report compliance issues, questions, and concerns to the District's compliance officer; and describe how issues are investigated, resolved, and documented. Written policies and procedures will also include a policy of non-intimidation and non-retaliation for good faith participation in the compliance program, including but not limited to: reporting potential compliance issues to appropriate personnel, participating in investigation of potential compliance issues, self-evaluations, audits, remedial actions, reporting instances of intimidation or retaliation; and reporting potential fraud, waste, or abuse to the appropriate state or federal entities.

b) A designated compliance officer, who may or may not be a District employee, who will be responsible for the day-to-day operation of the Medicaid Compliance Program. The compliance officer's duties may be exclusively related to Medicaid compliance issues or may be combined with other duties, provided that the Medicaid compliance portions of the compliance officer's duties are satisfactorily fulfilled. The compliance officer's primary responsibilities will include:

    1. Overseeing and monitoring the adoption, implementation, and maintenance of the compliance program and evaluating its effectiveness;

    2. Drafting, implementing, and updating no less than annually or, as necessary, a compliance work plan;

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM (Cont'd.)

3. Reviewing and revising the compliance program and the written policies and procedures and standards of conduct, to incorporate changes based on the District's organizational experience and promptly incorporate changes to laws, rules, regulations, policies, and standards;

4. Reporting directly, on a regular basis, but no less than quarterly, to the Board, Superintendent, and compliance committee on the progress of adopting, implementing, and maintaining the compliance program;

5. Assisting the District in establishing methods to improve its efficiency, quality of services, and reducing the District's vulnerability to fraud, waste, and abuse;

6. Investigating and independently acting on compliance program matters, including designing and coordinating internal investigations and documenting, reporting, coordinating, and pursuing any resulting corrective action with all internal departments, contractors, and the state; and

7. Ensuring that the compliance officer is allocated sufficient staff and resources to satisfactorily perform their responsibilities for the operation of the compliance program based on the District's risk areas and organizational experience. The District will also ensure that the compliance officer and appropriate compliance personnel have access to all records, documents, information, facilities, and individuals that are relevant to carrying out their compliance program responsibilities.

c) Compliance Committee which will be responsible for coordinating with the compliance officer to ensure that the District is conducting its business in an ethical and responsible manner, consistent with its compliance program. The District will outline the duties and responsibilities, membership, designation of a chairperson, and the frequency of meetings in a compliance committee charter.

d) Training and education of the District's compliance officer, all affected District employees, and other individuals associated with the District's Medicaid Compliance Program, including, but not limited to, members of the District's Board. This training will occur annually and be made a part of any required training or orientation for new employees, Board members, volunteers, and/or other individuals on dealing with the District's Medicaid Compliance Program. The training program will include at a minimum:

1. The District's risk areas and organizational experience;

2. The District's written policies and procedures;

3. The role of the compliance officer and the compliance committee;

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM (Cont'd.)

4. How employees and other individuals can ask questions and report potential compliance-related issues to the compliance officer and administrators, including the obligation of employees and other individuals to report suspected illegal or improper conduct and the procedures for submitting such reports; and the protection from intimidation and retaliation for good faith participation in the compliance program;

5. Disciplinary standards, with an emphasis on those standards related to the District's compliance program and prevention of fraud, waste, and abuse;

6. How the District responds to compliance issues and implements corrective action plans;

7. Requirements specific to the Medical Assistance program and the District's category or categories of service;

8. Coding and billing requirements and best practices, if applicable; and

9. Claim development and the submission process, if applicable.

The District will also develop a training plan, which will at a minimum, outline the subjects for training and education, the timing and frequency of the training, which employees and other individuals are required to attend, how attendance will be tracked, and how the effectiveness of the training will be periodically evaluated.

e) Lines of communication to ensure confidentiality for the District's employees and other individuals. The District's lines of communication will:

1. Be accessible to all District employees, Board members, volunteers, and other individuals associated with the District's Medicaid Compliance Program;

2. Allow for questions regarding compliance issues to be asked and for compliance issues to be reported;

3. Be publicized to the compliance officer and be made available to all employees and other individuals and all recipients of service from the District;

4. Have a method for anonymous reporting of potential fraud, waste, and abuse and compliance issues directly to the compliance officer; and

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM (Cont'd.)

5. Ensure that the confidentiality of persons reporting compliance issues be maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by, Medicaid Fraud Control Unit, OMIG, or law enforcement, or disclosure is required during a legal proceeding, and these persons will be protected under the District's policy for non-intimidation and non-retaliation.

If applicable, the District will make information about its compliance program, including its standards of conduct, available on its website.

f) Disciplinary standards and the implementation of procedures for the enforcement of these standards to address potential violations and encourage good faith participation in the District's compliance program by all employees and other individuals. The written policies and procedures establishing the District's disciplinary standards and the procedures for taking these actions will be published and disseminated to all employees and other individuals and will be incorporated into the District's training plan. The District will enforce its disciplinary standards fairly and consistently, and the same disciplinary action should apply to all levels of district staff.

g) An effective system for the routine monitoring and identification of compliance risks. This system should include internal monitoring and audits and, as appropriate, external audits, to evaluate the District's compliance with the requirements of the Medical Assistance program and the overall effectiveness of the District's compliance program. The District will perform routine audits by internal or external auditors who have expertise in state and federal Medicaid program requirements and applicable law or regulation or have expertise in the subject area of the audit. Audits or investigations conducted by state or federal governmental entities are not considered external audits. The results of all internal or external audits or audits conducted by state or federal agencies will be reviewed for risk areas that can be included in the District's compliance program and compliance work plan. The design, implementation, and results of any internal or external audits will be documented and the results will be shared with the compliance committee and the Board. Any overpayments will be reported, returned, and explained and the District will take prompt corrective action to prevent recurrence.

The District will conduct an annual compliance program review to determine the effectiveness of its compliance program and whether any revision or corrective action is required. The District will require contractors to comply with auditing and monitoring requirements and rules. The District will promptly share the results of its auditing and

monitoring activities with the District's compliance officer and appropriate compliance staff.

(Continued)

SUBJECT: MEDICAID COMPLIANCE PROGRAM (Cont'd.)

h) Procedures and systems for promptly responding to compliance issues when raised, investigating potential compliance problems identified during internal auditing and monitoring, correcting problems promptly and thoroughly to reduce the potential for recurrence, and ensuring ongoing compliance with state and federal laws, rules, regulations, and requirements of the Medicaid program. When potential compliance risks and issues are identified, whether through reports received or the result of auditing or monitoring, the District will promptly investigate and document its findings and implement corrective action if necessary. The District will document any investigation of compliance issues which will include any alleged violations, a description of the investigative process, copies of interview notes, and other documents essential for demonstrating that the District completed a thorough investigation of the issue. The District will document any disciplinary action taken and the corrective action. The District will promptly report credible evidence that a state or federal law has been violated to the appropriate governmental entity, where reporting is required by law. Any copies of reports submitted to governmental entities will be provided to the District's Medicaid compliance officer.

At least annually, the District will review its written policies, procedures, and standards of conduct to determine whether they have been implemented, whether employees and other individuals are following them, whether they are effective, and whether any updates are required.

Records Management and Retention

The District will retain records demonstrating that it has adopted, implemented, and operated an effective compliance program in accordance with law and regulation.

Social Services Law § 363-d
18 NYCRR Part 521
Labor Law §§ 740 and 741

NOTE: Refer also to Policies #2110 -- Orienting and Training Board Members
#5570 -- Financial Accountability
#5571 -- Allegations of Fraud
#5572 -- Audit Committee
#5573 -- Internal Audit Function

#6110 -- Code of Ethics for Board Members and All District Personnel

District Medicaid Compliance Program

Adopted: 6/10/19
Revised: 4/15/24

Non-Instructional/Business Operations

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: 6/10/19

Non-Instructional/Business Operations

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 Assistant Superintendent 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)

Adopted: 6/10/19

SUBJECT: FACILITIES: INSPECTION, OPERATION, AND MAINTENANCE

Overview

The District is committed to providing a healthy and safe environment for all individuals on school grounds. As part of this commitment, the District will comply with all applicable laws, regulations, and codes related to the construction, inspection, operation, and maintenance of District facilities.

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 State Energy Conservation Construction Code, the Manual of Planning Standards, and the Commissioner's regulations. The New York State Education Department (NYSED) Office of Facilities Planning has provided an Instruction Guide on its official website.

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

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, the State Energy Conservation Construction Code, and applicable law and regulation. 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

All District facilities will have carbon monoxide alarms or detection systems installed in accordance with all applicable laws, regulations, and/or codes.

Asbestos Inspections

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 written 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.

(Continued)

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

Lead Testing

The District will triennially test potable water for lead contamination from all outlets as required by law and regulation. If an outlet exceeds the action level for lead content, the District will prohibit use of the outlet and it will remediate the lead level of the outlet before allowing its use. The District will make all required notifications and issue all mandated reports to the public, local health department, and NYSED. 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.

Legionella Testing

To help protect staff, students, and visitors from contracting Legionnaires' disease from Legionella bacteria, the District will register any cooling towers it owns with the New York State Department of Health (NYSDOH), providing the information in any form that NYSDOH requires. The District will also adhere to the inspection, annual certification, and maintenance program and planning requirements mandated by NYSDOH. Further, the District will maintain records regarding all inspection results, corrective action, cleaning and disinfection, tests, and certifications for at least three years. The District will keep a copy of its required maintenance program and plan on the premises where the cooling tower is located.

Comprehensive Long-Range Plan

The District will develop and keep on file a comprehensive long-range plan pertaining to educational facilities in accordance with the Commissioner's regulations. This plan will be reevaluated and updated at least annually and will include, at a minimum, an appraisal of the following:

a) The educational philosophy of the District, with resulting administrative organization and program requirements;

b) Present and projected student enrollments;

c) Space use and state-rated student capacity of existing facilities;

d) The allocation of instructional space to meet the current and future special education program and service needs, and to serve students with disabilities in settings with nondisabled peers;

(Continued)

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

e) Priority of need of maintenance, repair, or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and

f) The provision of additional facilities.

Comprehensive Public School Building Safety Program

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.

The Comprehensive Public School Safety Program will consist of the following components:

a) Building Condition Surveys

Building condition surveys will be conducted on a schedule as assigned by the Commissioner of Education in calendar years 2020-2024 and at least every five years thereafter. Building condition surveys will be conducted on all occupied school buildings in accordance with law and regulation, including being conducted by a licensed architect or a licensed professional engineer who will assess the condition of all major building systems of a school building.

b) Visual Inspections

Visual inspections will be conducted when deemed necessary by the Commissioner to maintain the safety of public school buildings and the welfare of their occupants. When visual inspections occur, they will be conducted in accordance with law and regulation.

c) Five-Year Capital Facilities Plan

The District will develop a five-year capital facilities plan and update the plan annually. In developing and amending the plan, the District will use the safety rating of each occupied school building. The plan must be consistent with all District planning requirements and identify critical maintenance needs. The plan will be prepared in a manner and format prescribed by the Commissioner and submitted to the Commissioner upon request. The plan will include, but not be limited to:

1. A breakdown for each of the five years of the plan of the estimated expenses for the following:

   (a) Current or proposed new construction ranked in priority order;

(Continued)

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

(b) Current or proposed additions to school facilities ranked in priority order;

(c) Current or proposed alterations or reconstruction of school facilities ranked in priority order;

(d) Major repairs ranked in priority order;

(e) Major system replacement and repairs, and maintenance ranked in priority order; and

(f) Energy consumption.

2. A District-wide building inventory that includes, but is not limited to:

(a) The number and type of facilities owned, operated, or leased by the District;

(b) The age, enrollment, rated capacity, use, size, and the safety rating of the buildings as determined pursuant to Commissioner's regulations;

(c) The energy sources for the buildings;

(d) Probable useful life of each building and its major subsystems;

(e) Need for major system replacement and repairs, and maintenance;

(f) Summary of the triennial asbestos reports required pursuant to AHERA regulations; and

(g) Any other information which may be deemed necessary by the Commissioner to evaluate safety and health conditions in school facilities.

d) Monitoring System

The District will establish a process to monitor the condition of all occupied school buildings in order to assure that they are safe and maintained in a state of good repair. The process will include, but not be limited to:

1. The establishment of a health and safety committee comprised of representation from District officials, staff, bargaining units, and parents.

(Continued)

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

2. The establishment of a comprehensive maintenance plan for all major building systems to ensure the building is maintained in a state of good repair. This plan will include provisions for a least toxic approach to integrated pest management and establish maintenance procedures and guidelines which will contribute to acceptable indoor air quality. The comprehensive maintenance plan will be available for public inspection.

3. The annual review and approval by the Board of the annual building inspection reports and the five-year building condition surveys.

4. Procedures for assuring that an annual fire safety inspection of each building is conducted in accordance with all applicable laws, regulations, and/or codes.

5. Procedures for assuring that a current and valid certificate of occupancy is maintained for each building and posted in a conspicuous place.

6. Procedures for the investigation and disposition of complaints related to health and safety. These procedures will involve the health and safety committee and, at a minimum, will conform to the following requirements:

   (a) Provide for a written response to all written complaints. The written response will describe:

      1) The investigations, inspections, or tests made to verify the substance of the complaint, or a statement explaining why further investigations, inspections, or tests are not necessary;

      2) The results of any investigations, inspections, or tests which address the complaint;

      3) The actions, if any, taken to solve the problem; and

      4) The action, if any, taken if the complaint involved a violation of law or of a contract provision.

   (b) A copy of the response will be forwarded to the health and safety committee.

   (c) Copies of all correspondence will be kept in a permanent project file.

(d) These records will be made available to the public upon request.

7. The Board will take actions to immediately remedy serious conditions affecting health and safety in school buildings, and will report the actions to the Commissioner.

(Continued)

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

8. All construction and maintenance activities will comply with the Uniform Safety Standards for School Construction and Maintenance Projects.

15 USC §§ 2641-2656
40 CFR Part 763, Subpart E
Education Law §§ 408, 409, 409-d, 3602, and 3641
Executive Law § 378
Public Health Law § 1110
8 NYCRR §§ 155.1, 155.2, 155.3, and 155.4
10 NYCRR §§ 4-1.1 et seq. and 67-4.1 et seq.
19 NYCRR §§ 1219-1240

Adopted: 6/10/19
Revised: 4/15/24

Non-Instructional/Business Operations

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: 6/10/19

Non-Instructional/Business Operations

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;

(Continued)

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

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;

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: 6/10/19

2023 5633

Non-Instructional/Business Operations

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 as gender neutral 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 gender neutral 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

Adopted: 3/6/23

Non-Instructional/Business Operations

SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE

The following actions are prohibited on school grounds and at school functions: smoking; vaping; using tobacco products; and/or using or ingesting any form of cannabis.

Smoking and vaping are prohibited within 100 feet of the entrances, exits, or outdoor areas of any of the District's schools. However, this prohibition does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

Exceptions may exist for authorized medical cannabis use.

Definitions

For purposes of this policy, the following definitions apply:

a) "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.

b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

c) "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.

d) "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp.

e) "Tobacco products" means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.

f) "Vaping" means the use of an electronic cigarette.

Notification

The District will prominently post signs prohibiting smoking and vaping on school grounds in accordance with applicable law. Appropriate District officials will inform individuals smoking or vaping in a non-smoking area that they are in violation of law and/or District policy.

(Continued)

SUBJECT: SMOKING, TOBACCO, AND CANNABIS (MARIJUANA) USE (Cont'd.)

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.

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 functions;

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 and 7971-7974
41 USC § 8101 et seq.
Education Law § 409
Penal Law § 222.10
Public Health Law §§ 1399-n, 1399-o, 1399-p, and 1399-aa
8 NYCRR §§ 155.5 and 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)
#8240 -- Instruction in Certain Subjects
District *Code of Conduct*

Adopted: 6/10/19
Revised: 3/6/23

Non-Instructional/Business Operations

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

Adopted: 6/10/19

Non-Instructional/Business Operations

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.

Access to Meals

a) Free meal benefit eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.

b) Reduced meal benefit eligible students will be allowed to receive a breakfast of their choice for free and lunch of their choice for free each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.

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

No parent notification is needed. We are a (Community Eligibility Provision) CEP District. All students eat free.

(Continued)

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

Parent Outreach

a) Staff will communicate with parents/guardians with five or more unpaid meal charges 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.

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 at least monthly to maximize free eligibility.

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.

(Continued)

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

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 at least monthly to certify eligible students.

Prepaid Accounts

Students/Parents/Guardians may pay for meals in advance via www.myschoolbucks.com or with a check payable to Gloversville Enlarged School District. Further details are available on the District's webpage at www.gesdk12.org. Funds should be maintained in accounts to minimize the possibility that a student 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. Refunds for graduating students will be mailed out by August 1.

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: 6/10/19

Non-Instructional/Business Operations

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 that there are opportunities for all students and personnel to practice healthy eating and physical activity behaviors throughout the school day. The District will work to ensure that all students and personnel across the District have equitable access to health and wellness efforts. This wellness policy applies to all students, personnel, 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.

Governance

District Wellness Committee

The District has established a wellness committee that meets at least four times per year 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, including leaders from different parent organizations;

b) Students;

c) Physical education teachers;

d) School health professionals;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

e) Specialized instructional support personnel such as school counselors, psychologists, or social workers;

f) District food service program representatives;

g) School Board;

h) Community health professionals such as dieticians, doctors, nurses, or dentists;

i) School administrators;

j) General education teachers;

k) Supplemental Nutrition Assistance Program Education (SNAP-ED) coordinators; and

l) The general public.

District Wellness Leadership

The following district official is responsible for the implementation and oversight of this district-level wellness policy:

Treasurer and his or her designee.

The contact information for this individual is:

cmeher@gesdk12.org

This individual will be referred to as district wellness coordinator throughout this wellness policy.

The district wellness coordinator will convene the district wellness committee, facilitate the development of and updates to this wellness policy, and serve as a liaison with community agencies. The district wellness coordinator will also work to ensure each school's compliance with this wellness policy.

Building-Level Wellness Teams

The District encourages individual buildings within the District to establish an ongoing building-level wellness committee that supports the implementation of this policy and the efforts of the district wellness committee.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

Wellness Policy Implementation, Monitoring, and Accountability

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.

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 is responsible for managing the District's triennial assessment:

Treasurer and/or his or her designee.

The contact information for this individual is:

cmeher@gesdk12.org

The District will actively notify the public of the availability of the triennial assessment results.

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.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

School Meals

All schools within the District participate in the following federal child nutrition programs: National School Lunch Program; School Breakfast Program; Summer Food Service Program; Fresh Fruit and Vegetable Program (PILOT). All school meals will meet or exceed nutrition requirements established by local, state, and federal laws and regulations.

In addition:

a) Meal Modifications

School meals will be accessible to all students, and the District will accommodate special dietary needs and food allergies as required by law and regulation. This includes making meal modifications, including substitutions for lunches and after-school snacks, for students with a disability whose disability restricts their diet. Any meal modification requested must be related to the disability or limitations caused by the disability and will be offered at no additional cost to the student. The District will notify parents of the procedures for requesting meal modifications for students with disabilities and the process of procedural safeguards related to meal modifications for disabilities.

b) Qualified Nutrition Professionals

School meals will be administered by a team of qualified nutrition professionals who meet or exceed the hiring and annual continuing education/training requirements of the USDA Professional Standards for Child Nutrition Professionals.

c) Unpaid Meal Charges

The District is committed to ensuring 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. The District has established procedures to address unpaid meal charges throughout the District in a way that does not stigmatize, distress, or embarrass students.

The District also operates additional nutrition-related programs and activities, including:

Breakfast After the Bell

The District promotes student health and aims to reduce childhood obesity by:

a) Promoting student participation in child nutrition programs and working to ensure that families are aware of what programs are available in the District and how to access those programs;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

b) Ensuring all students have a scheduled lunch period and that they are served lunch at a reasonable and appropriate time of day;

c) When applicable, serving breakfast to students using a variety of service models to increase participation, such as "grab and go" breakfast or breakfast served in the classrooms;

d) Providing all students with adequate time to eat meals, meaning that, when applicable, students will be allowed at least ten minutes to eat breakfast and at least 20 minutes to eat lunch, counting from the time they have received their meal and are seated;

e) Promoting healthy food and beverage choices;

f) Offering a variety of foods and beverages that are appealing and attractive to students;

g) Serving meals in clean and inviting settings;

h) Having lunch follow the recess period to better support learning and healthy eating;

i) Posting menus on the district website and including nutrient content and ingredients;

j) When feasible, purchasing, promoting, and serving fresh fruits, vegetables, and other foods from local farmers; and

k) Not serving food and beverages where natural sugar has been replaced with high-intensity sweeteners or non-nutritive sweeteners.

Child nutrition programs aim to improve the diet and health of students, 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.

District food service personnel will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

Water

To promote hydration, free, safe, unflavored drinking water will be available to all students and personnel throughout the school day and throughout every school campus. The District will make drinking water available where school meals are served during meal times.

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

(Continued)

SUBJECT: WELLNESS (Cont'd.)

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 to the best of our ability support the goals of the wellness policy.

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 offered through the child nutrition programs. This includes, but is not limited to, a la carte options in cafeterias, vending machines, school stores, and snack or food carts.

Fundraising

The District requires that 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. The District encourages the use of fundraisers that promote physical activity.

School fundraisers conducted outside of the school day will be strongly encouraged to sell only non-food items or foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards.

The District will provide to any individual or group conducting a school fundraiser the USDA Smart Snacks in School nutrition standards, as well as a list of list of healthy fundraising ideas.

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 meet or exceed the USDA Smart Snack in School nutrition standards.

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. The marketing of products that do not meet USDA Smart Snacks in School nutrition standards, in any and all of the following ways, is prohibited:

(Continued)

SUBJECT: WELLNESS (Cont'd.)

a) On the product itself;

b) On vending machines;

c) In educational materials, including textbooks;

d) In advertisements in district publications and district mailings;

e) During broadcasts on district radio stations and in-school television;

f) Through digital media, such as computer screensavers;

g) Through district-operated or district-sponsored websites and servers; and

h) Through the District's public announcement system.

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 influence 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) Cultivating a school environment that promotes a healthy body image, shape, and size among students and personnel;

c) Encouraging and promoting food purchases from local vendors and advertising local farmers markets to families;

d) Promoting nutrition education activities that involve parents, students, and the community;

e) Promoting school and community awareness of this wellness policy through various means, such as publication on the district website;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

f) Encouraging and promoting wellness through social media, newsletters, and an annual family wellness event;

g) 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;

h) 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;

i) Providing families and teachers with a list of healthy party ideas, including non-food celebration ideas;

j) Providing families with a list of classroom snacks and beverages that meet USDA Smart Snacks in School nutrition standards;

k) Discouraging personnel from using food as a reward or withholding food as punishment under any circumstance – teachers and other appropriate school personnel will be provided with a list of alternative ways to reward students; and

l) Encouraging district personnel to model healthy eating, drinking, and physical activity behaviors for students.

Physical Activity and Education

<u>Physical Activity</u>

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.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

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 themself 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.

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 through programs such as Safe Routes to School. 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.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

f) Family and Community Engagement

Parents and family members are encouraged to participate in evening or weekend events involving physical activity.

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 personnel 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;

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

(Continued)

SUBJECT: WELLNESS (Cont'd.)

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, personnel, 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.

Professional Learning, Awareness, and Support

All school nutrition program directors, managers, and personnel 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.

When feasible, the District will offer annual professional learning opportunities and resources for personnel 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 personnel understand the connections between

academics and health and the ways in which health and wellness are integrated into ongoing district improvement plans/efforts.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

Personnel Wellness

To promote a healthy and productive environment, the District will promote personnel wellness. Promoting personnel wellness can lead to enhanced productivity, reduced absenteeism, and lowered health care costs.

The district wellness committee, in collaboration with community partners, will promote wellness through various initiatives and activities tailored to enhance personnel well-being. The specific offerings may change annually, providing flexibility to adapt to new trends and needs.

District personnel, including teachers, often serve as important role models for student well-being. By focusing on personnel wellness, the District aims to create a positive ripple effect, benefiting both personnel and students.

Notification

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 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 about the results of the triennial assessment. The results of the triennial assessment will be made available in an easily understood format.

The District will endeavor to share as much information as possible about its schools' nutrition environment, including a summary of school 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 leading and coordinating the district wellness committee, as well as information on how the community may get involved with the district wellness committee.

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;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

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.

42 USC Sections 1758 and 1758b
7 CFR Sections 210.10, 210.11, 210.31, and 220.8
Education Law Section 915
8 NYCRR Section 135.4

NOTE: Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming
#7550 -- Dignity for All Students
#8240 -- Instruction in Certain Subjects

Adopted: 6/10/19
Revised: 10/6/25

Non-Instructional/Business Operations

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: 6/10/19
Revised: 8/16/21

Non-Instructional/Business Operations

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

Adopted: 6/10/19

Non-Instructional/Business Operations

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.

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

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

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;

c) Telephone notification, provided that a log of each notification is kept by the District when notifying affected persons by phone; or

(Continued)

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

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.

State Technology Law §§ 202 and 208

Adopted: 6/10/19
Revised: 8/16/21

Non-Instructional/Business Operations

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: 6/10/19

Non-Instructional/Business Operations

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) Verify that laptop computer systems assigned to teachers and administrators use full-disk encryption software to protect against loss of sensitive data;

j) Deploy software to servers and workstations to identify and eradicate malicious software attacks such as viruses and malware;

k) Develop a disaster recovery 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.

Adopted: 6/10/19

Non-Instructional/Business Operations

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.

(Continued)

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.

Adopted: 6/10/19

Non-Instructional/Business Operations

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 18 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.

(Continued)

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 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 Protection 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

f) Address how the data will be protected using encryption while in motion and at rest.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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.

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:

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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.

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.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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;

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

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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;

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.

(Continued)

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)

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: 5/5/20
Revised: 8/16/21

Non-Instructional/Business Operations

SUBJECT: SCHOOL SAFETY PLANS

The District considers the safety of its students and personnel to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-Wide School Safety Plan and the Building-Level Emergency Response Plan(s) will be designed to prevent or minimize the effects of violent incidents, declared state disaster emergency involving a communicable disease or local public health emergency declaration and other emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies. These plans will be reviewed and updated by the appropriate team on at least an annual basis and adopted by the Board by September 1 of each school year.

The Board will make the District-Wide School Safety Plan available for public comment at least 30 days prior to its adoption. The District-Wide School Safety Plan may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. The District-Wide School Safety Plan and any amendments must be submitted to the Commissioner, in a manner prescribed by the Commissioner, within 30 days of adoption, but no later than October 1 of each school year.

Building-Level Emergency Response Plan(s) and any amendments must be submitted to the appropriate local law enforcement agency and the state police within 30 days of adoption, but no later than October 1 of each school year. Building-Level Emergency Response Plan(s) will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

The District will provide written information to all students and personnel about emergency procedures by October 1 of each school year.

District-Wide School Safety Plan

District-Wide School Safety Plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management, and the provision of remote instruction during an emergency school closure, at the District level, and has the contents as prescribed in Education Law and Commissioner's Regulations.

The District-Wide School Safety Plan will be developed by the district-wide school safety team appointed by the Board. The district-wide school safety team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel including bus drivers and monitors. The district-wide school safety team will consider, as part of their review of the comprehensive District-Wide School Safety Plan, the

installation of a panic alarm system. At the discretion of the Board, a student may be allowed to participate on the district-wide school safety team.

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

The District-Wide School Safety Plan will include, but not be limited to:

a) Policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including threats by students against themselves, which includes suicide;

b) Policies and procedures for responding to acts of violence by students, teachers, other school personnel including bus drivers and monitors, and visitors to the school, including consideration of zero-tolerance policies for school violence;

c) Appropriate prevention and intervention strategies, which may include:

1. Collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

2. Nonviolent conflict resolution training programs;

3. Peer mediation programs and youth courts;

4. Extended day and other school safety programs; and

5. If the District has a multi-disciplinary behavioral assessment team, behavioral assessment team, or a county or regional threat assessment team, the establishment and/or participation of district personnel in a multi-disciplinary behavioral assessment team to assess whether certain exhibited behaviors or actions need intervention or other support, including a school or district-level behavioral assessment team or, if available, a county or regional threat assessment team. When these teams are utilized, the District will:

(a) Describe the school, district, or county team and its purpose in the District-Wide School Safety Plan; and

(b) Include information regarding the purpose and procedures of these teams in the District's annual personnel training on safety and emergency procedures;

d) Policies and procedures for contacting appropriate law enforcement officials in the event of

a violent incident;

e) A description of the arrangements for obtaining assistance during emergencies from emergency services organizations and local governmental agencies;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

f) Procedures for obtaining advice and assistance from local government officials, including the county or city officials responsible for implementation of Executive Law Article 2-B, State and Local Natural and Man-Made Disaster Preparedness;

g) The identification of district resources which may be available for use during an emergency;

h) A description of procedures to coordinate the use of district resources and manpower during emergencies, including identification of the officials authorized to make decisions and of the personnel members assigned to provide assistance during emergencies;

i) Policies and procedures for contacting parents, guardians, or persons in parental relation to district students in the event of a violent incident or an early dismissal or emergency school closure;

j) Policies and procedures for contacting parents, guardians, or persons in parental relation to an individual district student in the event of an implied or direct threat of violence by the student against themselves, which includes suicide;

k) Policies and procedures relating to school building security, including, where appropriate: the use of school safety officers, school security officers, and/or school resource officers; and security devices or procedures;

l) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors to teachers, administrators, school personnel including bus drivers and monitors, parents or other persons in parental relation to students of the District or Board, students, and other persons deemed appropriate to receive the information;

m) Policies and procedures for annual multi-hazard school safety training for personnel and students, provided that the District must certify to the Commissioner that all personnel have undergone annual training by September 15 on the Building-Level Emergency Response Plan which must include components on violence prevention and mental health, provided further that new employees hired after the start of the school year will receive training within 30 days of hire or as part of the District's existing new hire training program, whichever is sooner;

n) Procedures for the review and conduct of drills, tabletop exercises, and information about emergency procedures and drills, including information about procedures and timeframes for notification of parents or persons in parental relation regarding drills and other emergency response training(s) that include students. At its discretion, the District may participate in

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

full-scale exercises in coordination with local and county emergency responders and preparedness officials. These procedures must ensure that:

1. Drills conducted during the school day with students present will be conducted in a trauma-informed, developmentally, and age-appropriate manner and will not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency;

2. When drills are conducted, students and personnel will be informed that the activities are a drill. Students and personnel will not be informed in advance of evacuation drills;

3. When utilized as a training resource, tabletop exercises may include a discussion-based activity for personnel in an informal classroom or meeting-type setting to discuss their roles during an emergency and their responses to a sample emergency situation;

4. If the District opts to participate in full-scale exercises in conjunction with local and county emergency responders and preparedness officials that include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency, the District will not conduct these exercises on a regular school day or when school activities such as athletics are occurring on district grounds. These exercises will not include students unless written consent from parents or persons in parental relation has been obtained;

o) The identification of appropriate responses to emergencies, including protocols for responding to bomb threats, hostage-takings, intrusions, and kidnappings;

p) Strategies for improving communication among students, between students and personnel, and between administration and parents or persons in parental relation regarding reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

q) A description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity;

r) A system for informing all educational agencies within the District of a disaster or emergency school closure;

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

s) The designation of the Superintendent or designee as the district chief emergency officer whose duties will include, but not be limited to:

1. Coordinating the communication between school personnel, law enforcement, and other first responders;

2. Leading the efforts of the district-wide school safety team in the completion and yearly update of the District-Wide School Safety Plan and the coordination of the District-Wide School Safety Plan with the Building-Level Emergency Response Plan(s);

3. Ensuring personnel understanding of the District-Wide School Safety Plan;

4. Ensuring the completion and yearly update of Building-Level Emergency Response Plans for each school building;

5. Assisting in the selection of security-related technology and development of procedures for the use of the technology;

6. Coordinating appropriate safety, security, and emergency training for district and school personnel, including required training in the District-Wide School Safety Plan and Building-Level Emergency Response Plan(s);

7. Ensuring the conduct of required evacuation and lock-down drills in a trauma-informed, developmentally, and age-appropriate manner that does not include props, actors, simulations, or other tactics intended to mimic a school shooting or other act of violence or emergency in all district buildings as required by law; and

8. Ensuring the completion and yearly update of Building-Level Emergency Response Plan(s) by the dates designated by the Commissioner;

t) Protocols for responding to a declared state disaster emergency involving a communicable disease that are substantially consistent with the provisions in Labor Law Section 27-c;

u) An emergency remote instruction plan; and

v) Appropriate accommodations for students with life-threatening health conditions.

Building-Level Emergency Response Plan(s)

Building-Level Emergency Response Plan means a building-specific school emergency response plan that addresses crisis intervention, emergency response and management at the building-level and has the contents as prescribed in Education Law and Commissioner's Regulations. As part of this plan,

(Continued)

SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)

the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

Building-Level Emergency Response Plan(s) will be developed by the building-level emergency response planning team. The building-level emergency response planning team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level emergency response planning team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel including bus drivers and monitors, community members, local law enforcement officials, local ambulance, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Classroom door vision panels will not be covered except as outlined in the Building-Level Emergency Response Plan.

Education Law Section 2801-a
Labor Law Section 27-c
8 NYCRR Section 155.17

Adopted: 6/10/19
Revised: 8/16/21; 3/6/23; 4/15/24; 10/6/25

Non-Instructional/Business Operations

SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The District will provide and maintain on-site in each instructional school facility functional cardiac automated external defibrillator (AED) equipment as defined in Public Health Law Section 3000-b for use during emergencies. Each facility will have sufficient AED equipment available to ensure ready and appropriate access for use during emergencies in quantities and types as deemed by the Commissioner of Education, in consultation with the Commissioner of Health. Determination of the quantity and placement of AEDs must be made with consideration of at least the factors described in Commissioner's regulations. An instructional school facility means a building or other facility maintained by the District where instruction is provided to students in accordance with its curriculum.

Whenever an instructional school facility is used for a school-sponsored or school-approved curricular or extracurricular event or activity, and whenever a school-sponsored athletic contest is held at any location, the public school officials and administrators responsible for the school facility or athletic contest will ensure that AED equipment is provided on-site and that there is present during that event, activity, or contest at least one staff person who is trained in accordance with Public Health Law in the operation and use of an AED. School-sponsored or school-approved curricular or extracurricular events or activities mean events or activities of the District that are, respectively, associated with its instructional curriculum or otherwise offered to its students. A school-sponsored athletic contest means an extraclass intramural athletic activity of instruction, practice, and competition for students in grades 4 through 12 consistent with Commissioner's regulations.

Where a school-sponsored competitive athletic event is held at a site other than a District facility, District officials will ensure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained in the operation and use of the AED, in accordance with Public Health Law, is present during the athletic event. A school-sponsored competitive athletic event means an extraclass interscholastic athletic activity of instruction, practice, and competition for students in grades 7 through 12 consistent with Commissioner's regulations.

The District will provide proper training requirements for District AED users to ensure the immediate calling of 911 or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as set forth in the District's Public Access Defibrillation Collaborative Agreement.

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The District will post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored, indicating the exact location where the unit(s) is stored or maintained on a regular basis.

(Continued)

SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES (Cont'd.)

The District or any employee or other agent of the District who, in accordance with the provisions of law, voluntarily and without expectation of monetary compensation, renders emergency medical or first aid treatment using an AED to a person who is unconscious, ill, or injured, will not be liable for damages for injury or death unless caused by gross negligence.

Education Law § 917
Public Health Law §§ 3000-a and 3000-b
8 NYCRR §§ 135.4 and 136.4

Adopted: 6/10/19

Non-Instructional/Business Operations

SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS

Evacuation, Lockdown, and Emergency Dismissal Drills

Overview

The purpose of drills is to practice personnel and student actions during an emergency. Except for evacuation drills, at the time that drills are conducted, students and personnel will be informed it is a drill. All drills must:

a) Be conducted in a trauma-informed, developmentally, and age-appropriate manner and shall not include props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency;

b) Occur after annual training in emergency procedures has been provided to students and personnel; and

c) Be completed on different dates, days of the week, and during different times of the school day.

The administration of each school building will instruct and train students on appropriate emergency responses, through drills, in the event of a sudden emergency.

Definitions

For purposes of this section, the following definitions apply:

a) Trauma means an emotional response to a deeply distressing or disturbing experience such as, but not limited to, an act of violence, natural disaster, abuse, neglect, or loss.

b) Trauma-informed means an understanding of trauma and how it affects the physical, emotional, and mental health of students and adults.

c) Trauma-informed drills mean avoiding tactics in training or drills that may introduce or activate trauma, such as the use of props, actors, simulations, or other tactics intended to mimic a school shooting, incident of violence, or other emergency, or inclusion of developmentally or age-inappropriate content. Drills may inadvertently prompt a negative emotional or psychological response in personnel or students because of previous exposure(s) to trauma.

(Continued)

SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS (Cont'd.)

Drill Requirements

The District will practice emergency response procedures under its District-Wide School Plan and Building-Level Emergency Response Plan(s), where possible in cooperation with local law enforcement, emergency preparedness plan officials, and other first responders as follows:

a) Evacuation Drills

The District will conduct at least eight evacuation drills with students each school year. Six of the eight drills will be conducted between September 1 and December 31 of the school year. Four of the eight drills will be through the use of the fire escapes on buildings where fire escapes are provided or through the use of identified secondary means of egress, such as through different corridors, hallways, stairways, and exit doors.

Evacuation drills will be conducted at different times of the school day. Students will be instructed in the procedure to be followed if a fire occurs during a lunch period or assembly, provided, however, that this additional instruction may be waived where a drill is held during a regular school lunch period or assembly.

At least two additional drills will be held during summer school in buildings where summer school is conducted. One of the two drills will be held during the first week of summer school.

In the case of after-school programs, events, or performances which are conducted within a school building and which include persons who do not regularly attend classes in the school building, the principal or other person in charge of the building will require the teacher or person in charge of such after-school program, event, or performance to notify persons in attendance at the beginning of the program, event, or performance, of the procedures to be followed in the event of an emergency so that they may be able to respond in a timely, orderly manner.

b) Lockdown Drills

The District will conduct at least four lockdown drills with students each school year. Two of the four drills will be conducted between September 1 and December 31 of the school year.

Lockdown drills will be conducted at different times of the school day. Students will be instructed in the procedure to be followed if an emergency occurs during a lunch period or assembly, provided, however, that this additional instruction may be waived where a drill is held during a regular school lunch period or assembly.

(Continued)

SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS (Cont'd.)

c) Emergency Dismissal Drills

The District will conduct at least one emergency dismissal drill to test emergency response procedures that require early dismissal at a time not to occur more than 15 minutes earlier than the normal dismissal time.

Emergency dismissal drills will test the usefulness of the communications and transportation system during emergencies.

Notification

The District will notify parents or persons in parental relation at least one day, but no more than one week, before any drill. For emergency dismissal drills, the District will notify parents or persons in parental relation at least one week prior.

Bomb Threats

School Bomb Threats

A bomb threat, even if later determined to be a hoax, is a criminal act. No bomb threat should be treated as a hoax when it is first received. Upon receiving any bomb threat, the school has an obligation and responsibility to ensure the safety and protection of the students and other occupants of the school. This obligation takes precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat-location, if any; time of detonation; etc. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the Building-Level Emergency Response Plan, as required by relevant law and regulation.

Police Notification and Investigation

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Bus Emergency Drills

The administration will conduct a minimum of three emergency drills to be held on each school bus during the school year. The first drill will be conducted during the first seven days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills will be conducted when buses are on routes.

(Continued)

SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS (Cont'd.)

Students who ordinarily walk to school will also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills will also be provided drills on school buses, or as an alternative, will be provided classroom instruction covering the content of these drills.

Each drill will include practice and instruction in the location, use, and operation of the emergency exits, fire extinguishers, first-aid equipment, and windows as a means of escape in the event of fire or accident. Similarly, students will be instructed on all topics mandated by relevant sections of the Education Law and Commissioner's Regulations, including, but not limited to, the following:

a) Safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;

b) Advancing at least 15 feet in front of the bus before crossing the highway after disembarking;

c) Specific hazards encountered during snow, ice, rain, and other inclement weather, including, but not necessarily limited to, poor driver visibility, reduced vehicular control, and reduced hearing; and

d) Orderly conduct as bus passengers.

The administration of the drills will be in accordance with the New York State Education Department's Bus Safety Drill Guide and Compliance Form.

Instruction on Use of Seat Belts

When students are transported on school buses, the District will ensure that all students who are transported on any school bus owned, leased, or contracted for by the District will receive instruction on the use of seat safety belts. This instruction will be provided at least three times each year to both public and nonpublic school students who are so transported and will include, but not be limited to:

a) Proper fastening and release of seat safety belts;

b) Acceptable adjustment and placement of seat safety belts on students;

c) Times at which the seat safety belts should be fastened and released; and

d) Acceptable placement of the seat safety belts when not in use.

(Continued)

SUBJECT: EVACUATION, LOCKDOWN, AND EMERGENCY DISMISSAL DRILLS (Cont'd.)

Education Law Sections 807, 2801-a, 3623, and 3635-a
Penal Law Article 240
8 NYCRR Sections 100.2(gg), 155.17, and 156.3

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adopted: 6/10/19
Revised: 3/6/23; 10/6/25

Non-Instructional/Business Operations

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, or playgrounds, and not in private areas such as locker rooms, bathrooms, or other areas in which individuals have a reasonable expectation of privacy. Audio recordings will not be utilized by the District officials, however, this prohibition may not preclude the use of audio recordings by law enforcement officials in accordance with their official duties or as otherwise authorized by law.

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 and stored in its original form and in a secure location to avoid tampering and also to ensure its confidentiality in accordance with relevant law and regulations.

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").

Adopted: 6/10/19

Non-Instructional/Business Operations

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: 6/10/19

Non-Instructional/Business Operations

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)

Adopted: 6/10/19

Non-Instructional/Business Operations

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

A student will not be denied the right to attend school or continue his or her education because he or she has been diagnosed with AIDS or any other human immunodeficiency virus (HIV)-related illness. In addition, an employee who has been similarly diagnosed will not be denied the right to continue his or her employment with the District based solely upon their AIDS/HIV status. The disclosure of confidential HIV-related information will be strictly limited.

Administrative procedures will be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent will also establish protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school, with special emphasis placed on staff awareness.

Public Health Law Article 27-F

Adopted: 6/10/19

Non-Instructional/Business Operations

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.

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: 6/10/19

Non-Instructional/Business Operations

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.

(Continued)

SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)

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.

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

Adopted: 6/10/19

Non-Instructional/Business Operations

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, broadband personal communication device, two-way messaging device, electronic game, portable computing device, or any other electronic device when used to input, write, send, receive, or read text for present or future communication.

b) "Using" means holding a portable electronic device while viewing, taking or transmitting images, playing games, or for the purpose of present or future communication: performing a command or request to access a world wide web page, composing, sending, reading, viewing, accessing, browsing, transmitting, saving, or retrieving email, text messages, instant 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.

Safety Rules and Inspections

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.

(Continued)

SUBJECT: SCHOOL BUS SAFETY (Cont'd.)

District Owned Buses

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.

Vendor/Contracted Buses

All buses and other vehicles owned by vendors/contract bus companies with whom the District contracts will have frequent safety inspections and 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.

Education Law § 3623
Vehicle and Traffic Law §§ 509-a(7), 509-i(1-b), 1174, 1225-c, and 1125-d
8 NYCRR § 156.3
17 NYCRR §§ 720.2, 721.1, and 721.2

NOTE: Refer also to Policies #5683 -- Evacuation, Lockdown, and Emergency Dismissal Drills
#5741 -- Drug and Alcohol Testing for School Bus Drivers

Adopted: 6/10/19
Revised: 3/6/23

Non-Instructional/Business Operations

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The District 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. Rather than waiting for all buses to arrive before loading or unloading, individual buses will be promptly loaded and unloaded to minimize idling.

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;

b) To maintain an appropriate temperature for passenger comfort and/or safety; or

c) In emergency evacuations and/or 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

Adopted: 6/10/19
Revised: 3/6/23

Non-Instructional/Business Operations

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 an appropriate 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 any provision of law or regulation;

e) Has on file at least three statements from three different persons who are not related by either blood or marriage 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, required New York State Education Department safety programs;

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 approved by the Commissioner of Education at least once every two years and/or following a period of being unavailable for service for 60 or more consecutive days from their scheduled work duties. In no case will the interval between physical performance tests exceed 25 months; 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 the District, a vendor or contract bus company employs a new bus driver, the Superintendent or designee will be entitled to:

a) Require the person to pass a physical examination within eight weeks prior to the beginning of service;

(Continued)

SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)

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;

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 who is employed by a school district or Board of Cooperative Educational Services (BOCES) whose employment does not include serving as either a regular or substitute school bus driver. 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)
Education Law § 3624
Vehicle and Traffic Law Article 19-A
8 NYCRR § 156.3
15 NYCRR Part 6 and § 3.2

NOTE: Refer also to Policy #5741 -- Drug and Alcohol Testing for School Bus Drivers

Adopted: 6/10/19
Revised: 3/6/23

Non-Instructional/Business Operations

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

In order to help prevent accidents and injuries resulting from the misuse of drugs and/or alcohol by school bus drivers, the Board adopts this policy in compliance with federal and state law and regulation.

The District has designated the following individual to answer driver questions about this policy and related materials: Jean McCallum

Drug and Alcohol Testing Program

School bus drivers are subject to drug and/or alcohol testing in a variety of circumstances. The District will comply with all federal and state law and regulation regarding the implementation of a drug and alcohol testing program for school bus drivers.

The District will either establish and manage its own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, its drug and alcohol testing program for school bus drivers.

The District will ensure that vendors or contract bus companies either establish and manage their own drug and alcohol testing program or by contract have a consortium/third-party administrator manage all, or part of, their drug and alcohol testing program for school bus drivers.

Under federal law and regulation, individuals who operate a Commercial Motor Vehicle (CMV) designed to transport 16 or more occupants (including the driver) and are subject to commercial driver's license (CDL) requirements established by the United States Department of Transportation are safety-sensitive employees and are subject to the following drug and/or alcohol testing:

a) **Pre-employment drug testing** which will be conducted after a conditional offer to hire has been extended, but before the actual performance of safety-sensitive functions for the first time. This pre-employment testing will also be required when employees transfer to a safety-sensitive position.

b) **Random drug and/or alcohol testing** which will be conducted on an unannounced basis.

c) **Reasonable suspicion drug and/or alcohol testing** which will be conducted when reasonable suspicion exists that a driver has engaged in prohibited use of drugs and/or alcohol. The required observation for reasonable suspicion drug and/or alcohol testing must be made by a supervisor or official who has been trained in accordance with federal law and regulation.

d) **Post-accident drug and/or alcohol testing** which will be conducted as soon as practicable following certain occurrences involving a CMV operating on a public road.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

e) **Return-to-duty drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct before the driver returns to perform a safety-sensitive function.

f) **Follow-up drug and/or alcohol testing** which will be conducted on a driver who has engaged in prohibited drug and/or alcohol conduct and has returned to performing a safety-sensitive function. This testing will be conducted on an unannounced basis in accordance with a written follow-up testing plan developed by a substance abuse professional (SAP).

All procedures used to test for the presence of drugs and/or alcohol will conform to the requirements outlined in federal law and regulation for protecting the driver and the integrity of the testing process, safeguarding the validity of the test results, and ensuring that all test results are attributed to the correct driver.

Under New York State law and regulation, all school bus drivers are subject to pre-employment and random drug and alcohol testing in accordance with the provisions and requirements of federal regulations, regardless of CDL endorsement. Every school bus driver will be included in the random testing pool and must submit to testing when selected.

Prohibitions and Consequences for School Bus Drivers

Under federal law and regulation, individuals who operate a CMV designed to transport 16 or more occupants (including the driver) and are subject to CDL requirements established by the United States Department of Transportation are prohibited from:

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 functions for not less than 24 hours, but no punitive action will be taken by the employer;

b) Using alcohol while performing safety-sensitive functions;

c) Performing safety-sensitive functions within four hours after using alcohol;

d) 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;

e) Refusing to submit to a drug or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements;

f) Refusing to submit to a pre-employment drug test;

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any drugs, as defined by federal law and regulation. This prohibition does not apply when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV; or

h) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

Additionally, under New York State law, all school bus drivers are prohibited from:

a) Consuming a drug or intoxicating liquor, regardless of its alcoholic content, or be under the influence of a drug or intoxicating liquor, within six hours before going on duty or operating, or having physical control of a bus;

b) Consuming a drug or intoxicating liquor, regardless of its alcoholic content while on duty, or operating, or in physical control of a bus; or

c) Possessing a drug or intoxicating liquor, regardless of its alcoholic content while on duty, operating or in physical control of a bus. However, this paragraph does not apply to the possession of a drug or intoxicating liquor which is transported as part of a shipment or personal effects of a passenger or to alcoholic beverages which are in sealed containers.

It is the employer's responsibility to ensure that no school bus driver:

a) Violates any of the above listed provisions of New York State law; or

b) Be on duty or operate a school bus if, by a person's general appearance or by a person's conduct or by other substantiating evidence, a person appears to have consumed a drug or intoxicating liquor within the preceding eight hours.

Any violation of this policy, District procedures, and/or applicable federal and state law and regulation by a school bus driver will be grounds for disciplinary action and penalties including, but not limited to, fines, suspension, and/or discharge in accordance with the District's and/or the vendors' or contract bus companies' policies, collective bargaining agreements, and applicable law.

Drivers who are found to have engaged in prohibited conduct under federal law and regulation will be removed immediately from safety-sensitive functions and will not be allowed to return to perform safety-sensitive functions until they:

a) Are evaluated by a SAP;

b) Complete any requirements for rehabilitation as set by the employer and the SAP; and

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a drug test with a verified negative result if the conduct involved drug use.

The Drug and Alcohol Clearinghouse

The Drug and Alcohol Clearinghouse ("Clearinghouse") is a secure online database that provides real-time information about CDL and commercial learner's permit holder's drug and alcohol program violations. The District will comply with all federal law and regulation regarding the Clearinghouse.

In accordance with 49 CFR Part 382, the following personal information will be collected, maintained, and reported to the Clearinghouse:

a) A verified positive, adulterated, or substituted drug test result;

b) An alcohol confirmation test with a concentration of 0.04 or higher;

c) A refusal to submit to any required test;

d) An employer's report of actual knowledge of:

1. On duty alcohol use;

2. Pre-duty alcohol use;

3. Alcohol use following an accident; and

4. Drug use;

e) A SAP's report of the successful completion of the return-to-duty process;

f) A negative return-to-duty test; and

g) An employer's report of completion of follow-up testing.

Prohibitions and Consequences for Vendors or Contract Bus Companies

Any significant violation of this policy or District procedures, and applicable federal and state law and regulation by a vendor or contract bus company and its employees will result in revocation of its contract for the transportation of students.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

Employee Notification

The Superintendent or designee will ensure that each school bus driver receives a copy of educational materials that explain the requirements of drug and alcohol testing law and regulation and any policies, 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 school bus driver, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver. Representatives of applicable collective bargaining units will be notified of the availability of this information.

The Superintendent or designee will further ensure that each school bus driver receives educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

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 drugs and/or alcohol.

The Superintendent or designee will ensure that vendors or contract bus companies receive a copy of educational materials that explain the requirements of drug and alcohol testing law and regulation and any policies, 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 vendors or contract bus companies, who will sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of any drug and/or alcohol testing as well as at the beginning of each school year or at the time of hire for any school bus driver.

The Superintendent or designee will further ensure that vendors or contract bus companies receive a copy of the District's educational materials concerning: the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

The Superintendent or designee can assist vendors or contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether reasonable suspicion exists to test a driver for prohibited conduct involving the drugs and/or alcohol.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

Records Management and Retention

Employee records relating to drug and/or alcohol testing, as well as to substance abuse and/or alcohol prevention programs, will be maintained in accordance with law and regulation. All employee drug and/or alcohol testing will be kept confidential and will only be revealed as required or authorized by law or regulation.

49 USC §§ 31136 and 31306
49 CFR Parts 40, 382, and 383
Vehicle and Traffic Law §§ 142, 509-g, 509-l

Adopted: 6/10/19
Revised: 8/16/21

Non-Instructional/Business Operations

SUBJECT: ARTIFICIAL INTELLIGENCE (AI)

Overview

The emergence of artificial intelligence (AI) technologies, especially generative AI (GenAI), pose unique challenges and opportunities for learning environments. As these technologies integrate deeper into everyday life, the District must proactively address the implications of AI usage to ensure it enhances educational outcomes without compromising academic integrity or equity. This policy outlines the District's commitment to responsible AI integration in educational practices, balancing innovation with the core values of the District's educational mission. Further, it sets forth guidelines designed to evolve as new technologies and methodologies emerge, ensuring the District remains at the forefront of academic excellence and technological responsibility.

Scope and Application

This policy applies to all district students, personnel, volunteers, and contractors. It integrates with, and complements, existing policies on data privacy, acceptable use, and student conduct. This policy aims to provide clear guidelines on the use of AI within the District's schools, ensuring that its application supports the District's educational goals and adheres to its privacy and security standards.

Definitions

a) Generative AI (GenAI) represents a dynamic subset of AI technologies that can create new, human-like content from extensive data training sets. This content spans across text, images, audio, and more, often mimicking human creativity and adaptability.

b) Traditional AI refers to systems that operate on fixed algorithms and predefined rules without altering their behavior based on new data after their initial deployment.

Risks and Limitations

The use of GenAI comes with some risks and limitations which include, but are not limited to:

a) Hallucinations/Confabulations

GenAI can generate plausible, but false or inaccurate, information, a phenomenon known as a hallucination/confabulation.

b) Biases

GenAI tools learn from data created by people, which means any biases, prejudices, and stereotypes in that data can be reflected in the outputs produced by GenAI. For example, GenAI has been found to generate images and text that reinforce existing gender and racial biases. It is essential to recognize that these biases exist and to critically assess the outputs of GenAI tools to prevent the perpetuation of stereotypes and unfair treatment.

(Continued)

SUBJECT: ARTIFICIAL INTELLIGENCE (AI) (Cont'd.)

The impact of GenAI biases is particularly significant in the context of Diversity, Equity, and Inclusion (DEI) initiatives. DEI initiatives aim to create environments where all individuals have equal opportunities and are treated with respect and fairness. Biased AI outputs can undermine these goals by perpetuating inequality and exclusion, which can be detrimental to the educational mission of the District.

GenAI can also suffer from response bias, where the AI generates answers tailored to what it predicts the user wants to hear based on its training data or specific tuning.

c) Copyright

GenAI may pose copyright issues as it may have used copyrighted material within its training data without explicit permission from the copyright holders. As a result, there are unsettled legal questions about the ownership and copyright status of GenAI's outputs, which can closely mimic or incorporate elements of existing copyrighted works.

Data Privacy and Security

Information entered into GenAI may be accessible to others due to data sharing or breaches. All users should exercise caution when utilizing GenAI. Under no circumstances should any sensitive, copyrighted, confidential, or proprietary information be entered into GenAI or any other AI platform, consistent with relevant state and federal laws and District policy. This includes, but is not limited to, data protected by:

a) Family Educational Rights and Privacy Act (FERPA);

b) Education Law Section 2-d (Unauthorized Release of Personally Identifiable Information);

c) Labor Law Section 203-d (Employee Personal Identifying Information);

d) State Technology Law Section 208 (Notification of Security Breach of Private Information).

Further, if the information would not be disclosed in response to a Freedom of Information Law (FOIL) request, it should not be entered into GenAI.

Student Use

The District permits teachers to determine whether students in their class may use GenAI for assignments. However, the District recognizes that disparities in access to GenAI technologies may exist and will work with teachers to ensure that no student is disadvantaged by their inability to use or decision not to use GenAI.

(Continued)

SUBJECT: ARTIFICIAL INTELLIGENCE (AI) (Cont'd.)

If teachers allow their students to use GenAI, they are expected to communicate their expectations regarding the use of GenAI clearly to their students. Further, the teacher must discuss the appropriate and responsible use of GenAI with the students. This includes talking to students about the risks and limitations of GenAI, emphasizing how students are accountable for the accuracy of their work, and, when relevant, ensuring proper citation of sources.

Student use of GenAI that conflicts with teacher instruction, District policy, regulation, procedure, or other document, such as the District's Code of Conduct, may result in investigation and/or disciplinary action.

District Personnel Use

District personnel may utilize GenAI in accordance with this policy. However, regardless of the tools used to enhance their work, personnel are ultimately responsible for the accuracy and integrity of all work they produce. AI is intended to support, not replace, an employee's responsibility for their own work.

Training, Awareness, and Support

The District will provide training, awareness, and support to teachers in navigating the evolving use of GenAI in the classroom. This may include professional learning opportunities, workshops, and resources to enhance teachers' proficiency and confidence in using GenAI to enrich student learning. The goal is to equip teachers with the knowledge to critically assess GenAI technologies and guide students in understanding the complexities associated with these tools. Additionally, the District may extend training, awareness, and support regarding GenAI to other District personnel who may benefit from understanding and utilizing GenAI in their roles.

Compliance with Other Documents

When using GenAI, all personnel and students must comply with all applicable laws, regulations, and District documents. This includes Education Law Section 2-d, which requires the District to 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.

Applicable District documents may include the District's policies on data security and acceptable use, as well as the District's Code of Conduct.

(Continued)

SUBJECT: ARTIFICIAL INTELLIGENCE (AI) (Cont'd.)

NOTE: Refer also to Policies #3310 -- Public Access to Records
#3320 -- Confidentiality of Computerized Information
#5672 -- Information Security Breach and Notification
#5673 -- Employee Personnel Identifying Information
#5674 -- Data Networks and Security Access
#5676 -- Privacy and Security for Student Data and Teacher and Principal Data
#6410 -- Staff Acceptable Use Policy
#7240 -- Student Records: Access and Challenge
#7315 -- Student Acceptable Use Policy (AUP)
#7316 -- Use of Internet-Enabled Devices During the School Day
#8271 -- Internet Safety/Internet Content Filtering
#8350 -- Use of Copyrighted Materials
District Code of Conduct

Adopted: 10/6/25

Gloversville Enlarged City School District **NUMBER**

PERSONNEL

1.1	Code of Ethics for Board Members and All District Personnel	6110
1.1.1	Testing Misconduct and Mandatory Reporting Requirements	6111
1.2	Equal Employment Opportunity	6120
1.2.1	Sexual Harassment in the Workplace	6121
1.2.2	Employee Grievances	6122
1.3	Evaluation of Personnel	6130
1.4	Employee Medical Examinations	6140
1.5	Alcohol, Tobacco, Drugs, and Other Substances (Staff)	6150
1.5.1	Drug-Free Workplace	6151
1.6	Professional Growth/Staff Development	6160
1.6.1	Conference/Travel Expense Reimbursement	6161
1.7	Fingerprinting Clearance of New Hires	6170
1.8	Staff-Student Relations (Fraternization)	6180
1.9	Workplace Violence Prevention Policy Statement…	6190

CERTIFIED PERSONNEL

2.1	Certified Personnel	
2.1.1	Employment of Relatives of Board Members	6211
2.1.2	Certification and Qualifications	6212
2.1.3	Registration and Professional Learning	6213
2.1.4	Incidental Teaching	6214
2.1.5	Probation and Tenure	6215
2.1.6	Disciplining a Tenured Teacher or Certified Personnel	6216
2.1.7	Professional Staff: Separation	6217
2.2	Temporary Personnel	6220

SUPPORT STAFF

3.1	Appointment - Support Staff	6310
3.2	Supplementary School Personnel	6320

ACTIVITIES

4.1 Staff Acceptable Use Policy 6410
4.1.1 Use of Email in the District 6411
4.2 Employee Personnel Records and Release of Information 6420
4.3 Employee Political Activities 6430
4.5 Theft of Services or Property 6450

Gloversville Enlarged City School District **NUMBER**

COMPENSATION AND RELATED BENEFITS

5.4	Defense and Indemnification of Board Members and Employees	6540
5.5	Leaves of Absence	6550
5.5.1	Family and Medical Leave Act (FMLA)	6551
5.5.2	Military Leaves of Absence	6552
5.6	Determination of Employment Status: Employee or Independent Contractor	6560
5.6.2	Employment of Retired Persons	6562
5.7	Remote Working	6570

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)

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)

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 ensure that a copy of this code of ethics is distributed to every District officer and employee, and that a copy of General Municipal Law Sections 800-809 is 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: 6/10/19

SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS

District employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Commissioner's regulations; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the District in a position for which a teaching or school leader certificate is required, these actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's regulations. A District employee in a position for which a teaching or school leader certificate is not required, who commits an unlawful act in respect to examination and records, will be subject to disciplinary action by the Board in a manner consistent with New York State law and regulation and any applicable collective bargaining agreement.

District employees will report to the State Education Department (SED) any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration, or scoring of state assessments in violation of New York State law. This report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of state assessments.

The District will not dismiss or take other disciplinary or adverse action against an employee because he or she submitted a report regarding testing misconduct to the SED. Any adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's regulations and may be referred to the Office of School Personnel Review and Accountability at the SED.

8 NYCRR § 102.4

Adopted: 6/10/19

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

Overview

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, 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 any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of employment discrimination. The District will promptly respond to reports of employment 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, and impose disciplinary measures and implement remedies when warranted.

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

Reporting Allegations of Employment Discrimination

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the District's CRCO or any other District employee including, but not limited to, a supervisor or building principal.

All District employees who witness or receive an oral or written report of employment discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

(Continued)

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

Grievance Process for Complaints of Employment Discrimination

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of employment discrimination and will promptly take appropriate action to protect individuals from further discrimination.

Various District policies and documents address employment discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff to determine which District policies and/or documents are applicable to the specific facts of the complaint.

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

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of employment discrimination.

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

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

8 USC § 1324b
29 USC § 206

42 USC § 1981
Age Discrimination in Employment Act of 1967 (ADEA), 29 USC § 621 et seq.
Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
Genetic Information Non-Discrimination Act (GINA), 42 USC § 2000ff et seq.

(Continued)

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

National Labor Relations Act (NLRA), 29 USC § 151 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 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 Act of 1972, 20 USC § 1681 et seq.
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC § 4301 et seq.
28 CFR Part 35
29 CFR Chapter I – National Labor Relations Board
29 CFR Chapter XIV – Equal Employment Opportunity Commission
34 CFR Parts 100, 104, and 106
45 CFR Part 86
Civil Rights Law §§ 40, 40-a, 40-c, 47-a, 47-b, and 48-a
Civil Service Law §§ 75-b and 115
Correction Law § 752
Labor Law §§ 194-a, 201-d, 201-g, 203-e, 206-c, and 215
New York State Human Rights Law, Executive Law § 290 et seq.
Military Law §§ 242, 243, and 318
9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#6121 -- Sexual Harassment in the Workplace
#6122 -- Employee Grievances

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

Overview

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

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

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

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

Harassers may also be individually subject to liability and supervisors who fail to report or act on harassment may be liable for aiding and abetting sexual harassment and discrimination. Employees at

every level who engage in harassment or discrimination, including supervisory personnel who engage in harassment or discrimination or who allow such behavior to continue, will be subject to remedial and/or disciplinary action by the District.

(Continued)

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

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

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

Scope and Application

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

a) Employees;

b) Applicants for employment;

c) Paid or unpaid interns; and

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

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

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

(Continued)

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

What Constitutes Sexual Harassment

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

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

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

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

a) The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The impacted individual does not need to be the intended target of the sexual harassment;

b) Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

(Continued)

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

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

There are two main types of sexual harassment:

a) Hostile work environment which includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.

b) Quid pro quo harassment which occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.

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

<u>Examples of Sexual Harassment</u>

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

a) Physical acts of a sexual nature, such as:

1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another individual's body, or poking another individual's body; or

2. Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.

b) Unwanted sexual comments, advances, or propositions, such as:

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;

(Continued)

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

2. Subtle or obvious pressure for unwelcome sexual activities; or

3. Repeated requests for dates or romantic gestures, including gift-giving.

c) Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.

d) Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:

1. Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or

2. Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.

e) Sexual or discriminatory displays or publications anywhere in the workplace, such as:

1. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;

2. This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.

f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:

1. Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;

2. Sabotaging an individual's work;

3. Bullying, yelling, or name-calling;

4. Intentional misuse of an individual's preferred pronouns; or

(Continued)

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

5. Creating different expectations for individuals based on their perceived identities:

   (a) Dress codes that place more emphasis on women's attire;

   (b) Leaving parents or caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

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

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

a) Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;

b) An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or

c) Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

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

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can occur while covered individuals are traveling for District business or at District or

industry-sponsored events or parties. Calls, texts, emails, and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)

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

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

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

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

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

a) Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;

b) Publicly releasing personnel files;

c) Refusing to provide a reference or providing an unwarranted negative reference;

d) Labeling an employee as "difficult" and excluding them from projects to avoid "drama";

e) Undermining an individual's immigration status; or

f) Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

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

a) Made a complaint of sexual harassment or discrimination, either internally or with any government agency;

b) Testified or assisted in a proceeding involving sexual harassment or discrimination under the NYSHRL or any other anti-discrimination law;

(Continued)

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

c) Opposed sexual harassment or discrimination by making a verbal or informal complaint, or by simply informing a supervisor, building principal, other administrator, or the CRCO of suspected harassment;

d) Reported that a covered individual has been sexually harassed or discriminated against; or

e) Encouraged a covered individual to report harassment.

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

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

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

Reporting Allegations of Sexual Harassment

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

Reports of sexual harassment may be made verbally or in writing. A written complaint form is posted on the District's website if a covered individual would like to use it, but the complaint form is not required. Individuals who are reporting sexual harassment on behalf of another individual may use

the complaint form and note that it is being submitted on another individual's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another individual is also acceptable.

(Continued)

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

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

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

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

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

Supervisory Responsibilities

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

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

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

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

(Continued)

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

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

Bystander Intervention

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

a) A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;

b) A bystander who feels unsafe interrupting on their own can ask a third-party to help intervene in the harassment;

c) A bystander can record or take notes on the harassment incident to benefit a future investigation;

d) A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and

e) If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

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

Grievance Process for Complaints of Sexual Harassment in the Workplace

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or

notify law enforcement officials. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

(Continued)

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

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

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

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

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

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

b) Will investigate all complaints of sexual harassment regardless of how those complaints are reported and treat all complaints with equal priority. For verbal complaints, the individual will be encouraged to complete, in writing, the complaint form. If the individual reporting prefers not to fill out the complaint form, a complaint form or equivalent documentation based on the verbal reporting will be prepared. The individual reporting the harassment will be provided a copy of the completed complaint form.

c) Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails, or phone records that may be relevant to the investigation. The CRCO will consider and implement appropriate document request, review, and preservation measures, including for electronic communications.

d) Will seek to interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.

e) Will create written documentation of the investigation (such as a letter, memo, or email), which contains the following:

(Continued)

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

1. A list of all documents reviewed, along with a detailed summary of relevant documents;

2. A list of names of those interviewed, along with a detailed summary of their statements;

3. A timeline of events;

4. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and

5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).

f) Will keep the written documentation and associated documents in a secure and confidential location.

g) Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document. Any corrective action taken will be in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

h) Will inform the individual(s) who reported the harassment of the right to file a complaint or charge externally as outlined in this policy.

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

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

Annual Training

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

a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;

b) Examples of conduct that would constitute unlawful sexual harassment;

(Continued)

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

c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;

d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and

e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Notification

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

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

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

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

Legal Protections and External Remedies

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

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

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

(Continued)

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

New York State Division of Human Rights (NYSDHR)

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

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

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

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

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

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

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

Call the NYSDHR sexual harassment hotline at **1-800-HARASS-3 (1-800-427-2773)** for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a

volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

(Continued)

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

The United States Equal Employment Opportunity Commission

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

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

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

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

Title IX

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

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

Local Protections

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

(Continued)

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

Contact the Local Police Department

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

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

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

Adopted: 6/10/19
Revised: 8/16/21; 3/6/23; 4/15/24

SUBJECT: EMPLOYEE GRIEVANCES

In accordance with Article 15-C of the General Municipal Law, all District employees will have the opportunity to present grievances free from interference, coercion, restraint, discrimination, or reprisal. The District will provide at least two procedural stages and an appellate stage for the settlement of any employee grievance.

General Municipal Law §§ 681-685

Adopted: 6/10/19

SUBJECT: EVALUATION OF PERSONNEL

All Staff Members

The administration will undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the District. The primary purposes of the evaluations will be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The District is committed to supporting the development of effective teachers and administrators. To this end, the District will provide procedures for the evaluation of all professional staff. The District will develop an Annual Professional Performance Review (APPR) plan/educator evaluation plan in accordance with applicable laws and regulations.

The primary purposes of these evaluations are:

a) To encourage and promote improved performance;

b) To guide professional development efforts; and

c) To provide a basis for evaluative judgments by applicable school officials.

Disclosure of APPR/Educator Evaluation Ratings

The Commissioner is required to disclose professional performance review/evaluation data for teachers and building principals on the New York State Education Department website and in any other manner to make this data widely available to the public. The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.

Education Law §§ 3012-c and 3012-d
Public Officers Law Article 6
8 NYCRR Subpart 30-3
8 NYCRR §§ 80-1.1 and 100.2(o)

Adopted: 6/10/19
Revised: 4/15/24

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS

Examinations During Employment

The Board reserves the right to request a medical examination at any time during employment, at District expense, in order to determine whether an employee can perform the essential functions of the position with or without reasonable accommodation or for other valid employment reasons.

The District, as well as each vendor or contract bus company will ensure that all bus drivers and substitute bus drivers must have yearly physical examinations. Each bus driver initially employed by the District, vendor or contract bus company will have a physical examination within the eight weeks prior to the beginning of service. In no case will the interval between physical examinations exceed a 13-month period.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Examinations and Inquiries

The District may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job-related functions.

The District, however, will not require a medical examination and will not make inquiries as to whether the employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
28 CFR §§ 41.55 and 42.513
29 CFR §§ 1630.13 and 1630.14
34 CFR § 104.14
Civil Service Law § 72
Education Law §§ 913 and 3624
Vehicle and Traffic Law §§ 509-b, 509-d, and 509-g
8 NYCRR §§ 136.3 and 156.3
15 NYCRR Part 6

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF)

Prohibited Conduct

The District, 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.

Accordingly, when in the workplace or when the effects of these actions may impair job performance, staff are prohibited from consuming, sharing, selling, using, and/or possessing:

a) Illegal drugs;

b) Cannabis (marijuana) or any other controlled substance in schedules I through V of the Controlled Substances Act;

c) Counterfeit and designer drugs;

d) Drug paraphernalia; or

e) Alcohol.

Exceptions may exist for authorized medical cannabis use.

Additionally, the misuse and/or unprescribed use of prescription and over-the-counter drugs is prohibited in the workplace or when the effects of these actions may impair job performance.

Further, all staff are bound by the conduct prohibitions contained in District policy #5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use.

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. Penalties and consequences will be 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: Director of Health, Physical Education and Athletics.

(Continued)

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STAFF) (Cont'd.)

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.
Cannabis Law § 127
Civil Service Law § 75
Education Law §§ 409, 2801, 3020-a, and 3038
Labor Law § 201-d
Penal Law § 222.10
Public Health Law §§ 1399-n and 1399-o

NOTE: Refer also to Policies #3410 -- Code of Conduct
#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
District *Code of Conduct*

Adopted: 6/10/19
Revised: 8/16/21; 3/6/23

SUBJECT: DRUG-FREE WORKPLACE

In compliance with the Drug-Free Workplace Act of 1988, the District affirms its commitment to maintaining a workplace that is free of controlled substances.

"Controlled substance" means a controlled substance in schedules I through V of the Controlled Substances Act. An acknowledgment form will be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act.

"Workplace" is defined as a school building or other school premises, any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities, off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

The Board directs the administration to develop regulations to comply with this policy, and further supports actions and activities of the administration as required to maintain a drug-free workplace.

21 USC § 812
41 USC § 8101 et seq.
21 CFR §§ 1308.11-1308.15
34 CFR Part 84

NOTE: Refer also to Policies #3410 -- Code of Conduct
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
District *Code of Conduct*

Adopted: 6/10/19
Revised: 8/16/21

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT

The District will work to provide staff with professional learning opportunities. These opportunities will be designed to foster the professional growth of staff, help staff remain current with their profession, and meet the learning needs of students. Opportunities that may be provided for, include, but are not limited to:

a) Planned in-service programs, courses, seminars, and workshops offered both within and outside the District.

b) Videoconferences, prerecorded videos, and/or online discussion boards.

c) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.

d) Orientation or re-orientation of staff members to program and/or organizational changes, as well as District expectations.

Attendance at professional learning programs must be directly related to the duties and responsibilities of the staff member. Consequently, staff members 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 work-related workshops, conferences, and meetings.

Funds for participating in conferences, conventions, and other similar professional learning programs will be budgeted for by the Board on an annual basis. Reimbursement to staff members for all actual and necessary registration fees, expenses of travel, meals and lodging, as well as all necessary tuition fees incurred in connection with attendance at conferences, will be in accordance with District documents which address conference attendance and expense reimbursement.

Professional Learning Plans

By September 1 of each school year, the District will adopt or, in the case of multi-year plans, readopt a professional learning plan that meets the content requirements specified in the Commissioner's regulations. The professional learning plan will be structured in a format consistent with the Commissioner's guidelines and will include, among other things, a description of:

a) The professional learning activities provided to all professional staff and supplementary school personnel who work with students with exceptional learning needs, particularly

students with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels, to enable them to identify these students and provide instruction based on the needs of these students.

(Continued)

SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)

b) How professional learning related to educator practice and curriculum development are culturally responsive and reflect the needs of the community that the District serves.

c) Expected participation in continuing teacher and leader education (CTLE), as well as other professional learning opportunities provided by the District.

The professional learning plan will be developed through collaboration with a professional learning team. The Board will appoint the members of this team in accordance with the Commissioner's regulations.

Mentoring Program

The District's professional learning plan will include a provision for a mentoring program. The purpose of the mentoring program is to provide guidance and support for educators who hold an initial certificate in the classroom teaching service or as a school building leader to ease the transition from teacher and school building leader preparation to practice in order to increase retention of teachers and school building leaders. Additionally, the mentoring program is intended to increase the skills of new teachers and school building leaders in order to improve student achievement.

The mentoring program will be developed and implemented consistent with any collective bargaining agreement.

Education Law §§ 1604, 1608, 1716, 1950, 2118, and 2601-a
General Municipal Law §§ 77-b and 77-c
8 NYCRR § 100.2(dd)

NOTE: Refer also to Policies #6161 -- Conference/Travel Expense Reimbursement
#6213 -- Registration and Professional Learning

Adopted: 6/10/19
Revised: 3/6/23

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 greater than $1. Travel Conference Request Forms are only to be used by District employees.

All conference reimbursement requests must be submitted using 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 overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem 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: 6/10/19

SUBJECT: FINGERPRINTING CLEARANCE OF NEW HIRES

Unless otherwise authorized, the District will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The District will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation. The District will obtain the applicant's consent to the criminal history records search. The District will request clearance for employment, view information regarding an applicant's status, and enter hire or termination dates through SED's Web-based application known as TEACH.

Safety of Students

The District will make all reasonable attempts to ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. This will include the safety of students in the classroom, attending off-campus activities under the supervision of the District, and participating in extracurricular and/or co-curricular activities (including athletic activities).

Other safety considerations will include supervision of the employee holding conditional appointment or emergency conditional appointment as determined appropriate by the applicable building or program administrator.

Correction Law Article 23-A
Education Law §§ 305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035
Executive Law § 296(16)
Social Services Law Article 5, Title 9-B
8 NYCRR § 80-1.11 and Part 87

Adopted: 6/10/19

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)

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 to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered 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.

This policy (or a summary) will be disseminated as appropriate to staff, students, and parents.

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: 6/10/19

Personnel

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

Overview

The District is committed to the safety and security of its employees. Workplace violence presents a serious threat to the safety of employees, students, parents, and visitors. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against district employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken. All employees are responsible for: creating an environment of mutual respect for each other, as well as students, parents, and visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

This workplace violence prevention policy was developed in consultation with all authorized employee representatives and is designed to meet the requirements of New York State Labor Law and highlights some of the elements that are found within the District's Workplace Violence Prevention Program (WVPP).

Definitions

For purposes of this policy, the following definitions apply:

a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.

b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.

c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of

health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.

e) "Serious violation" means the failure to:

1. Develop and implement a workplace violence prevention program;

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

2. Address situations which could result in serious physical harm.

f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.

g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

What is Workplace Violence

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;

b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;

c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;

d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed against a district employee by anyone, including, but not limited to:

a) Other employees;

b) Former employees;

c) Students;

d) Parents;

e) Visitors;

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or

g) An individual who has a personal relationship with an employee.

Prohibited Conduct

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

Workplace Violence Prevention Advisory Committee

The District will establish a workplace violence prevention advisory committee that will meet periodically throughout the year. The purpose of the workplace violence prevention advisory committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's WVPP.

The workplace violence prevention advisory committee will include:

a) The workplace violence prevention coordinator;

b) All authorized employee representatives;

c) The chief emergency officer.

It may also include one or more representatives from the following groups:

a) District-wide school safety team;

b) The building level emergency response team(s);

c) District/building administrators;

d) Teachers, including at least one special education teacher; and

e) Other district staff.

Workplace Violence Prevention Coordinator

The District has designated the following district employee to serve as its workplace violence prevention coordinator:

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

Michael Etherton, School Safety Officer
518-775-5700 Ext. 9703
michael.etherton@gesdk12.org

The workplace violence prevention coordinator convenes and coordinates the activities and plans of the workplace violence prevention advisory committee. The workplace violence prevention coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

Authorized Employee Representatives

The District must provide for employee participation in the WVPP through an authorized employee representative. Authorized employee representatives will participate on the workplace violence prevention advisory committee. Authorized employee representatives have a right to, at a minimum, be involved in:

a) Participating in the development and implementation of this policy.

b) Evaluating the physical workplace environment to determine workplace violence risk factors.

c) Developing the WVPP.

d) Reviewing workplace violence incident reports at least once a year to identify trends in the types of incidents reported, if any.

e) Evaluating the effectiveness of safeguards and actions taken to reduce the risk of workplace violence.

f) Reporting violations of the District's WVPP.

Reporting Workplace Violence

The District has established and implemented a reporting system for incidents of workplace violence.

Any employee or authorized employee representative who becomes aware of a physical assault, threatening behavior, or verbal abuse in the workplace must immediately provide written notice of the

facts and circumstances of the violent incident to a supervisor or the workplace violence prevention coordinator. If the report was provided to a supervisor, the supervisor must immediately forward to the report the workplace violence prevention coordinator.

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

If an employee witnesses or is involved in an incident of violence in which there is an immediate threat to the employee's safety, or the safety of others, or where a serious injury has occurred, the employee should immediately call 911 to obtain law enforcement and/or medical assistance. The employee should also immediately notify their immediate supervisor.

If an employee believes that either they or another employee are in imminent danger of workplace violence and reasonably believes, in good faith, that reporting to a supervisor or the workplace prevention coordinator would not result in corrective action, then the employee may report the violation directly to the Public Employee Safety and Health Bureau (PESH).

The District will immediately respond to all incidents of violence or threatening behavior upon notification. After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice.

If there is a developing pattern of workplace violence incidents which may involve criminal conduct or serious injury, the District will attempt to develop a protocol with the district attorney or law enforcement to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who choose to file a criminal complaint after a workplace violence incident.

In addition to complying with the reporting requirements in this policy, district employees must comply with all other applicable reporting requirements contained in any district policy, regulation, procedure, collective bargaining agreement, or other document such as the District's Code of Conduct.

Inspections by the Commissioner of Labor

<u>At the Request of an Employee or Authorized Employee Representative</u>

If, after being given notice and a reasonable opportunity to resolve the activity, policy, or practice, the matter has not been resolved and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection,

except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

A district representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current PESH administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)

The District will engage in a process of workplace risk evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The workplace violence advisory committee, which includes all authorized employee representatives, will oversee the development and maintenance of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

a) A list of the risk factors identified in the workplace risk evaluation.

b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:

    1. Making high-risk areas more visible to more people;

2. Installing good external lighting;

3. Using drop safes or other methods to minimize cash on hand;

4. Posting signs stating that limited cash is on hand;

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

5. Providing training in conflict resolution and nonviolent self-defense responses; and

6. Establishing and implementing reporting systems for incidents of aggressive behavior.

c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).

d) The methods and means by which the District will address each specific hazard identified in the workplace risk evaluation.

e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.

f) A written outline or lesson plan for employee program training.

g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

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

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

Training

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program. Additionally, retraining is required for all employees any time there is a significant change to the WVPP, a newly identified risk factor, or a control measure addition.

Notification

This policy will be posted where notices to employees are typically posted. A copy of the District's WVPP may be obtained by contacting the District's workplace violence prevention coordinator. The District will also make the WVPP available for reference to employees, authorized employee representatives, and the Commissioner of Labor in the work area.

Labor Law Section 27-b
12 NYCRR Section 800.6

(Continued)

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT (Cont'd.)

NOTE: Refer also to Policies #3410 -- Code of Conduct
#3411 -- Prohibition of Weapons on School Grounds
#3412 -- Threats of Violence in School
#3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#5681 -- School Safety Plans
#5684 -- Use of Surveillance Cameras in the District and on School Buses
#5690 -- Exposure Control Program
#6121 -- Sexual Harassment in the Workplace
#6122 -- Employee Grievances
#7360 -- Weapons in School and the Gun-Free Schools Act

Adopted: 4/15/24
Revised: 10/6/25

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD MEMBERS

The District will not employ any teacher 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: 6/10/19

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: 6/10/19
Revised: 8/16/21

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING

Registration

All employees who are certificate holders must register with the State Education Department (SED) every five years through the TEACH system. An employee is a certificate holder if they hold a permanent or professional certificate in the classroom teaching service, a permanent or professional certificate in the educational leadership service (i.e., school building leader, school district leader, or school district business leader), or a Level III Teaching Assistant certificate. Only registered employees may teach or supervise in the District.

Employees who were certificate holders prior to July 1, 2016 had to apply for initial registration during the 2016-2017 school year and each subsequent five-year period thereafter.

Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to their name and/or address within 180 days of such change may be subject to moral character review.

Continuing Teacher and Leader Education (CTLE) Credit Hours

All continuing teacher and leader education certificate holders (CTLE certificate holders) must successfully complete a minimum of 100 hours of acceptable CTLE hours during each five-year registration period to maintain a valid certificate. An employee is a CTLE certificate holder if they hold a professional certificate in the classroom teaching service, a professional certificate in educational leadership service, or a Level III Teaching Assistant certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy.

(Continued)

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)

The District will describe opportunities for teachers and administrators to engage in CTLE in its professional learning plan. The District will annually certify, in a format and on a timetable prescribed by the Commissioner of Education, that the requirements to have a professional learning plan for the succeeding school year have been met and that it has complied with the professional learning plan for the current school year.

The District will provide CTLE opportunities that are designed to improve the teacher or leader's pedagogical and/or leadership skills and are targeted at improving student performance, among other things. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

Language Acquisition CTLE and Exemption

Employees holding an English to speakers of other languages (all grades) certificate or a bilingual extension are required to complete a minimum of 50% of the required CTLE hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English Language Learner (ELL) students. All other certificate holders must complete a minimum of 15% of the required CTLE hours dedicated to language acquisition addressing the needs of ELLs, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs. A minimum of 15% of the required CTLE hours for employees holding a Level III Teaching Assistant certificate will be dedicated to language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

Employees holding school district business leader certificates are exempt from the language acquisition CTLE requirements for each year that they are employed in the District. Instead, they must complete a minimum of 15% of the required CTLE hours dedicated to the needs of ELLs and federal, state, and local mandates for ELLs.

Employees may be eligible for a waiver of language acquisition CTLE requirements. Each school year when there are fewer than 30 ELLs enrolled in the District or ELLs make up less than 5% of the total student population, the District may obtain an exemption. If the District obtains this exemption, employees would be exempt from the language acquisition CTLE requirement for each year that they are employed in the District.

CTLE Adjustments

The Commissioner may adjust an employee's number of CTLE hours and/or time to complete them due to poor health, as certified by a health-care provider; extended active duty in the Armed Forces; or other acceptable good cause.

(Continued)

SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Cont'd.)

Any employee holding a certificate in the classroom teaching service who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which they obtain this certification. However, the employee must still meet any language acquisition requirements.

Recordkeeping and Reporting Requirements

Employees must maintain a record of completed CTLE hours for at least three years from the end of the applicable registration period. The record must include the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of ELLs, the sponsor's name, any identifying number, attendance verification, and the date and location of the program.

The District will maintain a record of any professional learning it conducts or provides for educators for at least seven years from the date of completion. These records will be available for review by SED.

Education Law §§ 3006, 3006-a, and 3012-d
8 NYCRR Subpart 80-6
8 NYCRR §§ 100.2(dd) and 154-2.3(k)

NOTE: Refer also to Policy #6160 -- Professional Growth/Staff Development

Adopted: 6/10/19
Revised: 8/16/21; 3/6/23

Personnel

SUBJECT: INCIDENTAL TEACHING

The Board will comply with all applicable laws and regulations regarding incidental teaching. Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different incidental teaching rules may apply in certain years.

Generally, the Superintendent may assign a teacher to teach a subject not covered by that teacher's certificate or license for a period not to exceed five classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the District Superintendent is obtained.

Not later than 20 business days after this assignment, the Superintendent must submit for approval an application, in a form satisfactory to the District Superintendent, containing the following information:

a) Evidence of extensive recruitment of a teacher certified in the appropriate area;

b) The name and certification status of the teacher given the assignment;

c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;

d) The qualifications of the teacher to teach that subject on an incidental basis;

e) The specific reasons why an incidental assignment is necessary;

f) The anticipated duration of the incidental teaching assignment; and

g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application must demonstrate to the satisfaction of the District Superintendent that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The District Superintendent will issue a determination within 20 business days of receipt of the District's application.

If the application is disapproved, the Superintendent, within seven business days of receipt of the notice of disapproval, will terminate the incidental teaching assignment. If the application is approved, this approval will be deemed to have commenced on the date of the incidental teaching assignment and will terminate on the last day of the school year for which it is granted.

(Continued)

SUBJECT: INCIDENTAL TEACHING (Cont'd.)

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year.

To obtain a renewal, the Superintendent, as soon as possible after learning that the continued assignment of an incidental teacher is necessary, must submit an application which, in addition to including the information noted above for the initial approval of an incidental teaching assignment, must provide assurances by the Superintendent that:

a) The teacher who previously taught the course on an incidental basis has been offered the opportunity to continue to teach the course or has not been offered an opportunity because the Superintendent has evidence that the course was not taught in an acceptable manner;

b) The teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three semester hours of credit or a satisfactory equivalent leading to certification in the subject area of the incidental assignment; and

c) The teacher assigned to teach the course will be reimbursed by the District for the tuition cost of any portion of the three semester hours of credit or the equivalent required that is taken by the teacher at the request of the District, and satisfactory evidence that the teacher has been reimbursed in the event the teacher who is assigned has previously taught the course on an incidental basis, under a previous renewed approval.

8 NYCRR Section 80-5.3

Adopted: 6/10/19
Revised: 10/6/25

SUBJECT: PROBATION AND TENURE

The Board will comply with all applicable laws and regulations regarding probation and tenure.─Any updates to applicable laws and regulations, whether temporary or permanent, will supersede any conflicting language in this policy. As a result, different probationary and tenure rules may apply for teachers or building principals in certain circumstances.

Probation

Generally, teachers, all other members of the teaching staff, administrators, directors, supervisors, principals, and all other members of the supervising staff (except associate, assistant, and other superintendents) 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 their 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 their 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 their probationary period expires.

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 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)

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 they successfully appeal 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 they have 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 their 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 their time;

c) The date probationary service or service on tenure commences in each area;

d) The expiration date of the appointment, if made on a probationary basis. For appointments of classroom teachers and building principals, the resolution must state that:

1. To receive tenure, the individual must receive composite or overall APPR ratings of effective or highly effective in at least three of the four preceding years; and

2. If the teacher or building principal receives an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time; and

e) The certification status of the appointee in reference to the position to which the individual is appointed.

(Continued)

SUBJECT: PROBATION AND TENURE (Cont'd.)

Education Law §§ 2509, 2573, 3012, 3012-d, 3014, and 3031
8 NYCRR § 30-1.3

NOTE: Refer also to Policy #6217 -- Professional Staff: Separation

Adopted: 6/10/19
Revised: 8/16/21; 4/15/24

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

Adopted: 6/10/19

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: 6/10/19

SUBJECT: TEMPORARY PERSONNEL

The District may need to utilize temporary appointments. The terms of these appointments will be defined by the Board on a case-by-case basis.

Student Teachers

The District will cooperate with teacher training institutions in the placement of student teachers to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their performance assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (NYSED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant NYSED personnel.

Substitute Teachers

A substitute teacher is employed in the place of a regularly appointed teacher who is absent, but is expected to return. The Superintendent will employ appropriately qualified substitute teachers. It is recognized that fully certified persons will not always be available for employment as substitute teachers. The District will employ substitute teachers in accordance with law and regulation.

The Board will annually establish the rate for per diem substitute teachers.

8 NYCRR §§ 80-1.5 and 80-5.4

Adopted: 6/10/19
Revised: 3/6/23

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: 6/10/19

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)

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: 6/10/19

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 written 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 Office.

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, LinkedIn, Flickr, Vine, Instagram, SnapChat, 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 prohibited on a limited basis. 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.

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 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 (such as Dropbox, GoogleDrive, SkyDrive, etc.) 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.

(Continued)

SUBJECT: STAFF ACCEPTABLE USE POLICY (Cont'd.)

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
#5676 -- Privacy and Security for Student Data and Teacher and Principal Data
#6411 -- Use of Email in the District
#7316 -- Use of Internet-Enabled Devices During the School Day
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 6/10/19

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 webpage 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 #3320 -- Confidentiality of Computerized Information

#3420 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6410 -- Staff Acceptable Use Policy
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 6/10/19
Revised: 3/6/23

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: 6/10/19

SUBJECT: EMPLOYEE POLITICAL ACTIVITIES

The Board recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds or during school times. Under these circumstances, the Board can impose reasonable restrictions on the time, place, and manner of the speech or action, and can further regulate the content of the speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, upon prior approval of the building principal, and to motivate students to participate in the political process.

NOTE: Refer also to Policies #3271 -- Solicitation of Charitable Donations
#3272 -- Advertising in the Schools
#5560 -- Use of Federal Funds for Political Expenditures

Adopted: 6/10/19

SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action, up to and including termination, as well as the filing of criminal or civil charges by the District.

Penal Law § 165.15

Adopted: 6/10/19

Personnel

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.

(Continued)

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)

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 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 (ESSA), 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

Adopted: 6/10/19
Revised: 8/16/21

SUBJECT: LEAVES OF ABSENCE

In general, leaves of absence will be administered by the Superintendent. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement. Where a leave of absence is falsely requested or improperly used, the Board may undertake appropriate disciplinary action. The purpose or conditions of a leave of absence may not be altered except by permission of the Superintendent, as expressed in writing.

Leaves of Absence, Contractual, Et Al.

a) Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted in accordance with provisions of contracts in effect between the District and each bargaining unit.

b) Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by these employees where the requests are consistent with provisions of contracts in effect between the District and the bargaining unit most compatible with the employment status of the employee.

c) Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each contract.

Leaves of Absence, Unpaid, Not Covered Above

a) Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence:

1. For a period of time not to exceed one school year for approved graduate study, this leave to include any required internship experience.

2. At the expiration of a paid sick leave of absence, this leave may be extended for a period of time not longer than the end of the school year after the school year in which the paid leave of absence began.

b) Unpaid leaves of absence cannot be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent will have discretion, where circumstances warrant, to approve leaves of absence for those purposes.

c) Unpaid leaves of absence will not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

d) Except where it interferes with an employee's legal or contractual rights, the timing of unpaid leaves of absence will be granted at the convenience of the District.

Other Leaves of Absence

Other leaves of absence include, but are not limited to, the following:

a) Emergency Service Volunteer Leave

Upon presentation of a written request from the American Red Cross and with the approval of the Superintendent, employees certified by the American Red Cross as disaster volunteers will be granted leave from work with pay for up to 20 days in any calendar year to participate in specialized disaster relief operations. This leave will be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled.

b) Screenings for Cancer

Employees will be granted up to four hours of paid leave on an annual basis to undertake a screening for cancer. This leave will be excused leave and will not be charged against any other leave to which the employee is entitled.

c) Blood Donation

The District must either, at its option:

1. Grant three hours of unpaid leave of absence in any 12-month period to an employee who seeks to donate blood off-premises. The leave may not exceed three hours unless agreed to by the Superintendent or designee; or

2. Allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the Superintendent or designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a district-designated donation alternative (such as a district-sponsored blood drive at the workplace) must be paid leave that is provided

without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law will not be prevented.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

d) Bone Marrow Donation

Employees seeking to undergo a medical procedure to donate bone marrow will be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed 24 work hours unless agreed to by the Superintendent or designee. The District will require verification for the purpose and length of each leave requested by the employee for this purpose.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

e) Breastfeeding/Lactation

The District will provide paid break time for 30 minutes, and permit the use of existing paid break time or meal time for time in excess of 30 minutes, to allow an employee to express breast milk for their nursing child each time the employee has reasonable need to express breast milk for up to three years following childbirth.

Upon employee request, the District will designate a room or other location to be used by the employee to express breast milk which will be in close proximity to the work area, well lit, shielded from view, and free from workplace or public intrusion. The location will, at a minimum, contain a chair, a working surface, nearby access to clean running water, and an electrical outlet. The location will not be a restroom or toilet stall. The District will provide access to refrigeration for the purposes of storing expressed milk.

If the sole purpose of the location is not dedicated for use by employees to express breast milk, the location will be made available to employees when needed and will not be used for any other purpose while in use. The District will provide notice to all employees as soon as practicable when the location has been designated for use by employees to express breast milk.

At the employee's option, the District will allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid break time(s) so long as the additional time requested falls within the District's normal work hours.

The District will provide a written notification regarding the rights of nursing employees to express breast milk in the workplace to each employee upon hire, annually thereafter, and

to employees returning to work following the birth of a child. This notice will be based on a written policy developed by the Commissioner of Labor and will at a minimum:

1. Inform employees of their rights pursuant to law;

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

2. Specify how a request may be submitted to the District for a room or other location for use by an employee to express breast milk;

3. Require the District to respond to requests within a reasonable time frame that is not to exceed five business days.

The District will not discriminate or retaliate against an employee who chooses to express breast milk in the workplace.

f) Witnesses or Victims of Crimes

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise their rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising their rights as provided under the law.

g) Victims of Domestic Violence

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

h) Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)

i) Jury Duty

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to their term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

j) Voting

Employees who are registered voters and have four consecutive hours either between the opening of the polls and the beginning of their working shift, or between the end of their working shift and the closing of the polls, will be deemed to have sufficient time to vote and will therefore not be eligible for paid leave to vote in any election.

Employees who are registered voters, and do not have sufficient time outside of their working hours to vote in any election, may without loss of pay for up to two hours, take so much time off as will, when added to their voting time outside of their working hours, enable them to vote. The employee will be allowed time off for voting only at the beginning or the end of their working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not more than ten or less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

29 USC Section 218d
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA),
38 USC Sections 4301-4333
Civil Service Law Sections 71-73 and 159-b
Education Law Sections 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b
General Municipal Law Sections 92, 92-c, and 92-d
Election Law Section 3-110
Executive Law Section 296(22)

Judiciary Law Sections 519 and 521
Labor Law Sections 202-a, 202-i, 202-j, 202-l and 206-c
Military Law Sections 242 and 243
Penal Law Section 215.14

Adopted: 6/10/19
Revised: 8/16/21; 4/15/24; 10/6/25

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 uses a 12-month period measured forward from the date of the employee's first 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.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider that renders the person incapacitated for more than three consecutive calendar days. An employee claiming a serious health condition must first visit a healthcare provider within seven days of the incapacity; the second visit must occur within 30 days of the incapacitating event. An employee claiming the need for continuous treatment under FMLA for a chronic serious health condition must visit a healthcare provider at least twice per year, and the condition must continue over an extended period of time. The condition may cause episodic rather than a continuing period of incapacity.

Military Family Leave Entitlements

Military 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.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)

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.

Concurrent (Substitute) Leave

Employees must use paid leave concurrently with periods of 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.

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.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)

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.

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.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (FMLA) (Cont'd.)

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.

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

NOTE: Refer also to Policy #6552 -- Military Leaves of Absence

Adopted: 6/10/19

SUBJECT: MILITARY LEAVES OF ABSENCE

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and state law, the District, upon advance notice by the employee, will grant leaves of absence for service in the uniformed services and/or military duty ("military service" or "military duty") to its employees who are ordered to duty or volunteer for qualifying military service. The employee's notice may be either verbal or written. No advance notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable under the circumstances.

Employment Rights

Time during which an employee is absent due to military leave will not constitute an interruption of continuous employment in the District and this employee will not be subjected, directly or indirectly, to any loss or diminution of time, service, increment, vacation or holiday privileges, or any other right or privilege, by reason of the absence; nor will any employee be prejudiced by reason of the absence with reference to continuance in employment, reemployment, reinstatement, transfer, or promotion.

Salary/Compensation

Every employee will be paid his or her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from military duty. This payment of salary or compensation will not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and will not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of absence.

The employee must be permitted, upon request, to use any accrued vacation, annual, or similar leave with pay during the period of military service in order to continue his or her civilian pay. The District may not require the employee to use accrued leave.

The employee is not entitled to use accrued sick leave during the period of military service, unless the District allows employees to use sick leave for any reason or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave.

Employee Benefits

<u>Health Plan Coverage</u>

If the employee has coverage under a health plan in connection with his or her employment with

the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated in law.

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

When the employee is performing military service, he or she is entitled to continuing coverage for himself or herself (and dependents if the plan offers dependent coverage) under a health plan in connection with the employment. The plan must allow the employee an opportunity to continue coverage for a period of time that is the lesser of:

a) The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or

b) The period beginning on the date on which the employee's absence for the purpose of performing military service begins, and ending on the date on which the employee fails to return from service or apply for a position of reemployment.

Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and USERRA's exceptions to the requirement that the employee give advance notice of military service. Further, health plan administrators may develop reasonable procedures for employee payment to continue coverage, consistent with USERRA and the terms of the plan.

Pension/Retirement Plans

While on military duty, any District employee who is a member of any pension or retirement system may elect to contribute to that pension or retirement system the amount which he or she would have contributed had that employment been continuous. Upon making the contribution, the employee will have the same rights in respect to membership in the retirement system as he or she would have had if the employee had been present and continuously engaged in the performance of his or her position. To the extent that these contributions are paid, absence while engaged in the performance of military duty will be counted in determining the length of total service under the pension or retirement system.

Alternatively, employees will have an opportunity to make up contributions to the pension or retirement system upon return to employment in the District in accordance with law and the individual employee's pension/retirement system.

The payment of member contributions required under law to obtain military service credit is waived for members called to active military duty on or after September 11, 2001 and prior to January 1, 2006.

Time during which an employee is absent on military duty will not constitute an interruption of

continuous employment, but this time will not be counted or included in determining the length of total service in the pension or retirement system unless the employee contributes to the pension or retirement system the amount he or she would have been required to contribute if the employee had been continuously employed during the period of military duty.

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

Leaves of Absence for Military Spouses

The spouse of a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict (defined as a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty in accordance with the United States Code), to a combat theater or combat zone of operations will be allowed up to ten days unpaid leave by their employer. This leave will only be used when the person's spouse is on leave from the armed forces of the United States, National Guard, or reserves while deployed during a period of military conflict to a combat theater or combat zone of operations.

In accordance with law, an "employee" means a person who performs services for hire for the District for an average of 20 or more hours per week, and includes all individuals employed at any District site having 20 or more District employees, but does not include independent contractors.

The District will not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section will not affect or prevent the District from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section will not affect an employee's rights with respect to any other employee benefit provided by law.

Reemployment/Restoration Rights ("Escalator Principle")

As a general rule, an employee is entitled to reemployment in the job position that he or she would have attained with reasonable certainty if not for the absence due to military service. The position to which the returning service member should be restored has become known as the "escalator principle."

Depending on the circumstances or intervening events, the escalator principle may cause an employee to be reemployed in a higher or lower position, transferred, laid off, or even terminated.

The employee must be qualified for the reemployment position. The District will make reasonable efforts to help the employee become qualified to perform the duties of this position. The District is not required to reemploy the employee on his or her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

Per state law, an employee restored to his or her position after the termination of military duty

will be entitled to the rate of compensation he or she would have received had the employee remained in his or her position continuously during the period of military duty; and the employee will be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee will not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor will an employee be prejudiced in any way with reference to promotion, transfer, reinstatement, or continuance in employment.

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

All other rights, benefits, and responsibilities of a District employee serving in the military will be in accordance with law, regulations, and/or the applicable contract or collective bargaining agreement.

Probationary Service

Public Employees in General

If a public employee (with the exception of the probationary service of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he or she may have been appointed, or to which he or she may thereafter be appointed or promoted, the time the employee is absent on military duty will be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a teacher (defined as encompassing a broad category of full-time members of the teaching and supervisory staff of the District, and is not limited to instructional employees) enters military duty before the expiration of the probationary period to which he or she may have been appointed, the time the teacher is absent on military duty will be credited as satisfactory service during this probationary period. If the end of this probationary service occurs while the teacher is on military duty or within one year following the termination of military duty, the period of the probationary service may be extended by the Board for a period not to exceed one year from the date of termination of military duty. However, in no event will the period of probationary service in the actual performance of teaching services extend beyond that required by the District at the time of the teacher's entry into military service.

Collective Bargaining Agreements/Contracts/Plans/Practices

In accordance with USERRA, any State or local law, contract, agreement, policy, plan, or practice that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit under USERRA, the greater employment right or benefit will supersede USERRA.

Notice of Rights and Duties

The District will provide a notice of the rights, benefits, and obligations of employees and the District under USERRA. The District may provide the notice by posting it where employee notices are

customarily placed. The District may also provide the notice to its employees in other ways that will minimize costs while ensuring that the full text of the notice is provided (e.g., by handing or mailing out the notice, or distributing the notice via email).

(Continued)

SUBJECT: MILITARY LEAVES OF ABSENCE (Cont'd.)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Public Law 108-454
38 USC §§ 4301-4333
20 CFR Part 1002
Education Law § 3101
Military Law §§ 242 and 243

NOTE: Refer also to Policies #6212 -- Certification and Qualifications
#6213 -- Registration and Professional Learning
#6551 -- Family and Medical Leave Act (FMLA)

Adopted: 6/10/19

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making this determination, the District must consider the factors set forth in state regulations.

A certification of the determination that an individual is an employee is required when the District initially reports to the New York State and Local Retirement System (NYSLRS) certain covered professionals, including those persons providing services as an attorney, physician, engineer, architect, accountant, or auditor.

Definitions

"Employee" means an individual performing services for the District for which the District has the right to control the means and methods of what work will be done and how the work will be done.

"Independent contractor" means a consultant or other individual engaged to achieve a certain result for the District, but who is not subject to the direction of the District as to the means and methods of accomplishing the result. The District will not enter into agreements with independent contractors for instructional services except under the limited circumstance permitted by the New York State Education Department (NYSED).

Employees to be Reported to NYSLRS

All persons employed by the District will be included in the reporting requirements. The District will provide the information deemed necessary by the retirement system for all employees except those who actively participate in another public retirement system or program. In the case of employees who are in the process of being registered to membership, all service, salary, and deduction data and mandatory contributions will be accumulated by the District and the accumulation will be included with the first monthly report which is due after the employee's registration or identification number has been assigned.

An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the retirement system.

Employer Reporting of Certain Professions

In the case of an individual whose service has been engaged by the District in the capacity of attorney, physician, engineer, architect, accountant, or auditor and the District has determined that the

individual is rendering service as an employee and, therefore, may be eligible for credit with a retirement system, the District will submit to the retirement system, in a form prescribed by the Comptroller and certified by the Chief Fiscal Officer of the District, an explanation of the factors that led to the conclusion that the individual is an employee and not an independent contractor or consultant.

(Continued)

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)

When making a determination as to an individual's status as an employee or independent contractor, no single factor will be considered to be conclusive of the issue. All factors will be considered in making an assessment of an individual's status when engaged to perform services.

The District will also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS 2414) as promulgated by the Office of the New York State Comptroller.

Legal Services

Charging for Legal Services

An attorney will not simultaneously be an independent contractor and an employee of the District for the purpose of providing legal services to the District.

An attorney who is not an employee of the District will not seek to be or be considered, treated or otherwise reported by the District as an employee for purposes of compensation, remuneration, health insurance, pension, and all associated employment-related benefits and emoluments.

Reports Regarding Attorneys

The District will, on or before the 45th day after the commencement of its fiscal year, file with NYSED, the State Comptroller, and the Attorney General a report specifying:

a) All attorneys who provide legal services to the District or Board;

b) Whether the District or Board hired those attorneys as employees; and

c) All remuneration and compensation paid for legal services.

Protection Against Fraud

Any person who knowingly makes any false statement, or falsifies or permits to be falsified any record or records of the retirement system in any attempt to defraud the system, or who receives certain benefits or payments in excess of statutory limits, as a result of those acts, will be guilty of criminal conduct, and will be punished under the laws of New York State.

Education Law §§ 525, 2050-2054

Retirement and Social Security Law §§ 11, 34, 311, and 334
2 NYCRR §§ 315.2 and 315.3

NOTE: Refer also to Policy #1337 -- Duties of the School Attorney

Adopted: 6/10/19
Revised: 3/6/23

Personnel

SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the District, without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there will be no earning limitations on or after the calendar year in which a retired person attains age 65.

No retired person may be employed in the District except upon approval of the Civil Service Commission or the Commissioner of Education unless otherwise authorized in accordance with law.

Two sections of the Retirement and Social Security Law (Sections 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he or she may still be able to collect his or her pension depending upon:

a) How much is earned after returning to work; and

b) The retiree's age.

If a retiree is under age 65, he or she can return to public employment without approval or reduction in retirement benefits as long as his or her calendar year earnings do not exceed the Section 212 limit. If a retiree's earnings will be more than the Section 212 limit, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211.

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer (SRO) fall under the "classified service" but may have the earnings limitation waived at the discretion of the Commissioner of Education, as long as all of the requirements for waivers in the unclassified service are fulfilled.

There is generally no restriction on a retiree's earnings beginning in the calendar year he or she turns 65, unless returning to public office.

Section 211 Approval Process

Approval for post-retirement employment of a person under the age of 65 or a retired police officer employed as a SRO whose calendar year earnings exceed the Section 212 limit may be granted only on the written request of the District giving detailed reasons related to the standards set forth in Section 211; and on a finding of satisfactory evidence by the Civil Service Commission or the Commissioner of Education that the retired person is duly qualified, competent, and physically fit for

the performance of the duties of the position in which he or she is to be employed and is properly certified where certification is required.

(Continued)

SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)

The District will prepare a detailed recruitment plan to fill the vacancy on a permanent basis when the need arises and will undertake extensive recruitment efforts to fill the vacancy prior to making a determination that there are no available non-retired persons qualified to perform the duties of that position.

Approvals to hire retired individuals may be granted for periods not exceeding two years each, provided that a person may not return to work in the same or similar position for a period of one year following retirement. However, in accordance with Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his or her earnings are under the Section 212 limit or if he or she receives a Section 212 waiver, or other conditions exist set forth in law.

Reporting Requirements and Disclosure

a) The District will report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Section 212 to the retirement system administered by the state or any of its political subdivisions from which the retired person is collecting his or her retirement allowance.

b) The District, when employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the state or any of its political subdivisions, will report on an annual basis to the retirement system paying the retirement allowance and to the State Comptroller. This report will consist of the re-employed retiree's name, date of birth, place of employment, current position, and all earnings.

Public Record

Any request for approval of the employment of a retired person, including the reasons stated, and the findings and determination of the request will be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board making the findings and determination as specified in Section 211.

Education Law §§ 525 and 3101
Retirement and Social Security Law §§ 111, 211, 212, 217, and 411
8 NYCRR § 80-5.5(b)

Adopted: 6/10/19
Revised: 8/16/21

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.

Adopted: 8/16/21

Gloversville Enlarged City School District **NUMBER**

ATTENDANCE

1.1	Comprehensive Student Attendance	7110
1.2	Age of Entrance	7120
1.2.1	Diagnostic Screening of Students	7121
1.3	Entitlement to Attend -- Age and Residency	7130
1.3.1	Education of Students in Temporary Housing	7131
1.3.2	Non-Resident Students	7132
1.3.3	Education of Students in Foster Care	7133
1.4	School Census	7140
1.5	Remote Instruction	7150

STUDENT PROGRESS

2.1	Student Evaluation, Promotion, and Placement	7210
2.1.1	Provision of Interpreter Services to Parents Who Are Hearing Impaired	7211
2.1.2	Response to Intervention (RtI) Process/Multi-Tiered System of Supports (MTSS)	7212
2.2	Graduation Requirements	7220
2.2.1	Participation in Graduation Ceremonies and Activities	7221
2.2.2	Diploma or Credential Options for Students with Disabilities	7222
2.2.3	Advanced Coursework	7223
2.2.4	Virtual Instruction	7224
2.4	Student Records: Access and Challenge	7240
2.4.2	Military Recruiters and Institutions of Higher Education	7242
2.5	Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors	7250
2.6	Designation of Person in Parental Relation	7260
2.7	Rights of Non-Custodial Parents	7270

STUDENT CONDUCT

3.1	School Conduct and Discipline	
3.1.1	Loss or Destruction of District Property or Resources	7311
3.1.3	Suspension of Students	7313
3.1.4	Students Presumed to Have a Disability for Discipline Purposes	7314

3.1.5 Student Acceptable Use Policy (AUP) 7315
3.1.6 Use of Internet-Enabled Devices During the School Day 7316
3.2 Alcohol, Tobacco, Drugs, and Other Substances (Students) 7320
3.3 Searches and Interrogations of Students 7330
3.4 Bus Rules 7340

Gloversville Enlarged City School District **NUMBER**

STUDENT CONDUCT (Cont'd)

3.5 Corporal Punishment/Emergency Interventions
3.5.0.1 Timeout 7350.1
3.5.0.2 Prohibition of Corporal Punishment, Aversive Interventions, and Seclusion and the Authorized Limited Use of Timeout and Physical Restraint 7350.2
3.6 Weapons in School and the Gun-Free Schools Act 7360

STUDENT ACTIVITIES

4.1 Extracurricular Activities 7410
4.2 Sports and the Athletic Program 7420
4.3 Contests for Students, Student Awards and Scholarships 7430
4.4 Student Voter Registration and Pre-Registration 7440
4.5 Fundraising by Students 7450
4.6 Constitutionally Protected Prayer in the Public Schools 7460
4.7 Student Government 7470

STUDENT WELFARE

5.1 School Health Services 7510
5.1.1 Immunization of Students 7511
5.1.2 Student Physicals 7512
5.1.3 Medication and Personal Care Items 7513
5.1.4 Student Health Records 7514
5.1.5 District Sun Safety Policy 7515
Form: Sunscreen Use Permission Form 7515F
5.2 Accidents and Medical Emergencies 7520
5.2.1 Students with Life-Threatening Health Conditions 7521
5.2.2 Concussion Management 7522
5.3 Child Abuse and Maltreatment 7530
5.4 Suicide 7540
5.5 Dignity for All Students 7550
5.5.1 Sexual Harassment of Students 7551
5.5.2 Student Gender Identity 7552
5.5.3 Hazing of Students 7553

5.5.4 Equal Educational Opportunities 7554
5.6 Notification of Sex Offenders 7560
5.7 Supervision of Students 7570
5.8 Safe Public School Choice 7580

Gloversville Enlarged City School District **NUMBER**

STUDENTS WITH DISABILITIES

6.1	Special Education: District Plan	7610
6.1.1	Children with Disabilities	7611
6.1.2	Grouping by Similarity of Needs	7612
6.1.3	The Role of the Board in Implementing a Student's Individualized Education Program	7613
6.1.4	Preschool Special Education Program	7614
6.1.5	Least Restrictive Environment	7615
6.1.6	Prereferral Intervention Strategies	7616
6.1.7	Declassification of Students with Disabilities	7617
6.2	Students with Disabilities Participating in District Programs	7620
6.2.1	Section 504 of the Rehabilitation Act of 1973	7621
6.3	Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE)	7630
6.4	Student Individualized Education Program (IEP): Development and Provision	7640
6.4.1	Transition Services	7641
6.4.2	Extended School Year Services and/or Programs	7642
6.4.3	Transfer Students with Disabilities	7643
6.5	Identification and Register of Children with Disabilities (Child Find)	7650
6.6	Parent Involvement for Children with Disabilities	7660
6.7	Due Process Complaints: Selection and Board Appointment of Impartial Hearing Officers	7670
6.8	Independent Educational Evaluations	7680
6.9	Special Education Mediation	7690

Students

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 8 (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. Where students are dismissed for lunch, their presence or absence will also be recorded after the taking of attendance a second time upon the student's return from lunch. 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.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

b) For students in grades 9 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.

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 will 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.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

At the middle school/senior high school level, any student with more than 24 absences in a course may not receive credit for the course. However, 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.

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.

<u>Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit</u>

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:

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

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.

b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. Copies of the Attendance Policy will also be included in parent or student handbooks or posted on the District website.

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 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.

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

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.

Attendance Incentives

In order to encourage student attendance, the District will develop and implement grade-appropriate or building-level strategies and programs including, but not limited to:

a) Attendance honor rolls will be posted in prominent places in District buildings and included in District newsletters and, with parent or person in parental relation consent, in community publications;

b) Monthly drawings for prizes at each grade level to reward perfect attendance;

c) Special events (e.g., assemblies, guest speakers, field days) scheduled on days that historically have high absenteeism (e.g., Mondays, Fridays, day before vacation);

d) Grade-level rewards at each building for best attendance;

e) Classroom acknowledgment of the importance of good attendance (e.g., individual certificates, recognition chart, bulletin boards);

f) Annual poster or essay contest on importance of good attendance;

g) Assemblies collaboratively developed and promoted by student council, administration, PTA/PTO, and other community groups to promote good attendance.

Disciplinary Consequences

Unexcused absences, tardiness, and early departures will result in disciplinary sanctions as described in the District's *Code of Conduct*. Negative consequences will not be imposed, however, where the absence, tardiness, or early departure is related to homelessness. Consequences may include, but are not limited to, in-school suspension, detention, and denial of participation in interscholastic and extracurricular activities. Parents or persons in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness, or early departures and the importance of class attendance and appropriate interventions. Individual buildings

and grade levels will address procedures to implement the notification process to the parent or person in parental relation.

Intervention Strategy Process

In order to effectively intervene when an identified pattern of unexcused absences, tardiness, or early departures occur, designated District personnel will pursue the following:

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

a) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness, or early departures);

b) Contact the District staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent or person in parental relation will be contacted;

c) Discuss strategies to directly intervene with specific element;

d) Recommend intervention to Superintendent or designee if it relates to change in District policy or procedure;

e) Implement changes, as approved by appropriate administration;

f) Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness, or early departures;

g) Monitor and report short and long term effects of 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:

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE (Cont'd.)

a) Providing 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 each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and

c) 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: 6/10/19
Revised: 8/16/21

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 Policies #7130 -- Entitlement to Attend -- Age and Residency
#7131 -- Education of Students in Temporary Housing

Adopted: 6/10/19

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The District has developed a plan for the diagnostic screening of all new entrants and students with low test scores to determine whether such students have or are suspected of having a disability, are possibly gifted, or are possibly English Language Learners (ELLs). The results of the diagnostic screening will be contained in a written report that will be shared with the parent.

A new entrant means a student entering the New York State public school system, prekindergarten through grade 12, for the first time, or re-entering a New York State public school with no available record of a prior screening.

Students with low test scores are students who score below level two on either the third grade English language arts or mathematics assessment for New York State elementary schools.

The diagnostic screening will be conducted:

a) By persons appropriately trained or qualified.

b) By persons appropriately trained or qualified in the student's home language if the language of the home is other than English.

c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within 15 days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year.

d) In the case of students with low test scores, within 30 days of the availability of the test scores.

No screening examination for vision, hearing, or scoliosis condition is required where a student, parent, or person in parental relation objects on the grounds that the examination conflicts with their genuine and sincere religious beliefs.

Results and Reports

The results of the diagnostic screening will be reviewed and a written report of each student screened will be prepared by appropriately qualified District staff. If the screening indicates a possible disability, a possibly gifted child, or a child identified as possibly being an ELL, the District will refer the child for the appropriate programs or services.

Parents or guardians of children to be screened will receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information will be communicated either orally or in writing in a language that the parent or guardian can understand.

(Continued)

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)

Upon request, the District will provide parents or guardians with the written results of their child's performance on screenings. The results of all mandated screening examinations will be provided to the child's parent or guardian and to any teacher of the child within the school while the child is enrolled. A letter will be sent to the parent or guardian of any child who fails a screening.

Confidentiality of Information

All information collected about a child through the screening program will be kept confidential.

Family Educational Rights and Privacy Act of 1974, 20 USC § 1232(g)
Education Law §§ 901, 903, 904, 905, 914, and 3208(5)
Public Health Law § 2164
8 NYCRR Parts 117, 136, 142.2, and 154

NOTE: Refer also to Policies #7131 -- Education of Students in Temporary Housing
#7512 -- Student Physicals
#8240 -- Instruction in Certain Subjects

Adopted: 6/10/19

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY

All persons residing within the District who are between the ages of five years and 21 years and who have not received a high school diploma are entitled to enroll in the District.

A student who becomes six years of age on or before the first of December in any school year will be required to attend full-time instruction from the first day that the District schools are in session in September of that school year. A student who becomes six years of age after the first of December in any school year will be required to attend full-time instruction from the first day of session in the following September. Each student will be required to remain in attendance until the last day of session in the school year in which the student becomes 16 years of age.

Evidence of a prospective student's age and residency must be presented in the form as is permitted by state and federal law and regulation.

Determination of Student Residency

Residence is established by a child's physical presence as an inhabitant within the District and his or her intent to reside in the District.

A child's residence is presumed to be that of his or her parents or legal guardians. Where a child's parents live apart, the child can have only one legal residence. In cases where parents have joint custody, the child's time is essentially divided between two households, and both parents assume responsibility for the child, the decision regarding the child's residency lies ultimately with the family. Where parents claim joint custody, but do not produce proof of the child's time being divided between both households, residency will be determined on the basis of the child's physical presence and intent to remain within the District.

The presumption that a child resides with his or her parents or legal guardians may be rebutted upon demonstration that custody of the child has been totally and permanently transferred to another individual. The District will not acknowledge living arrangements with persons other than a child's parents or legal guardians which are made for the sole purpose of taking advantage of the District's schools.

The presumption that a child resides with his or her parents or legal guardians may also be rebutted upon demonstration that the child is an emancipated minor. To establish emancipation, a minor may submit documentation of his or her means of support, proof of residency, and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his or her parents or persons in parental relationship.

(Continued)

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

Undocumented Children

Undocumented children are entitled to attend the District's schools, provided they meet the age and residency requirements established by state law. Consequently, the District will not request on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation or information regarding or tending to reveal the immigration status of a child, a child's parent(s), or the person(s) in parental relation. In the event the District is required to collect certain data, it will do so after the child has been enrolled or registered; in no instance will the information be required as a condition of enrollment or continued attendance.

Children of Activated Reserve Military Personnel

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. The District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Family Educational Rights and Privacy Act, 20 USC § 1232g
Education Law §§ 310, 906, 3202, 3205, 3214, and 3218
Family Court Act § 657
8 NYCRR § 100.2(x) and (y)

NOTE: Refer also to Policies #7131 -- Education of Students in Temporary Housing
#7132 -- Non-Resident Students

Adopted: 6/10/19

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)

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

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

2. A school that enrolls students from a feeder school in a neighboring local educational agency.

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.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

j) Unaccompanied youth means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

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;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

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;

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;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or

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

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

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 §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.

Where a student in temporary housing must cross state-lines to attend a school of origin, the District will coordinate with the District in the neighboring state to provide transportation services when:

a) The student is temporarily living in New York State and continues to attend school in a neighboring state; or

b) The student is temporarily living in a neighboring state and continues to attend school in New York State.

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.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

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.

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;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

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;

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;

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

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

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)

Adopted: 6/10/19

SUBJECT: NON-RESIDENT STUDENTS

Non-resident families who wish to enroll students in the District must submit a request in writing to the Superintendent. The Superintendent will review these requests and make recommendations regarding non-resident student admission to the Board. The Board has final authority to approve or deny these requests.

Non-resident student enrollment requests will only be considered where:

a) There is sufficient space to accommodate the non-resident student;

b) No increase in the size of faculty or staff will be necessary; and

c) Admittance will not result in the establishment of a new class or section.

In making determinations regarding the admittance of non-resident students, the District will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, or other legally protected category.

In the event a non-resident student is permitted to attend the District's schools, his or her attendance will be subject to the following conditions:

a) Parents or guardians must work out transfer conditions with the home school district or provide their own transportation;

b) All rules and regulations in effect for District students will be applicable to non-District students; and

c) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department.

Future Students

Students whose families have signed a contract to buy or build a residence in the District may be enrolled for the semester in which they expect to become residents. Non-resident tuition will be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Former Residents

Students who are not District residents will be permitted to attend the District's schools without payment of tuition in the following limited circumstances:

a) Students of any grade who move from the District during the school year may be given permission to finish the semester in which the move occurs.

b) Students who move from the District after completion of the first semester of the year preceding their anticipated graduation year may be given permission to remain in the District until graduation.

Foreign Exchange Students

Foreign students participating in a recognized Student Exchange Program may attend District schools without payment of tuition.

Reservation of Claims

Should a material misstatement of fact be made and relied upon by any administrator or the Board in admitting a non-resident student without tuition, the Board will be entitled to recover the cost of instruction for the time the student was not authorized to attend a school in the District from the person who made the misstatement or from the student's parent or person in parental relation.

Tuition Fees

Where applicable, tuition fees are computed according to a formula established by the Commissioner of Education.

Tuition of individual non-resident students will be computed in advance at the time of enrollment. Methods of payment (e.g., monthly) may be arranged in the District Office and approved by the Superintendent. Non-resident student status is contingent upon timely payment of tuition fees as established by the Board.

Legal Residence

Parents who maintain more than one residence, but whose legal residence for the purposes of voting or filing income tax is within the District, are eligible to send their children to District schools.

However, school tax payments of non-residents who own assessable property in the District will be deducted from any tuition charges levied against the non-resident.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)

Education Law §§ 1709(13) and 3202
8 NYCRR § 174.2

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7131 -- Education of Students in Temporary Housing

Adopted: 6/10/19

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the opportunity to achieve at the same high-levels as their peers. For purposes of this policy, LDSS also refers to the local social services district or the local child welfare agency.

Definitions

a) "Child or youth in foster care" ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.

b) "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 pursuant to applicable laws and regulations.

c) "Foster care" means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

d) "Preschool" means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.

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

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.

f) "School district of origin" means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the social services district or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.

g) "School district of residence" means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.

h) "School of origin" means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

District Foster Care Liaison

The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The District will ensure that the name and contact information for the Foster Care Liaison are:

a) Submitted to SED;

b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and

c) Posted on the District website.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Designation of School District and School

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Responsibilities When Designated as the School District of Attendance

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;

b) Treat the student in foster care as a resident for all purposes; and

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

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 federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

Where the School of Origin is a Charter School

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

Dispute Resolution Process

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Coordination with Other Agencies

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

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 IDEA for students with disabilities.

Comparable Services

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; 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 FOSTER CARE (Cont'd.)

Student Privacy

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC § 6312
45 CFR § 1355.20(a)
US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)
Education Law §§ 3202 and 3244
Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE: Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming
#7240 -- Student Records: Access and Challenge

Adopted: 8/16/21

SUBJECT: SCHOOL CENSUS

In small city school districts, the Board will constitute a permanent census board in each city. The Board will, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day, as changes of residence will occur among children within the prescribed census age ranges and as other children come within those prescribed age ranges. The census will also account for other children within the prescribed age ranges as they become residents of the city, so that there will always be on file with the Board a complete census giving the facts and information required by law. Census data will be reported as required by law.

Count of Immigrant Children and Youth

The District is required to count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the District. The results of this count have important implications for the receipt of supplemental federal funds to the District for services to recently arrived immigrant children and youth.

For purposes of this count, the term "immigrant children and youth" will include those individuals who:

a) Are ages three through 21;

b) Were not born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and

c) Have not been attending schools in any one or more States for more than three full academic years.

Each nonpublic school within District boundaries will report its data to the District. It is the responsibility of the District to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District will conduct its survey and submit the information electronically to the SED by the specified deadline date. The District must also maintain on file a list of the immigrant students counted, their countries of origin, dates of arrival, and the public or nonpublic school in which they are registered as well as copies of the letter to each of the nonpublic schools in its jurisdiction regarding the count.

20 USC § 6811

Education Law §§ 3240-3243 and 4402(1)(a)
8 NYCRR § 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children with Disabilities (Child Find)

Adopted: 6/10/19

SUBJECT: REMOTE INSTRUCTION

Overview

The District may offer remote or distance instruction to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an emergency condition, including, but not limited to, extraordinary adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of a school building, or a communicable disease outbreak.

In the event the District remains in session and provides remote instruction when it would otherwise close due to an emergency condition, the remote instruction provided by the District will be consistent with the District's emergency remote instruction plan, located in the District-wide school safety plan.

When making decisions about remote instruction, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. When implementing remote instruction, the District will ensure that it is complying with applicable teaching and learning requirements.

Definitions

a) "Asynchronous instruction" means instruction where students engage in learning without the direct presence (remote or in-person) of a teacher.

b) "Non-digital and/or audio-based instruction" means instruction accessed synchronously and/or asynchronously through paper-based materials where the student to teacher interaction occurs via telephone or other audio platforms.

c) "Remote instruction" means instruction provided by an appropriately certified teacher who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.

1. Remote instruction will encompass synchronous instruction provided through digital video-based technology and may also include asynchronous instruction intended to complement synchronous instruction. Digital video-based technology includes online technology and videoconferencing technology.

2. Remote instruction may encompass non-digital and audio-based asynchronous and/or synchronous instruction where this instruction is more appropriate for a student's educational needs.

d) "Synchronous instruction" means instruction where students engage in learning in the direct presence (remote or in-person) of a teacher in real time.

(Continued)

SUBJECT: REMOTE INSTRUCTION (Cont'd.)

Formats and Methods of Remote Instruction

Remote instruction may be delivered through a variety of formats and methods. Determinations about how to best deliver remote instruction 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 Instruction During an Emergency Condition

Emergency Remote Instruction Plan

The District-wide school safety plan will include plans for the provision of remote instruction during any emergency school closure. The emergency remote instruction plan will include:

a) Policies and procedures to ensure computing devices will be made available to students or other means by which students will participate in synchronous instruction and policies and procedures to ensure students receiving remote instruction under emergency conditions will access Internet connectivity. The Superintendent will survey students and parents and persons in parental relation to obtain information on student access to computing devices and access to Internet connectivity to inform the emergency remote instruction plan;

b) Expectations for school staff as to the proportion of time spent in synchronous and asynchronous instruction of students on days of remote instruction under emergency conditions with an expectation that asynchronous instruction is supplementary to synchronous instruction;

c) A description of how instruction will occur for those students for whom remote instruction by digital technology is not available or appropriate;

d) A description of how special education and related services will be provided to students with disabilities and preschool students with disabilities in accordance with their individualized education programs to ensure the continued provision of a free appropriate public education; and

e) If the District receives foundation aid, the estimated number of instructional hours the District intends to claim for state aid purposes for each day spent in remote instruction due to emergency conditions.

(Continued)

SUBJECT: REMOTE INSTRUCTION (Cont'd.)

Reporting of Computer and Connectivity Survey Results

No later than June 30 of each school year, the Superintendent will report to the Commissioner of Education the results of the survey on student access to computing devices and access to Internet connectivity on a form and format prescribed by the Commissioner.

Minimum Instructional Hours

Remote instruction provided on days when the District would have otherwise closed due to an emergency condition may be counted toward the annual hourly requirement for the purpose of state aid. The Superintendent will certify to the New York State Education Department, on a form prescribed by the Commissioner, that an emergency condition existed on a previously scheduled school day and that the District was in session and provided remote instruction on that day and indicate how many instructional hours were provided on that day and certify that remote instruction was provided in accordance with the District's emergency remote instruction plan.

Remote Instruction Support

As necessary, the District will provide instruction on using remote instruction 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 instruction experience.

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 instruction. 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

The District will take measures to protect the personally identifiable information of students and teachers from unauthorized disclosure or access when using remote instruction technologies in compliance with law, regulation, and District policy. 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 using encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

(Continued)

SUBJECT: REMOTE INSTRUCTION (Cont'd.)

8 NYCRR §§ 100.1, 100.5, 155.17, and 175.5

NOTE: Refer also to Policies #5681 -- School Safety Plans
#7220 -- Graduation Requirements

Adopted: 8/16/21
Revised: 4/15/24

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) and 1709(3)
8 NYCRR §§ 100.2(g), 100.2(ll), 100.3(b)(2)(iv), 100.4(b)(2)(v), and 100.4(e)(6)
8 NYCRR Parts 104, 117, and 154

Adopted: 6/10/19

Students

SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED

The Board will provide parents or persons in parental relation who are hearing impaired with meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" will include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in District meetings or activities.

Parents or persons in parental relation will be notified of the availability of interpreter services, to be provided at no charge, provided that a written request is made to the District within 14 days of the scheduled meeting or activity. Exceptions may be made for unanticipated circumstances as determined by the principal or designee. The District will also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District will appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District will also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relation when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the District will make other reasonable accommodations which are satisfactory to the parents or persons in parental relation. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include the use of:

a) Written communications, transcripts, or note takers; and

b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law § 3230
8 NYCRR § 100.2(aa)

Adopted: 6/10/19

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS/MULTI-TIERED SYSTEM OF SUPPORTS (MTSS)

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 the class to identify those students who are not making academic progress at expected rates. Screenings will be provided to all students, K through 12 at a minimum of every ten weeks;

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;

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS/MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) (Cont'd.)

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;

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 a building-level team (SBST) to review screening data, and make decisions related to student performance and intervention as needed; and

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 Board designates the Superintendent to establish a District-wide RtI Team, or MTSS Team, which shall be comprised, at a minimum, of the following representatives: Directors of Curriculum, Directors of Student Support Services, the principal of each public school building, a certified reading teacher, a school psychologist or social worker, a regular education teacher, school guidance counselor and whomever else the Superintendent deems appropriate.

It shall be the responsibility of the District-wide team to develop, review and amend, as necessary, an RtI policy that includes the following components:

a) The criteria for determining the appropriate levels of intervention; including the frequency of assessment and the assessment tools to be used;

b) The types, intensity and range of interventions provided to students at each tier and the number of tiers of intervention prior to referral to the Committee on Special Education;

c) The amount and nature of student performance data to be collected;

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS/MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) (Cont'd.)

d) The manner and frequency of progress monitoring; and

e) The data necessary for District personnel to request a referral to the CSE.

Criteria for Determining the Levels of Intervention to be Provided to Students

Using an RtI model to conduct the following tasks in accordance with the policy established by the District-wide committee shall oversee the building-level SBST teams:

a) Collect, review and analyze data pursuant to this policy;

b) Identify those students who require instruction at a more intensive level;

c) Notify the parents of students receiving RtI intervention that the student is involved in the RtI process; the techniques, strategies or programs used; and notice of the parents' right to request an evaluation for special education;

d) Review the appropriateness of the interventions used and the grouping of students to maximize effectiveness.

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.

<u>Tier One Instruction</u>

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.

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS/MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) (Cont'd.)

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 SBST.

At the conclusion of Tier Two instruction, the SBST 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.

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 SBST, 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 SBST 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.

(Continued)

SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS/MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) (Cont'd.)

Manner and Frequency for Progress Monitoring

The SBST 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 SBST 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.

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)

Adopted: 6/10/19

SUBJECT: GRADUATION REQUIREMENTS

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.

Details on general education and diploma requirements can be found at https://www.nysed.gov/curriculum-instruction/general-education-and-diploma-requirements.

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 early graduation in making its decision.

8 NYCRR Sections 100.2, 100.4(d), 100.5, 100.6, 100.7, 100.8, 100.9, and 200.5

NOTE: Refer also to Policies #7221 -- Participation in Graduation Ceremonies and Activities
#7222 -- Diploma or Credential Options for Students with Disabilities

Adopted: 6/10/19
Revised: 10/6/25

Students

SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities of his or her graduating class subject to certain exceptions. Students may be prohibited from participating in the graduation ceremony or related graduation activities as a consequence of violating the District's *Code of Conduct*.

The District permits any student to participate in the graduation ceremony and all related graduation activities of his or her high school graduating class, if the student has been awarded a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but has not otherwise qualified to receive a Regents or local diploma. While permitted to participate, these students are not required to participate in the graduation ceremony or related graduation activities of his or her high school graduating class. For purposes of this policy, a student's high school graduating class is the twelfth grade class with which he or she entered into ninth grade.

The District will provide annual written notice of this policy and any related procedures to all students and their parents or guardians.

Education Law § 3204(4-b)
8 NYCRR § 100.2(oo)

Adopted: 6/10/19
Revised: 8/16/21

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 Policies #7220 -- Graduation Requirements
#7221 -- Participation in Graduation Ceremonies and Activities
#7641 -- Transition Services

Adopted: 6/10/19
Revised: 8/16/21

SUBJECT: ADVANCED COURSEWORK

Overview

The District acknowledges that advanced coursework can foster academic excellence, enhance critical thinking skills, and prepare students for college and career success. In light of the potential benefits and opportunities, the District is committed to offering a variety of advanced coursework options.

For purposes of this policy, "advanced coursework" means any middle, high school, or college level honors, gifted, accelerated, advanced placement, international baccalaureate, dual enrollment, or concurrent-enrollment course, or a course that would offer the ability for a student to earn college credit and/or an industry recognized certification.

Types of Advanced Coursework

The District offers a variety of advanced coursework options, including but not limited to:

a) Accelerated Coursework for Eighth Grade Students

Eighth grade students have the opportunity to take high school courses in mathematics and in at least one of the following areas: English, social studies, world languages, art, music, career and technical education subjects or science courses. Using written criteria, the Superintendent or designee will determine whether an eighth grade student has demonstrated readiness to take high school courses.

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.

Credit may be awarded upon successful completion of an accelerated course and passing related examinations if certain conditions are satisfied.

b) 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.

c) Dual Credit for College Courses

Students who have demonstrated readiness for college-level courses and meet all necessary prerequisites may matriculate at any college that has a cooperative agreement with the

(Continued)

SUBJECT: ADVANCED COURSEWORK (Cont'd.)

District. Collegiate 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.

Notification

By June 1 of each school year, the District will annually notify students and parents of the benefits and opportunities within the District of participating in advanced courses. This notification will be provided electronically or by mail. This notification must also be posted on the District website.

Notification of advanced coursework must be provided to all students in every grade beginning in either grade 5 or one grade prior to the first year that advanced coursework is offered by the District, whichever grade comes first.

This notification will include:

a) The benefits of participating in advanced courses;

b) A description of the advanced courses offered by the District in middle and high school and how to prepare for and enroll in them;

c) A description of the advanced courses to be offered by the District in the following school year; and

d) A description of the academic and non-academic support the District provides to help students succeed in advanced courses, as well as any financial assistance available to reduce or eliminate any costs associated with participation in advanced courses, including, but not limited to, related fees, supplies, and assessments.

Education Law Section 817
8 NYCRR Section 100.2(ll)(2) and 100.4(d)

Adopted: 10/6/25

SUBJECT: VIRTUAL INSTRUCTION

Overview

Virtual instruction has been part of the educational landscape in New York schools for decades. Under New York State regulations, virtual instruction is not the same as remote instruction. Virtual instruction is an intentional learning course or program conducted through digital means while remote instruction is instruction that occurs due to limitations on access to a brick-and-mortar classroom.

The District is not required to offer virtual instruction and/or blended instruction but may do so in certain circumstances.

Definitions

For purposes of this policy, the following definitions apply:

a) "Asynchronous instruction" means instruction where students engage in learning without the direct presence (remote or in-person) of a teacher.

b) "Blended instruction" means instruction provided by a teacher, as prescribed in regulation, that is designed for delivery part of the time as synchronous instruction in an in-person learning environment, and part of the time as synchronous, or synchronous and asynchronous, instruction in a virtual learning environment where there is regular and substantive interaction between the student and teacher.

c) "Remote instruction" means instruction provided by an appropriately certified teacher who is not in the same in-person physical location as the student(s) receiving the instruction, where there is regular and substantive daily interaction between the student and teacher.

1. Remote instruction will encompass synchronous instruction provided through digital video-based technology and may also include asynchronous instruction intended to complement synchronous instruction. Digital video-based technology includes online technology and videoconferencing technology.

2. Remote instruction may encompass non-digital and audio-based asynchronous and/or synchronous instruction where this instruction is more appropriate for a student's educational needs.

d) "Synchronous instruction" means instruction where students engage in learning in the direct presence (remote or in-person) of a teacher in real time.

e) "Virtual instruction" means synchronous, or synchronous and asynchronous, instruction provided by a teacher that is designed for delivery in a virtual learning environment where there is regular and substantive interaction between the student and teacher.

(Continued)

SUBJECT: VIRTUAL INSTRUCTION (Cont'd.)

f) "Virtual learning environment" means an instructional and learning environment facilitated through digital video-based technology and/or a combination of an online learning management system and video-conferencing technology, where teacher-to-student, student-to-student, and/or student-to-content interactions occur solely through digital, Internet-connected technology.

Virtual Instruction and Blended Instruction

If offered by the District, a student, with permission from their parents and/or persons in parental relation as applicable, may choose to receive virtual instruction and/or blended instruction, subject to certain conditions.

Before enrolling a student in virtual instruction and/or blended instruction, the District will ensure that the student has access to the digital, Internet-connected technology and Internet access necessary to receive and participate in virtual instruction.

When offered by the District, the District will ensure that virtual instruction and blended instruction:

a) Align with applicable New York State Learning Standards;

b) Are provided in accordance with enrolled students' individualized education programs (IEPs) to ensure the continued provision of a free appropriate public education;

c) Provide for documentation of student mastery of the learning outcomes;

d) Are provided in a manner consistent with the defined terms in this policy;

e) Satisfy the unit of study and unit requirements in regulation; and

f) Are provided by an appropriately certified teacher from the District, from a BOCES that the District has contracted with to provide instruction in the subject area, or from a district who provides instruction in the subject area under a shared service agreement.

A student with a disability who is receiving virtual instruction and/or blended instruction must continue to receive educational services to enable the student to receive a free appropriate public education.

8 NYCRR Sections 100.1, 100.2(u), and 100.5

Adopted: 10/6/25

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 non-custodial 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 non-custodial 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 ensure the confidentiality of these records with respect to third parties.

(Continued)

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 postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)

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)

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 postsecondary 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 postsecondary 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 ensure 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 non-custodial 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 non-custodial 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 #7242 -- Military Recruiters and Institutions of Higher Education
#7643 -- Transfer Students with Disabilities

Adopted: 6/10/19
Revised: 8/16/21

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
34 CFR § 300.571
Education Law § 2-a

Adopted: 6/10/19

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 IV 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)

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)

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

(Continued)

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

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.

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:

(Continued)

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)

a) College or other postsecondary 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.

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 #7121 -- Diagnostic Screening of Students
#7242 -- Military Recruiters and Institutions of Higher Education
#7511 -- Immunization of Students
#7512 -- Student Physicals
#7513 -- Medication and Personal Care Items

Adopted: 6/10/19

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

A parent of a minor or incapacitated person may designate another person as a person in parental relation to that minor or incapacitated person for certain health care and educational decisions for a period not exceeding 12 months. However, this parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation in accordance with this law will not be valid unless both parents have given their consent.

The designation of a person in parental relation must be in writing in the form prescribed by law, and must include specified information as set forth in law for designations of 30 days or less, as well as additional information required for designations of more than 30 days. The designation of a person in parental relation may be presented to any school that requires the designation by either the parent or designee. The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than 30 days must be notarized.

If no time period is specified in the designation, it will be valid until the earlier of:

a) Revocation; or

b) The expiration of 30 days from the date of signature if the designation does not meet the requirements for designations of more than 30 days; or

c) Twelve months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than 30 days.

Scope of Designation

A designation made in accordance with this law may specify:

a) The treatment, diagnosis, or activities for which consent is authorized;
b) Any treatment, diagnosis, or activity for which consent is not authorized; or
c) Any other limitation on the duties and responsibilities conveyed by the designation.

Form of Designation

<u>Designations in General</u>

A designation of a person in parental relation in accordance with this law must be in writing and include:

a) The name of the parent;
b) The name of the designee;

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

c) The name of each minor or incapacitated person with respect to whom the designation is made;
d) The parent's signature; and
e) The date of the signature.

The designation may specify a period of time less than 12 months for which the designation will be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. However, any designation specifying a period of more than 30 days must also conform to the following provisions as set forth in law.

Designations for More Than 30 Days

A designation specifying a period of more than 30 days must also include:

a) An address and telephone number where the parent can be reached;

b) An address and telephone number where the designee can be reached;

c) The date of birth of each minor or incapacitated person with respect to whom the designation is made;

d) The date or contingent event on which the designation commences;

e) The written consent of the designee to the designation; and

f) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

A designation specifying a period of more than 30 days must be notarized.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or the school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation will also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute a designation will be deemed effective and complete revocation of a designation in accordance with law.

A designee who receives notification from a parent of any revocation must immediately notify any school to which a designation has been presented. A parent may directly notify the school of the revocation. The failure of the designee to notify the school of the revocation will not make the revocation ineffective.

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

Effect of Designation

a) A designee will possess all the powers and duties of a person in parental relation unless otherwise specified in the designation.

b) A designation will not impose upon a designee a duty to support the child.

c) A designation will not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child will be presumed to be a resident of the school district in which the parent resided at the time the designation was made.

d) A designation will terminate and be revoked upon the death or incapacity of the parent who signed the designation.

e) The decision of a designee will be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably, and in the good faith belief that the parent has authorized the designee to provide the consent, will not be deemed to have acted negligently, unreasonably, or improperly in accepting the designation and acting upon the consent. However, this person may be deemed to have acted negligently, unreasonably, or improperly if he or she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of General Obligations Law Title 15-A will be construed to require designation of a person in parental relation where the designation is not otherwise required by law, rule, or regulation.

Education Law §§ 2 and 3212
Family Court Act § 413
General Obligations Law Title 15-A
Public Health Law §§ 2164 and 2504

Adopted: 6/10/19
Revised: 8/16/21

SUBJECT: RIGHTS OF NON-CUSTODIAL PARENTS

The Board is mindful that various arrangements exist for the care and custody of children residing in the District. The District attempts to maintain current family information to help ensure student safety, proper communication with parents, and appropriate educational programming. Parents who are divorced, legally separated, or otherwise live apart should supply the District with relevant information and documentation, including custody orders, regarding who is responsible for the custody and care of their child, and who is permitted to make educational decisions for that child.

A non-custodial parent's participation in his or her child's education will be governed by the terms of any custody order. As a general matter, however, the District encourages non-custodial parents to participate in their child's education. Unless prohibited from doing so by a court order, non-custodial parents may request information about their child, inspect and review their child's records in accordance with the Family Educational Rights and Privacy Act (FERPA) and District policy, and otherwise remain interested in their child's education.

The District will not release students to a non-custodial parent without the custodial parent's consent. It is the parent's responsibility to inform the District if and when the child may be released to individuals other than the custodial parent in a form acceptable to the District.

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7240 -- Student Records: Access and Challenge

Adopted: 6/10/19

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: 6/10/19

SUBJECT: SUSPENSION OF STUDENTS

The Superintendent or the principal may suspend the following students from required attendance upon instruction:

a) A student who is insubordinate or disorderly; or

b) A student who is violent or disruptive; or

c) A student whose conduct otherwise endangers the safety, morals, health, or welfare of others.

Suspension

Five School Days or Less

The Superintendent or the principal of the school where the student attends has the power to suspend a student for a period not to exceed five school days. In the absence of the principal, the designated acting principal may then suspend a student for a period of five school days or less.

When the Superintendent or the principal (the "suspending authority") proposes to suspend a student for five school days or less, the suspending authority must provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority will provide an explanation of the basis for the suspension.

When suspension of a student for a period of five school days or less is proposed, the Superintendent or principal will also immediately notify the parent or person in parental relation in writing that the student may be suspended from school.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation.

The notice will provide a description of the incident(s) for which suspension is proposed and will inform the student and the parent or person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference will be in the dominant language or mode of communication used by the parents or persons in parental relation. At the informal

conference, the student or parent or person in parental relation will have the opportunity to present the student's version of the event(s) and to ask questions of the complaining witnesses.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The notice and opportunity for informal conference will take place prior to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference will take place as soon after the suspension as is reasonably practical.

Teachers will immediately report or refer a violent student to the principal or Superintendent for a violation of the District's *Code of Conduct* and a minimum suspension period.

More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five school days may be warranted, the student and parent or person in parental relation, upon reasonable notice, will have an opportunity for a fair hearing. At the hearing, the student has protected due-process rights such as the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent will not be barred from considering the admissibility of the weapon, instrument, or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of the weapon, instrument, or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

In accordance with law, Commissioner's regulations, and the District's *Code of Conduct*, minimum periods of suspension will be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises will be suspended for a period of not less than one calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce the period on a case-by-case

basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" is set forth in Commissioner's regulations.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

c) A minimum suspension period for acts that would qualify the student to be defined as a violent student in accordance with Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce the period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, disciplinary action against a student with a disability or presumed to have a disability will be in accordance with procedures set forth in the District's *Code of Conduct* and in conjunction with applicable law, and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten consecutive school days or is a pattern of removals which constitutes a change of placement, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten school days after a decision is made:

a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);

b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

c) By the Board, District Superintendent, Superintendent, or building principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team will include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of

the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

The manifestation team will review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his or her disability, the CSE will conduct a functional behavioral assessment (FBA), if one has not yet been conducted, and implement or modify a behavioral intervention plan (BIP).

An FBA is the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. An FBA must be developed consistent with the requirements of Commissioner's regulations Section 200.22(a) and will include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

BIP is a plan that is based on the results of an FBA and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the BIP.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his or her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent or person in parental relation to request a hearing

objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to the student.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability will be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age will be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age will be entitled to receive services during suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

c) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services will be determined by the CSE.

Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten school days may be placed in an IAES which is a temporary educational setting other

than the student's current placement at the time the behavior precipitating the IAES placement occurred.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 45 school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or

b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or

c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:

    1. Substantial risk of death;

    2. Extreme physical pain; or

    3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

School function means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place in another state.

School premises means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES will:

a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

b) Receive, as appropriate, an FBA and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Suspension from BOCES

The BOCES principal may suspend District students from BOCES classes for a period not to exceed five school days when student behavior warrants that action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student will be considered present for attendance purposes. The program is used to keep each student current with his or her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

BOCES Activities

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES will be considered as an act within the District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or designee.

Exhaustion of Administrative Remedies

If a parent or person in parental relation wishes to appeal the decision of the building principal or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent or person in parental relation must appeal to the Board before commencing an appeal to the Commissioner of Education. Any appeal to the Board must be commenced within 30 days from the date of the Superintendent's decision. To be timely, the appeal must be received by the District Clerk within this 30-day period.

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps will be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

18 USC § 921
Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Gun Free Schools Act, 20 USC § 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015
34 CFR Part 300
Education Law §§ 310, 2801(1), 3214, and 4402
Penal Law § 265.01
8 NYCRR §§ 100.2(l)(2), 200.4(d)(3)(i), 200.22, 275.16, and Part 201

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

Adopted: 6/10/19

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or the District *Code of Conduct* and who was not identified as a student with a disability at the time of the behavior, may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and state regulations if the District is deemed to have had knowledge that the student was a student with a disability before the behavior occurred.

Basis of Knowledge

The District will be deemed to have had knowledge that the student had a disability if, prior to the time the behavior occurred:

a) The parent of the student expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student needs special education and related services. Expressions of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;

b) The parent of the student requested an evaluation of the student in writing; or

c) A teacher of the student, or other District personnel, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel.

Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above:

a) The parent of the student did not allow an evaluation of the student in accordance with law and/or regulations;

b) The parent of the student refused services under law and/or regulations; or

c) The student was evaluated and it was determined that the student is not a student with a disability.

Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent of the student or by District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it will be the responsibility of the Superintendent, building principal, or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

(Continued)

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES (Cont'd.)

Conditions That Apply if There is No Basis of Knowledge

If it is determined that there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which the student is subjected to a disciplinary removal, an expedited evaluation will be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student will remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the District will provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
8 NYCRR § 201.5

NOTE: Refer also to Policy #7313 -- Suspension of Students

Adopted: 6/10/19

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)

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: 6/10/19

Students

SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY

The District consulted with local stakeholders including employee organizations representing each bargaining unit, parents, and students to develop this policy to prohibit the use of Internet-enabled devices by students during the school day on school grounds. This policy aims to ensure that students remain focused on their academic responsibilities throughout the school day, which includes all instructional and non-instructional periods such as homeroom, lunch, recess, study halls, and passing time.

For purposes of this policy, the following definitions apply:

a) "Internet-enabled devices" means and includes any smartphone, tablet, smartwatch, or other device capable of connecting to the Internet and enabling the user to access content on the Internet, including social media applications;

"Internet-enabled devices" does not include:

1. Non-Internet-enabled devices such as cellular phones or other communication devices not capable of connecting to the Internet or enabling the user to access content on the Internet; or

2. Internet-enabled devices supplied by the District, charter school, or Board of Cooperative Educational Services (BOCES) that are used for an educational purpose.

b) "School day" means the entirety of every instructional day as required by subdivision 7 of the Education Law Section 3604 during all instructional time and non-instructional time, including but not limited to homeroom periods, lunch, recess, study halls, and passing time.

c) "School grounds" means in or on or within any building, structure, athletic playing field, playground, or land contained within the real property boundary line of a district elementary, intermediate, junior high, vocational, or high school, a charter school, or a BOCES facility.

Students are generally prohibited from using Internet-enabled devices during the school day anywhere on school grounds.

However, students may be authorized to use an Internet-enabled device during the school day on school grounds:

a) If authorized by a teacher, principal, or the District for a specific educational purpose;

b) Where necessary for the management of a student's health care;

c) In the event of an emergency;

(Continued)

SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY (Cont'd.)

d) For translation services;

e) On a case-by-case basis, upon review and determination by a school psychologist, school social worker, or school counselor for a student caregiver who is routinely responsible for the care and well-being of a family member; or

f) Where required by law.

Students must be permitted to use an Internet-enabled device where the use is included in the student's:

a) Individualized Education Program (IEP); or

b) Section 504 Plan.

On-Site Storage of Internet-Enabled Devices Including Cell Phones

Any student who brings their personal electronic devices onto school district property must have such devices silenced (without vibration) and put away in their district-issued Yondr pouch for the entire instructional day, including time spent in class, lunch, study hall, detention, in-school suspension, and between classes. Electronic devices shall be returned to the student at the end of the instructional day. Exceptions may be granted as outlined below.

Methods for Parents to Contact Students During the School Day

During the school day, to minimize distractions, parents/legal guardians (which, for purposes of this policy, includes persons in parental relation) may contact their children by calling the main office of their child's school. Students may contact their parents by calling from their school's main office. The District will notify parents in writing of the communication protocol at the beginning of each school year and upon enrollment.

Student Discipline for Accessing Internet-Enabled Devices During the School Day

The District is prohibited from suspending a student solely for accessing Internet-enabled devices in violation of this policy.

(Continued)

SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY (Cont'd.)

Posting and Translation of Policy

The District will post this policy in a clearly visible and accessible location on its website. Translations of the policy into the 12 most common non-English languages spoken by limited-English proficient individuals in the state will be provided upon request by a student or other persons in parental relation to a student.

Reporting and Mitigation Action Plan

Beginning September 1, 2026 and annually thereafter, the District will publish an annual report on its website detailing enforcement of this policy within the District in the prior school year. This report will include non-identifiable demographic data of students who have faced disciplinary action for non-compliance and analysis of any demographic disparities in enforcement of this policy. If a statistically significant disparate enforcement impact is identified, the report will include a mitigation action plan.

Education Law Section 2803

Adopted: 6/10/19
Revised: 8/18/25

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)

Prohibited Conduct

The Board recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes), cannabis (marijuana), 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 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, cannabis (marijuana), drugs, or other prohibited substances on school grounds or at school functions. "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

Exceptions may exist for authorized medical cannabis use.

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, cannabis (marijuana), 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: Director of Health, Physical Education and Athletics.

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.

(Continued)

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

20 USC §§ 6083(a), 7118, and 7973(a)
Cannabis Law § 127
Education Law §§ 409, 2801, and 3038
Penal Law § 222.10
Public Health Law §§ 1399-n and 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment
#3410 -- Code of Conduct
#5640 -- Smoking, Tobacco, and Cannabis (Marijuana) Use
#6150 -- Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#8240 -- Instruction in Certain Subjects
District *Code of Conduct*

Adopted: 6/10/19
Revised: 8/16/21; 3/6/23

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

A student may be searched and prohibited items seized on school grounds or in a school building by an authorized District official only when he or she has reasonable suspicion to believe the student has engaged in or is engaging in activity which is in violation of the law and/or the rules of the school (i.e., the District *Code of Conduct*). The reasonableness of any search involves a twofold inquiry: 1) school officials must first determine whether the action was justified at its inception, and 2) determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

a) The age of the student;

b) The student's school record and past history;

c) The predominance and seriousness of the problem in the school where the search is directed;

d) The probative value and reliability of the information used as a justification for the search;

e) The school official's prior knowledge of and experience with the student; and

f) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Whenever possible, searches will be conducted by a staff member of the same sex as the student and another staff member will be present as a witness.

Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Strip searches are intrusive in nature and are almost never justified. If school officials have highly credible evidence that such a search would prevent danger or yield evidence, such a search may be conducted under exigent circumstances. In the alternative, if school authorities believe there is an emergency situation that could threaten the safety of others, the student

will, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

Scope of Search

School officials are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the *Code of Conduct*.

School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person and property.

Searches and Seizure of School Property

Student desks, lockers, textbooks, computers, and other materials, supplies, or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time without prior notice and without their consent. The purpose of these searches, when they occur, is to ensure the safety of students, faculty, and staff, enhance school security and prevent disruptions of the learning environment. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over this property. However, a student's personal belongings contained within a locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.

Parent Notification

The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this policy.

Documentation of Searches

The designated school official conducting the search will be responsible for the custody, control, and disposition of any illegal, prohibited, or dangerous items taken from the student. The school official or designee must clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police or secured by alternate means.

This school official will also be responsible for promptly documenting information about the search including, but not limited to, the reason for the search, the purpose of the search, the type and scope of the search, and the results of the search.

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

Questioning of Students by School Officials

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, school officials may conduct investigations concerning reports of misconduct including, but not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private outside the presence of other students, by the appropriate school administrator(s). The student's parent or guardian may be contacted; the degree, if any, of parental or guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning or interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right or responsibility of school officials to contact appropriate law enforcement agencies, as necessary, with regard to statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of, or on behalf of law enforcement officials, are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him or her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

Law Enforcement Officials

A cooperative effort will be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

School Resource Officers

The District may utilize School Resource Officers (SROs), i.e., law enforcement officers who work within the school building. There are different types of SROs: those employed by the District and those employed by local law enforcement. SROs, acting in their capacity as law enforcement, are held

(Continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS (Cont'd.)

to a different search standard than District staff. Searches by law enforcement SROs must be justified by probable cause, not the District's standard of reasonable suspicion. District staff need to clearly establish who is initiating and conducting a search, the District or law enforcement, and that the appropriate standard for the search has been met.

Dissemination of Information

Copies of this policy will be distributed to students when they enroll in school, and will be included in the District *Code of Conduct* available to students and parents at the beginning of each school year.

Interrogation of Students by Law Enforcement Officials

Generally, police authorities may only interview students on school premises without the permission of the parent or guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations or general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they must address the matter directly with the student's parent or guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent or guardian.

If possible, questioning of a student by police will take place in a private area outside the presence of other students but in the presence of the building principal or designee.

Child Protective Services' Investigations

Occasionally, Child Protective Services (CPS) may desire to conduct interviews of students on school property. These interviews generally pertain to allegations of suspected child abuse or maltreatment. The Board encourages cooperation with CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law.

Education Law §§ 1604(9), 1604(30), 1709(2), 1709(33), and 2801
Family Court Act § 1024

Social Services Law §§ 411-428
8 NYCRR § 100.2(l)

Adopted: 6/10/19

SUBJECT: BUS RULES

The District furnishes transportation to students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding school buses is a privilege which may be revoked if the student does not comply with the rules set forth in the *Code of Conduct*.

Bus drivers will be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his or her passengers safely.

The Board and the Superintendent or designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s) or guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, if a suspension from transportation effectively results in absence from school because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District will make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his or her IEP is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student will be referred to the Committee on Special Education.

Individuals with Disabilities Act (IDEA), 20 USC §§ 1400-1485
8 NYCRR § 156

Adopted: 6/10/19

SUBJECT: TIMEOUT

Overview

The District prohibits the use of corporal punishment, aversive interventions, and seclusion. The District authorizes the limited use of timeout and physical restraint in schools to address student behaviors, subject to conditions in law, regulation, and this policy.

Definitions

For purposes of this policy, the following definitions apply:

a) "Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and may be implemented for students with a behavior intervention plan ("BIP") to be used when students are:

1. Overwhelmed

2. Experiencing over-stimulation

3. Out of control

4. Engaging in behaviors that place the student or others at risk of immediate harm or injury

Timeout is designed to help the student:

a) Deescalate (increase control over their emotions and behavior)

b) Regain control and reduce the present threat and potential level of danger to the student or others

c) Prepare the student to meet expectations and return to their education program

Staff shall return the student to their education program after timeout as soon as the student has safely deescalated, regained control and is prepared to meet expectations.

Timeout may not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

(Continued)

SUBJECT: TIMEOUT (Cont'd.)

Timeout does NOT include:

a) A student-initiated or student-requested break;

b) Use of a room or space containing tools or activities to assist a student to calm; or the use of such intervention strategies consistent with a student's behavioral intervention plan ("BIP"); or

c) A teacher removal, in-school suspension; or any other appropriate disciplinary action.

Authorized Limited Use of Timeout

The following rules apply to the use of timeout in the District:

a) Timeout may only be used when:

1. There is a situation that poses an immediate concern for the physical safety of the student and others;

2. Other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others;

3. School staff using such interventions have been trained in the safe and appropriate application and use of timeout.

b) A room or physical space used for timeout may be located within a classroom or outside of the classroom and must comply with the following requirements:

1. Be unlocked, and any door must be able to be opened from the inside.

2. The use of locked rooms or physical spaces is prohibited.

3. Provide for the continuous visual and auditory monitoring of the student.

4. Be of an adequate width, length, and height to allow the student to move about and recline comfortably.

5. Be clean and free of potentially dangerous objects and/or fixtures.

6. Meet all local fire and safety codes.

(Continued)

SUBJECT: TIMEOUT (Cont'd.)

7. Wall and floor coverings shall, to the extent practicable, be designed to prevent injury to the student.

8. Provide adequate lighting and ventilation.

9. The temperature of the room or physical space shall be within the normal comfort range consistent with the rest of the building.

Parental Notification of Policy and Opportunity to Inspect the Room or Space to be Used for Timeout

Before an individualized education plan ("IEP") with a behavior intervention plan ("BIP") that provides for use of timeout is implemented, parents must:

a) Be offered an opportunity to view the room or space to be used for timeout

b) Be provided with a copy of this policy

Developmentally Appropriate Time Limitations for the Use of Timeout

Based on the student's age and individual needs, a behavior intervention plan ("BIP") must identify a developmentally appropriate time limitation for the use of timeout.

a) Time limitation maximum may be individualized for students in their behavior intervention plans ("BIPs"), which will take precedence over the District maximum timelines.

b) At no time may a student remain in timeout longer than 30 minutes at a time at the elementary level and 60 minutes at a time at the secondary level.

Training and Monitoring

a) All staff shall receive annual training on the school's policies and procedures related to the use of timeout, including evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques;

b) In addition to the above training requirements for all staff, any staff who may be called upon to implement timeout shall also receive annual evidence-based training in safe and effective developmentally appropriate timeout procedures;

c) Staff functioning as timeout monitors must be trained;

d) Staff must continuously monitor the student in a timeout room or space.

(Continued)

SUBJECT: TIMEOUT (Cont'd.)

Documentation

The school shall maintain documentation of each incident involving the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan ("BIP"). The documentation shall include:

a) The student's name;

b) The student's date of birth;

c) Setting and location of the incident;

d) The name of the staff who participated in the implementation, monitoring, and supervision of the use of timeout any other persons involved;

e) A description of the incident, including duration (total amount of time the student was in timeout);

f) Whether the student has an individualized education program ("IEP"), Section 504 accommodation plan, behavioral intervention plan ("BIP") or other plan developed for the student by the school;

g) A list of all positive, proactive intervention strategies utilized prior to the use of timeout; and for students with disabilities, whether those strategies were consistent with the student's BIP, if applicable;

h) Details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;

i) Date and method of notification to the parent or person in parental relation to the student, and whether a meeting was held; and

j) The date of debriefing with staff who participated in the use of timeout with a school administrator or their designee.

k) Documentation of the incident shall be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.

l) Documentation of each incident shall be maintained by the school and made available for review by the NYS Department of Education, upon request.

(Continued)

SUBJECT: TIMEOUT (Cont'd.)

Debriefing After Timeout

As soon as practicable, and after every incident in which timeout is used on a student, a school administrator or designee shall meet with school staff who participated in the use of timeout to discuss:

a) The circumstances leading to the use of timeout and/or physical restraint;

b) The positive, proactive intervention strategies that were used prior to the use of timeout;

c) Planning for the prevention and reduction of the future need for timeout with the student, including, if applicable, whether a referral shall be made for special education programs and/or other support services; or for a student with a disability, whether a referral for review of the student's IEP and/or BIP is needed; and

d) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout.

Same-Day Parent Notification of Timeout Use

a) Parents shall be notified the same day that timeout is used, including timeout in conjunction with a student's behavioral intervention plan ("BIP").

    1. Notification shall provide the parents or persons in parental relation to the student the opportunity to meet regarding the incident; and

    2. Provide the parent or person in parental relation to the student a copy of the documentation of the incident within three school days of the use of timeout.

b) When a student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the school principal or building administrator shall record such attempts.

c) For students with disabilities, the school principal or building administrator shall report such attempts to the student's committee on preschool special education or committee on special education.

Review of Documentation

a) The school administrator or designee shall regularly review documentation on the use of timeout to ensure compliance with the school's policy and procedures.

b) When there are multiple incidents within the same classroom or involving the same staff, the school administrator or designee shall take appropriate steps to address the frequency and pattern of use.

(Continued)

SUBJECT: TIMEOUT (Cont'd.)

8 N.Y.C.R.R. § 19.5
8 N.Y.C.R.R. § 100.2(2)(bb)
8 N.Y.C.R.R. §§ 200.1 (lll), 200.1(mmm); 200.7(a)(2)(i)(f); 200.7(a)(3); 200.7(b)(8); 200.15(b)(3); 200.22(b)(c),(d)
Chapter 516 of the Laws of 2022

Adopted: 6/10/19
Revised: 4/15/24

SUBJECT: PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT - PHYSICAL RESTRAINT POLICY

Overview

The health and safety of our students is a primary concern. State regulations expressly prohibit the use of corporal punishment, aversive interventions, prone restraint, and seclusion as a consequence, punishment, a means of retaliation, coercion, or to exercise dominance over a student by physical means, and shall not constitute a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

The District prohibits the use of corporal punishment, aversive interventions, and seclusion, and only permits the limited use of physical restraint or timeout as authorized by State regulations and guidance. Prone restraint is expressly prohibited.

Positive, proactive, and evidence and research based strategies through a multi-tiered system of supports, shall be used to reduce the occurrence of challenging behaviors, eliminate the need to use timeout and physical restraint, and improve school climate and safety for all students.

Definitions

For purposes of this policy, the following definitions apply:

a) "Aversive intervention" means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including interventions such as:

1. Contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes, or other similar stimuli;

2. Any form of noxious, painful, or intrusive spray, inhalant, or tastes;

3. Contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;

4. Movement limitation used as a punishment, including, but not limited to, helmets any mechanical restraints; or

5. Other stimuli or actions similar to the interventions described in this definition.

Aversive intervention does not include interventions such as: voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token

(Continued)

SUBJECT: PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT - PHYSICAL RESTRAINT POLICY (Cont'd.)

economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

b) "Corporal punishment" means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints to protect the student, another student, teacher, or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.

c) "De-escalation" means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.

d) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;

2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;

3. Restraints for medical immobilization; or

4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

e) "Multi-tiered system of supports" means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement

for all students and support students' social, emotional, and behavioral needs from a culturally responsive and strength-based perspective.

f) "Physical escort" means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely.

(Continued)

SUBJECT: PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT - PHYSICAL RESTRAINT POLICY (Cont'd.)

g) "Physical Restraint" means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.

h) "Prone restraint" means physical or mechanical restraint while the student is in a face down position.

i) "Seclusion" means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout.

j) "Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of deescalating, regarding control, and preparing the student to meet expectations to return to their program. The term timeout shall not include (1) a student-initiated or student-requested break; (2) use of a room or space containing tools or activities to assist a student to calm, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan (BIP), or (3) a teacher removal, in-school suspension; or any other appropriate disciplinary action.

Limited Authorized Use of Physical Restraints

The use of physical restraint is authorized in very limited cases and only where it is determined that an emergency exists to such an extent that physical restraint is necessary to:

a) Protect the student from imminent risk of physical harm;

b) Protect another student, teacher, or other person from imminent risk of danger or serious physical harm.

A physical restraint may only be used in situations in which immediate intervention involving the use of reasonable force is necessary to prevent imminent danger of serious physical harm to the student or others. The type of physical restraint used shall be the least restrictive technique necessary and shall be discontinued as soon as the imminent danger of serious physical harm has resolved.

(Continued)

SUBJECT: PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT - PHYSICAL RESTRAINT POLICY (Cont'd.)

a) Physical restraint shall never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.

b) The use of prone restraint is prohibited.

c) Physical restraint shall not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan or other plan developed by the school.

d) Physical restraint shall not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.

e) Physical restraint shall not be used as a discipline, punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

Use of Physical Restraint

Physical restraint may only be used:

a) Only after less restrictive and intrusive interventions and de-escalation techniques have been implemented and/or would not prevent imminent danger of serious physical harm to the student or others;

b) There is no known medical contraindication to its use on the student; and

c) School staff using such interventions have been trained in its safe and appropriate application.

Less intrusive approaches include, but are not limited to:

a) The use of de-escalation diversions;

b) Verbal interventions;

c) Limited-time ignoring of a specific behavior;

d) Brief physical prompts to interrupt or prevent a specific behavior;

(Continued)

SUBJECT: PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT - PHYSICAL RESTRAINT POLICY (Cont'd.)

e) Interventions medically necessary for the treatment or protection of the student; or

f) Use of voice control, limited to loud, firm commands.

Physical restraint shall not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.

Procedures

Physical restraints shall be administered by staff who have been trained in their safe and appropriate applications.

Documentation of each incident involving the use of physical restraint on a student must be generated and maintained by the school.

Following a physical restraint, the school nurse or other medical personnel shall evaluate the student to determine and document if any injuries were sustained during the incident.

As soon as practicable, and after every incident in which timeout or physical restraint is used on a student, a school administrator or their designee shall meet with the school staff that participated in the use of the physical restraint to discuss:

a) The circumstances leading to the use of physical restraint,

b) The positive, proactive intervention strategies that were utilized prior to the use of physical restraint;

c) Planning for the prevention and reduction of the future need for physical restraint with the student, including, if applicable, whether a referral should be made for special education programs and/or other support services, or for a student with a disability, whether a referral for review of the student's individualized education program and/or behavior intervention plan is needed; and

d) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of physical restraint.

(Continued)

SUBJECT: PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT - PHYSICAL RESTRAINT POLICY (Cont'd.)

The school administrator or designee shall regularly review documentation on the use of physical restraint to ensure compliance with the school's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the school administrator or designee shall take appropriate steps to address the frequency and pattern of use.

Documentation

The school shall maintain documentation of each incident involving the use of physical restraint on a student. The documentation shall include:

a) The student's name;

b) The student's date of birth;

c) Setting and location of the incident;

d) The name of the staff who participated in the implementation, monitoring and supervision of the use of physical restraint and any other persons involved;

e) A description of the incident, including duration and type of restraint used;

f) Whether the student has an IEP, Section 504 accommodation plan, BIP or other plan developed for the student by the school;

g) A list of all positive, proactive intervention strategies utilized prior to the use of physical restraint, and for students with disabilities, whether those strategies were consistent with the student's BIP, if applicable;

h) Details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;

i) Date and method of notification to the parent or person in parental relation to the student, and whether a meeting was held;

j) The date of debriefing with staff who participated in the use of timeout with a school administrator or their designee.

(Continued)

SUBJECT: PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT - PHYSICAL RESTRAINT POLICY (Cont'd.)

Debriefing After Physical Restraint

As soon as practicable, and after every incident in which physical restraint is used on a student, a school administrator or designee shall meet with school staff who participated in the use of physical restraint to discuss:

a) The circumstances leading to the use of physical restraint;

b) The positive, proactive intervention strategies that were used prior to the use of physical restraint;

c) Planning for the prevention and reduction of the future need for the use of physical restraint with the student, including, if applicable, whether a referral shall be made for special education programs and/or other support services, or for a student with a disability, whether a referral for review of the student's IEP and/or BIP is needed; and

d) Direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of physical restraint.

Same Day Parent Notification and Documentation

a) The principal or other school administrator shall notify the parents or person in parental relation to the student the same day that a physical restraint is used to offer the opportunity to meet regarding the incident.

b) When a student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the school principal or building administrator shall document all attempts made.

c For students with disabilities, the school principal or building administrator shall report such attempts to the student's committee on preschool special education or committee on special education.

d) Within three (3) school days of the use of physical restraint, the school administrator will provide the parent or person in parental relation to the student a copy of the documentation of the incident.

(Continued)

SUBJECT: PROHIBITION OF CORPORAL PUNISHMENT, AVERSIVE INTERVENTIONS, AND SECLUSION AND THE AUTHORIZED LIMITED USE OF TIMEOUT AND PHYSICAL RESTRAINT - PHYSICAL RESTRAINT POLICY (Cont'd.)

Training

All staff shall receive annual training on the school's policies and procedures related to the use of physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques.

In addition to the training requirements for all staff, any staff who may be called upon to implement physical restraint, shall receive annual, evidence-based training in safe and effective developmentally appropriate physical restraint procedures.

Review of Documentation

The school administrator or designee shall regularly review documentation on the use of physical restraint to ensure compliance with the school's policy and procedures.

When there are multiple incidents within the same classroom or involving the same staff, the school administrator, or their designee, shall take appropriate steps to address the frequency and pattern of use.

8 NYCRR §§ 19.5; § 100.2(l)(3); § 200.1(lll); § 200.7(a)(2)(i)(f); (a)(3); § 200.7(b)(8); § 200.15(b)(3); and § 200.22 (b)(3); (c); (d);
Chapter 516 of the Laws of 2022.

Adopted: 4/15/24

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. These referrals will be made as follows: a student who is under the age of 16 and who is not a 14 or 15 year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is 16 years old or older, or who is 14 or 15 and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

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 Policies #3411 -- Prohibition of Weapons on School Grounds
#7313 -- Suspension of Students
District *Code of Conduct*

Adopted: 6/10/19

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 though 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: 6/10/19
Revised: 8/16/21

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) and sudden cardiac arrests as specified in the Commissioner's regulations.

b) Have a current health examination and, if the health examination was not completed within 30 days of the start of the season, a completed and signed interval health history form.

c) Obtain medical clearance from the District's Medical Director.

d) Meet the requirements for interscholastic competition as set forth by the Commissioner's regulations and NYSPHSAA.

e) Comply with all District rules, codes, and standards applicable to athletic participation.

Title IX Compliance

The Board supports equal athletic opportunities for all students through interscholastic and intramural activities. To ensure equal athletic opportunities for its students, the District will consider, among other factors:

a) Whether the selection of sports and levels of competition effectively accommodate all students' interests and abilities;

b) The provision of equipment and supplies;

c) Scheduling of games and practice time;

d) Travel costs and opportunities for travel;

e) Assignment and compensation of coaches;

f) The provision of locker rooms, practice facilities, and competitive facilities;

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

g) Available medical and training facilities and services; and

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. The Title IX Coordinator(s) 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, 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 Interschool 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 all secondary school interscholastic team members. 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

The coach should ensure that any player injured while under their 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 their coach of all injuries, even if it happens outside of school. No student will be allowed to practice or compete if there is a question whether they are in adequate physical condition. A physician's certification may be required before an athlete is permitted to return to practice or competition

(Continued)

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.

Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

a) "Athletic activities" means participation in sessions for instruction and practice in skills, attitudes, and knowledge through participation in individual, group, and team activities organized on an intramural, extramural, interschool athletic, or inclusive athletic basis to supplement regular physical education class instruction, otherwise known as extraclass periods in physical education or extraclass activities.

The District promotes safe athletic activities and strives to prevent incidents of sudden cardiac arrest in students by:

a) Including information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest in any document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports, including a permission or consent form;

b) Immediately removing from athletic activities any student who displays signs or symptoms of pending or increased risk of sudden cardiac arrest;

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)

c) Prohibiting any student from resuming athletic activities until the student has been evaluated by and received written and signed authorization from a licensed physician and until the student has been evaluated and received clearance from the District's Medical Director to resume athletic activities;

d) Requiring the licensed physician's written and signed authorization to be kept on file in the student's permanent health record;

e) Abiding by any limitations or restrictions concerning school attendance and athletic activities issued by the student's treating physician;

f) Requiring coaches of extra periods in physical education to hold a valid certification in first aid knowledge and skills including instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; and

g) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of NYSED and the New York State Department of Health.

Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.
34 CFR §§ 106.8, 106.41, and 106.45
45 CFR § 86.41
Education Law §§ 305, 923, and 3208-a
8 NYCRR §§ 135.4, 135.5, 136.3, 136.5, and 136.9

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
#8240 -- Instruction in Certain Subjects

Adopted: 6/10/19
Revised: 3/6/23; 4/15/24

SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS

Contests for Students

Distribution of educational material, essay contests, and poster contests must be approved in advance by the building principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. As determined by the building principal, the request may be forwarded to the Superintendent and the Board for approval.

Student Awards and Scholarships

The District may obtain and give certain awards and scholarships to its students. The Board will hold in trust gifts, grants, bequests, and legacies given or bequeathed to the District, and it will apply the same or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law §§ 1604(30), 1709(12-a), and 2503(1)

Adopted: 6/10/19

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 16 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 District will inform students of New York State's requirements for voter registration and pre-registration, as well as provide access to voter registration and pre-registration applications during the school year and provide assistance with filing these applications. 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: 8/16/21
Revised: 4/15/24

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 Board 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 V III, § 1
Education Law § 414
8 NYCRR § 19.6

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations

Adopted: 6/10/19

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

The Board affirms in writing to the New York State Education Department, the responsibilities of the District, consistent with applicable statutory or case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board policy will prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with federal law.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which will supersede any and all Board policies to the contrary.

United States Constitution, First Amendment
Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015, § 9524
Equal Access Act, 20 USC §§ 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adopted: 6/10/19

SUBJECT: STUDENT GOVERNMENT

Student government organizations enhance civic engagement and leadership preparedness. Civic-ready students use civic knowledge, skills, and mindsets to make decisions and take actions for themselves, their communities, and the public good as members of a culturally diverse, democratic society.

Recognizing the benefits of student government organizations, the District has established a student government for each high school in the District.

The student government will serve as a liaison between the student body and school administration, representing student perspectives in district policies and programs. It will meet regularly to discuss and address student interests and concerns, and to plan activities that promote civic engagement and school spirit.

The District will establish guidelines and procedures for the operation of the student government.

Education Law Section 817

NOTE: Refer also to Policy #7410 -- Extracurricular Activities

Adopted: 10/6/25

SUBJECT: SCHOOL HEALTH SERVICES

The District will provide and maintain a continuous program of health services which includes, but is not limited to:

a) Providing medical examinations and health screenings designed to determine the health status of the student;

b) Informing parents or other persons in parental relation to the student, pupils, and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has impaired sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;

c) Where the exigencies warrant (where the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;

d) Guiding parents, students, and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;

e) Instructing school personnel in procedures to take in case of accident or illness;

f) Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies, and the general public regarding school health conditions, services, and factors relating to the health of students;

g) Providing inspections and supervision of the health and safety aspects of the school facilities;

h) Providing health examinations before participation in strenuous physical activity and periodically throughout the season as necessary;

i) Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges; and

j) Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

Education Law Article 19
8 NYCRR Part 136

Adopted: 6/10/19

SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable unless a New York State licensed physician certifies that the immunization may be detrimental to the child's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the child's health. Medical exemptions must be reissued annually.

Except for a valid medical exemption, the District will not permit a child lacking acceptable evidence of required immunizations to remain in school for more than 14 days or more than 30 days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

Whenever a child has been refused admission to or continued attendance at a District school for lack of acceptable evidence of immunization, immunity, or exemption, the principal of the school will:

a) Notify the person in parental relation to the child of his or her responsibility to have the child immunized and of the public resources available for doing so;

b) Notify the local health authority of the name and address of the excluded child and of the immunization or immunizations which the child lacks; and

c) Provide, with the cooperation of the local health authority, for a time and place at which the required immunization or immunizations may be administered.

For homeless children, the enrolling school must immediately refer the person in parental relation to the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to persons in parental relation.

Education Law §§ 310 and 914
Public Health Law §§ 613 and 2164
8 NYCRR §§ 100.2 and 136.3
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted: 6/10/19
Revised: 8/16/21

SUBJECT: STUDENT PHYSICALS

Health Examination

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 12 months prior to the commencement of the school year of the student's entrance into:

a) A District school at any grade level;

b) Prekindergarten or kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges.

Health Certificate

Each student must submit a health certificate attesting to the health examination within 30 calendar days after their entrance into:

a) A District school at any grade level;

b) Prekindergarten or kindergarten; and

c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

If a student does not submit the required health certificate within 30 calendar days after their entrance, the building principal or designee will send a notice to the student's parent or person in parental relation stating that if the required health certificate is not submitted within 30 calendar days from the date of the notice, the Director of School Health Services will conduct an examination by health appraisal of the student.

The health certificate will be filed in the student's cumulative record. The health certificate must:

a) Be on a form prescribed by the Commissioner;

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;

c) State the results of any test conducted on the student for sickle cell anemia;

d) State whether the student is in a fit condition of health to permit their attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student;

e) State the student's body mass index (BMI) and weight status category; and

f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:

1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

Dental Health Certificate

The District will request a dental health certificate from each student at the same time that health certificates are required.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of

the student's school.

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and

b) State whether the student is in fit condition of dental health to permit their attendance at a District school; and

c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:

1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or

2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

Examination by Health Appraisal

The building principal or designee will report to the Director of School Health Services the names of all students who are required to and have not submitted the required health certificate or who are students with disabilities. The Director of School Health Services will separately and carefully examine and test students who are required to and have not submitted the required health certificate and students with disabilities to determine whether any student has impaired sight or hearing, or any other physical disability which may prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of work to prevent injury to the student.

Each examination will also include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless prohibited by law, if it is determined that a student has impaired sight or hearing, or other physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student's parent or person in parental relation as to the existence of the disability. If the parent or person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the Director of School Health Services, who then has the duty to provide relief for the student.

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

District Reporting of BMI and Weight Status Category

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report this information online. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in this survey.

Lead Screenings

Prior to or within three months after initial enrollment of a student under six years old, the District will obtain from the student's parent or person in parental relation evidence that the student has been screened for lead. If the District does not receive evidence that the student has been screened for lead, the District will provide the student's parent or person in parental relation with information on lead poisoning in children and lead poisoning prevention, as well as refer the parent or person in parental relation to a primary care provider or the local health authority for a blood lead test.

Health Screenings

The District will provide a:

a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within 90 calendar days after the finding;

b) Vision screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. The results of all vision screening examinations will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school; and

c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. In addition, all students will receive a hearing screening in grades prekindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at

any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation and to any teacher of the student while the student is enrolled in the District school.

(Continued)

SUBJECT: STUDENT PHYSICALS (Cont'd.)

The results of all health screenings will be recorded in the student's cumulative health record which will be maintained by the school for at least as long as the minimum retention period for these records.

Student Health Records

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that the examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case they may require supporting documents.

Students in Temporary Housing

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 USC § 1232g
Education Law §§ 903, 904, 905, and 3220
Public Health Law § 1370-d
8 NYCRR §§ 136.1 and 136.3

NOTE: Refer also to Policies #5690 -- Exposure Control Program
#5691 -- Communicable Diseases
#5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
#7121 -- Diagnostic Screening of Students
#7131 -- Education of Students in Temporary Housing
#7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors

#7420 -- Sports and the Athletic Program
#7510 -- School Health Services
#7511 -- Immunization of Students
#7522 -- Concussion Management

Adopted: 6/10/19
Revised: 8/16/21; 4/15/24

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS

Administration of Medication

The school's registered professional nurse 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.

Self-Administration of Medication

Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with the District. Further, the school will maintain a record of all written parental consents in the student's cumulative health record.

(Continued)

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

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-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:

(Continued)

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

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, 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.

(Continued)

SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)

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 Items

Feminine 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.

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

Adopted: 6/10/19

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 prekindergarten 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: 6/10/19

Students

SUBJECT: DISTRICT SUN SAFETY POLICY

Rationale and Purpose

The Gloversville Enlarged School District's Board of Education along with the New York State Department of Health and the Centers for Disease Control and Prevention recognizes that the sun's ultraviolet (UV) radiation can cause skin cancer. To help prevent skin cancer, the District will support sun safety behaviors in students; create environmental supports to avoid overexposure to the sun when students are outdoors; and provide key sun safety education; and communication with students and families. The Board directs that the Gloversville Enlarged School District will implement the following sun safety policy.

Policy

Hats, Protective Clothing and Sunglasses while outdoors

Students will be allowed and encouraged to wear articles of sun protective clothing when outdoors, including during the school day, athletic events and afterschool programs. The District's Student Dress Code will continue to specify the type(s) of clothing that are, or are not, permissible on campus. When students are outdoors, they will be allowed to wear sunglasses, which protect the eyes from UV radiation. When students are engaged in activities outdoors, they will be allowed to wear hats to cover their scalp, forehead and back of neck from UV radiation.

Sunscreen

Students who are participating in outdoor interscholastic sports will be encouraged and can carry and use topical, over the counter sunscreen products approved by the US Food and Drug Administration with written permission of the parent or guardian of the student. An annually updated record of this permission must be maintained by the school. Students who are physically unable to apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or guardian and authorized school. The sunscreen must be used for the purpose of avoiding overexposure to the sun (during the athletic training and practices and events) and not for medical treatment of an injury or illness. Individual sunscreen containers cannot be shared with other students and must be provided by parents or guardians. Public use sunscreen dispensers will be housed at the athletic fields for interscholastic sports for the Gloversville High School and Middle School Campus and maintained by the grounds crew.

Shade Protection

School administrators, building and grounds personnel, and other District employees will

consider the availability of shade when planning outdoor activities. Appropriate staff will encourage shade options for students and staff and will encourage the use of shaded or indoor areas or EZ up portable tents or shade sails for congregation and recreation areas as appropriate. Appropriate staff will also survey the school campus to identify existing shaded areas, and non-shaded areas where the addition of shade would be practical and desirable.

(Continued)

SUBJECT: DISTRICT SUN SAFETY POLICY (Cont'd.)

Priority will be given to including ample shade in new construction plans and adding shade when remodeling school facilities.

Education and Communication

All District staff will be provided a copy of this policy. Educators will be allowed to provide education at each grade level, prekindergarten through 12, which relates to skin cancer, including information about harmful effects of UV radiation and recommended practices for preventing skin cancer at any time of the school year. The program may use, but will not be restricted to, available curriculum and educational materials, and visual (e. g., posters) to remind students to engage in sun-safe behaviors. The administration will evaluate and revise sun safety programs, as needed.

The District will inform parents and guardians about the importance of, and strategies for, preventing skin cancer. Communication will include, but will not be limited to, details of the District policy relating to hats, sun-protective clothing, sunscreen usage and sunglasses. The District will also encourage families to reinforce sun-safe behavior outside the school and to support the school's sun safety programs. In addition, the District will provide notice of this policy to all contracted partners, agencies, or community-based organizations providing services to students.

Policy Monitoring and Review

The Gloversville Enlarged School District will evaluate and revise this policy on an annual basis.

Education Law, Article 19 § 907
NYSED, Updated Information Regarding the Use of Sunscreen

Adopted: 8/16/21

GLOVERSVILLE ENLARGED CITY SCHOOL DISTRICT
SUNSCREEN USE PERMISSION FORM

Gloversville High School/Middle School Interscholastic Sports
Parent/Legal Guardian Permission for Use of Sunscreen
2021-2022 School Year

Student Name:

Grade:

I give permission for my child to carry and use sunscreen that I have provided and or the Gloversville Enlarged School District has made available for interscholastic sports activities for the current school year. I affirm that my child understands the need for sunscreen and is able to use it appropriately. S/he will not share sunscreen with others.

If my child is unable to physically apply sunscreen, s/he may be assisted by unlicensed personnel when directed to do so by the student and authorized by the school.

Parent/Legal Guardian Signature:

Date:

Please return this form to your child's school nurse. A record of this permission slip will be maintained by the school.

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: 6/10/19

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. 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)

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) Assure appropriate and reasonable building accommodations are in place within a reasonable degree of medical certainty.

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 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 the District-wide school safety plan and building-level emergency response plans 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) Hidden ingredients in art, science, and other projects;
d) Transportation;
e) Fund raisers and bake sales;
f) Parties and holiday celebrations;
g) Field trips;
h) Before and after school programs.

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: 6/10/19

SUBJECT: CONCUSSION MANAGEMENT

A concussion is a type of mild traumatic brain injury (MTBI) caused by a bump, 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. As such, the District supports the proper evaluation and management of concussion injuries.

Concussion Management Team (CMT)

The District may establish a Concussion Management Team (CMT) which may be composed of the Athletic Director and/or Director of Physical Education, a school nurse, the school physician/District's Medical Director, a coach of an interscholastic team and/or physical education teacher, a certified athletic trainer, and other appropriate personnel as designated by the District. If established, the CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, school nurses, and certified athletic trainers who work with and/or provide instruction to students 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 (parents) 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 training 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. Since concussion symptoms may manifest themselves in any setting, all staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Components of the training will include, but not be limited to:

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)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The training must be completed by means of instruction approved by the New York State Education Department (NYSED) which include, but are not limited to, courses provided online and by teleconference.

Each time a staff member completes this training or a related professional development course, they must forward proof of completion to the CMT or, if a CMT has not been established, a designated District staff member who will enter the information into the District's existing system for tracking completed trainings and professional development courses. The system will also use an email to remind staff of the need to complete the training as needed.

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 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 information on the NYSED's and New York 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 and recommend appropriate evaluation and monitoring.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The District may, in collaboration with their Medical Director, allow District staff who are appropriately licensed or certified healthcare professionals and credentialed to use validated neurocognitive computerized testing to review and obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose a concussion or clear a student to return to activities. The District must seek authorization from the parent prior to the testing. Additionally, parents should be given a copy of the results.

Return to School Activities and Athletics

A student will not return to physical activity (including athletics, physical education class, and recess) until they have been symptom-free for at least 24 hours, and have been evaluated and received written and signed authorization from a licensed physician. This written authorization should be sent to the school for review by the District's Medical Director. Additionally, the District's Medical Director has the final authority to clear students to participate in or return to extraclass athletic activities. 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. 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 private provider's orders for post-concussion management are implemented and followed, and for students to resume participation in athletic activities with the District's Medical Director approval. 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 establish 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 or at a school-sponsored athletic event.

In accordance with NYSED guidelines, this policy will be both reviewed and updated at least every three years or with updates to guidance. 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, NYSED Guidance Document, 2022

Adopted: 6/10/19
Revised: 8/16/21; 4/15/24

SUBJECT: CHILD ABUSE AND MALTREATMENT

Child Abuse in a Domestic Setting

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 offices; 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.

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 counselors, school psychologists, school social workers, school nurses, school administrators or

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

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 approval or 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.

Child Abuse in an Educational Setting

The District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers.

Definitions

"Administrator" or "school administrator" means a principal, or the equivalent title, in a school, or other chief school officer.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

a) Intentionally or recklessly inflicting physical injury, serious physical injury, or death;

b) Intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury, serious physical injury, or death;

c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263;

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors in accordance with Penal Law Article 235; or

e) Using corporal punishment as defined by the Commissioner of Education.

"Educational setting" means the building(s) and grounds of a school; the vehicles provided directly or by contract by the school for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off school grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

"School" means a school district, public school, charter school, nonpublic school, Board of Cooperative Educational Services (BOCES), special act school district as defined in Education Law Section 4001, approved preschool special education program pursuant to Education Law Section 4410, approved private residential or non-residential school for the education of students with disabilities including certain private schools, or state-operated or state-supported school in accordance with Education Law Articles 85, 87, or 88.

Duties Upon Receipt of an Allegation of Child Abuse in an Educational Setting

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide, or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner of Education.

b) Except where the school administrator is the person receiving the oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly

occurred.

In any case where an oral or written allegation is made to a school bus driver employed by a school or a person or entity that contracts with a school to provide transportation services to children that a

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to their supervisor employed by the school or the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a school or a person or entity that contracts with a school to provide transportation services to children from a person employed by the school or the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This written report must be completed on a form prescribed by the Commissioner.

b) Ensure that the written report is personally delivered to the superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of these allegations will be promptly forwarded to the superintendent of the school district of the child's attendance and the Superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the superintendent or administrator, the report of the allegations will be made to another designated administrator.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or Superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. If it is determined that reasonable suspicion exists, the school administrator or Superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a

written report, they must promptly provide a copy of the report to the Superintendent. The report must be promptly forwarded to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the superintendent.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

Where the superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, they will also refer the report to the Commissioner if the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by NYSED.

Civil Immunity

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law will have immunity from civil liability which might otherwise result by reason of those actions.

Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits a report to a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Confidentiality

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

Training

The District will implement a training program regarding child abuse in an educational setting for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators, board members, other school personnel required to hold a teaching or administrative license or certificate, and any school bus driver or supervisor employed by the District or any person or entity that contracts with the District to provide transportation services to children, as well as licensed and registered physical therapists, licensed and registered occupational therapists, licensed and registered speech-language pathologists, teacher aides, and school resource officers.

Prohibition of "Silent" (Unreported) Resignations

The superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the superintendent, or the Commissioner, as appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from their position.

(Continued)

SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)

The Superintendent or other school administrator who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

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 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 Sections 409-1, 3028-b, and 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Penal Law Articles 130, 235, and 263
Social Services Law Sections 411-428
8 NYCRR Part 83 and Section 100.2(hh) and (nn)
20 USC Section 7926

Adopted: 6/10/19
Revised: 8/16/21; 4/15/24; 10/6/25

SUBJECT: SUICIDE

The District is committed to protecting the health and well-being of all students by creating and maintaining policies, procedures, and plans for the prevention, intervention, and post-intervention of suicide.

The Board the Superintendent to establish a District crisis intervention team. Members of the team should include, but are not limited to, a school administrator, school psychologist, school counselor, school social worker, teacher, school nurse and/or District Medical Director, school safety professional, and any other District staff member who can be of assistance during a crisis. The crisis intervention team will develop a suicide response plan which will be integrated into the existing District-wide school safety plan. The suicide response plan will include education and awareness of risk factors for youth suicide, procedures for intervening if a student exhibits risk factors, including referral services, and a post-intervention plan to help the school and community cope with the aftermath of suicide should it occur.

The administration will inform staff of District policies, procedures, and plans for suicide prevention, intervention, and post-intervention. The District will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or engage in self-harm. When District staff become aware of a student exhibiting potential suicidal behavior, they should immediately escort the student to a member of the District's crisis intervention team and report the behavior to an administrator.

Suicide prevention will also be incorporated into the curriculum, as developmentally appropriate, to educate students and done in a manner so as not to sensationalize the topic, but to provide students with information and resources on this important mental health issue. In addition, the District will foster interagency cooperation that will enable staff to identify and access appropriate community resources to aid students in times of crisis.

The District will inform students, staff, and parents or guardians of the 988 hotline which connects callers to the National Suicide Prevention Lifeline. Individuals can call or text 988 to be connected to the hotline. The 988 hotline is intended for anyone who is: suicidal; experiencing a mental health or substance use-related crisis; or experiencing any kind of emotional distress.

Professional Development/Learning and Training

Staff training and professional development/learning on suicide and crisis intervention should be offered annually. The training should include: information on how to identify warning signs for suicide, and the protocols to follow when referring a student thought to be at risk for suicide; a

description of the roles and responsibilities of the crisis intervention team; and the flow of communication and the tasks each role of the crisis intervention team undertakes.

(Continued)

SUBJECT: SUICIDE (Cont'd.)

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#5681 -- School Safety Plans
#7550 -- Dignity for All Students
#7553 -- Hazing of Students

Adopted: 6/10/19
Revised: 3/6/23

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. This policy is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

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.

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

Inquiries about this policy may be directed to the District's Dignity Act Coordinator(s) (DAC(s)).

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee to serve as the 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;

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

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

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;

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;

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;

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.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

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 discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional learning 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;

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 DAC not later than one school day after

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

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(s) (CRCO(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

Additionally, other District policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7551 -- Sexual Harassment of Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

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 applicable laws and regulations as well as 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.

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 Incidents

Reporting 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).

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

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 (Commonly Known as "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, and/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.

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

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#5670 -- Records Management
#6411 -- Use of Email in the District
#7551 -- Sexual Harassment of Students
#7552 -- Student Gender Identity
#7553 -- Hazing of Students
#7554 -- Equal Educational Opportunities
#8242 -- Civility, Citizenship, and Character Education/Interpersonal Violence Prevention Education
District *Code of Conduct*

Adopted: 6/10/19
Revised: 8/16/21; 3/6/23

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

Overview

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses sexual harassment of students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District prohibits all forms of sexual harassment of students by any individual on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

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

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

What Constitutes Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful. It includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their sex or gender.

Generally stated, sexual harassment consists of subjecting an individual to unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex.

This conduct may, among other things, have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting a student's educational opportunities. Petty slights or trivial inconveniences generally do not constitute harassing conduct.

Determinations as to whether conduct or an incident constitutes sexual harassment will be made consistent with applicable law and regulation, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. The examples below are intended to serve as a general guide for individuals in determining what may constitute sexual harassment. These examples should not be construed to add or limit the rights that students possess as a matter of law.

(Continued)

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

Examples of Sexual Harassment

Sexual harassment can be verbal, non-verbal, or physical. Examples of this conduct may include, but are not limited to, the following:

a) Unwanted 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.

b) Engaging in sexual conduct with an individual who is unable to consent due to age, use of drugs or alcohol, intellectual disability, or other disability.

c) Unwanted sexual advances or propositions, such as:

1. Demanding sexual favors of a student, insinuating that refusal to acquiesce to such favors will adversely affect a student's grades, references, academic or scholastic placement, and/or participation in extracurricular activities; and

2. Subtle or obvious pressure for unwelcome sexual activities.

d) Verbal abuse or ridicule, including profanity, innuendoes, stories, and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.

e) Asking or commenting about an individual's sexual activities.

f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender.

g) Displaying or distributing pornographic or other sexually explicit materials (print or digital) such as magazines, pictures, cartoons, etc.

h) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

i) Unwelcome and/or offensive public displays of sexual or physical affection.

j) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

(Continued)

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

k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Reporting Allegations of Sexual Harassment

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of sexual harassment in the school environment, as well as any other person who has knowledge of or witnesses any possible sexual harassment, immediately report the alleged conduct or incident. Reports of sexual harassment may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, CRCO, Title IX Coordinator, or DAC.

All District employees who witness or receive an oral or written report of sexual harassment must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*.

Grievance Process for Complaints of Sexual Harassment

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of sexual harassment of students and will promptly take appropriate action to protect students from further sexual harassment.

Various District policies and documents address sexual harassment of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

(Continued)

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

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

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of sexual harassment.

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

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

Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.
34 CFR Parts 106 and 270
45 CFR Part 86
Civil Rights Law § 40-c
Education Law §§ 10-18, 313, 2801, and 3201-a
New York State Human Rights Law, Executive Law § 290 et seq.
8 NYCRR § 100.2
9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#7550 -- Dignity for All Students

#7553 -- Hazing of Students
District *Code of Conduct*

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: STUDENT GENDER IDENTITY

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all District programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

Key Terms

"Assigned sex at birth" means the sex designation, usually male or female, assigned to a person when they are born.

"Cisgender" means a person whose gender identity corresponds to their assigned sex at birth.

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

"Gender expression" means the ways in which a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

"Gender identity" means a person's inner sense or psychological knowledge of being male, female, neither, or both.

"Gender nonconforming" (GNC) means someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

"Transgender" means someone whose gender identity is different than their assigned sex at birth.

"Transition" means the process by which a person socially and/or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

Following the submission of a name change order or other government issued document or court issued documentation of a name change for any current or past student, the District will update the student's name on any document or record issued or maintained by the District. This is not applicable to archival records that cannot be accessed or when modifying archival records is prohibited by law.

The District will update any current or past student's gender upon submission of any form of government identification.

(Continued)

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

For any current or past student who has not officially changed their name or gender, the District will, upon request, update its records to reflect the student's asserted name and/or gender. However, the District may need to use the student's legal name and gender in certain, limited circumstances. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school.

The District will maintain the confidentiality of student information and records as required by law. Further, any records with a student's assigned birth name and gender will be maintained in a separate, confidential file.

Names and Pronouns

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and their parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

Restrooms and Locker Rooms

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative. Additionally, the District will ensure that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

Physical Education and Sports

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with their gender identity, the District will determine their eligibility in accordance with applicable law, regulations, and guidelines.

(Continued)

SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)

The District's Athletic Director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions.

Any appeal regarding the District's eligibility decision will be directed to the Commissioner of Education.

Other Activities

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

Dress Code and Team Uniforms

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.
34 CFR Parts 99 and 106
Civil Rights Law §§ 40-c, 64, and 67
Education Law Article 2 and §§ 2-d, 313, and 3201-a
New York State Human Rights Law, Executive Law § 290 et seq.
8 NYCRR § 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#5633 -- Gender Neutral Single-Occupancy Bathrooms
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students

#7553 -- Hazing of Students
#8242 -- Civility, Citizenship, and Character Education/Interpersonal Violence Prevention Education

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: HAZING OF STUDENTS

The District is committed to providing a safe, productive, and positive learning environment within its schools. Hazing activities are demeaning and abusive behaviors that harm victims, are inconsistent with the educational goals of the District, and may constitute criminal conduct. Consequently, hazing of students by other students or groups of students is strictly prohibited on school property, in school buildings, on school buses, by school-sponsored groups, clubs, or teams, and at school-sponsored events and/or activities whether occurring on or off-campus. Hazing is prohibited regardless of the victim's apparent willingness to participate in the activity.

For purposes of this policy, the term "hazing" is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate. Acts constituting hazing may range in severity from teasing or embarrassing a student to various forms of physical, emotional, and/or sexual abuse. Hazing behaviors include, but are not limited to:

a) Humiliation: socially offensive, isolating, or uncooperative behaviors.

b) Substance abuse: abuse of tobacco, alcohol, or illegal drugs.

c) Other dangerous actions: hurtful, aggressive, destructive, and disruptive behaviors.

Hazing is a form of harassment and bullying and may constitute discrimination. Various District policies and documents address discrimination and harassment of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; Policy #7551 -- Sexual Harassment of Students; and the District's *Code of Conduct*. As such, the District's response to reports of hazing will handled in accordance with the applicable District policies and/or documents.

Education Law §§ 10-18, 1709-a, 2503-a, and 2801
Penal Law §§ 120.16 and 120.17
8 NYCRR § 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District

#3421 -- Title IX and Sex Discrimination
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
District *Code of Conduct*

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

Overview

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, 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 any legally protected class or category including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; marital status; pregnancy; parental status; weight; ethnic group; or religious practice. Further, the District provides equal access to its facilities to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 (as a patriotic society).

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination. The District will promptly respond to reports of 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, and impose disciplinary measures and implement remedies when warranted.

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

Reporting Allegations of Discrimination

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, immediately report the alleged conduct or incident. Reports of discrimination may be made orally or in writing to any district employee including, but not limited to, a teacher, building principal, or CRCO.

All District employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another

CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, district employees must comply with reporting requirements in any other applicable district policy or document.

(Continued)

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)

Grievance Process for Complaints of Discrimination

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various district policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's Code of Conduct. All complaints will be handled in accordance with the applicable district policies and/or documents.

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

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

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

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

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

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.
Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.
Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.

(Continued)

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.
28 CFR Part 35
34 CFR Parts 100, 104, 106, 110, and 270
45 CFR Part 86
Civil Rights Law Sections 40, 40-c, and 47-b
Education Law Sections 10-18, 313, 2801, 3201, and 3201-a
New York State Human Rights Law, Executive Law Section 290 et seq.
8 NYCRR Section 100.2
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3281 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups
#3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
District Code of Conduct

Adopted: 6/10/19
Revised: 3/6/23; 10/6/25

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.

(Continued)

SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)

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:

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: 6/10/19

SUBJECT: SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in-school and extracurricular activities as well as sports activities and events. Permission to hold practices or meetings will not be granted unless a teacher or staff member is clearly in charge.

a) District personnel will be responsible for the supervision of all students in either their class or their after-school activities.

b) Coaches will maintain supervision over the dressing or locker rooms by being present during dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice, including bus duty or making sure students have transportation home otherwise.

c) Teachers or assigned school personnel in the elementary grades will be responsible for playground supervision of all children under their jurisdiction during recess periods and before the regular afternoon sessions. The building principal will distribute the responsibility so that the playground situation is appropriately supervised.

d) Students will not be sent on any type of errand away from the building.

e) All teachers and staff working directly with students who have a history of wandering or elopement (i.e., leaving or running away from the premises without permission or notification) will be made aware of these concerns and of any existing behavioral intervention plan formulated to prevent or respond to instances of wandering or elopement.

NOTE: Refer also to Policies #5681 -- School Safety Plans
#5720 -- Transportation of Students

Adopted: 6/10/19

SUBJECT: SAFE PUBLIC SCHOOL CHOICE

Any District student who is a victim of a violent criminal offense, as defined in Education Law and Commissioner's regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, will be allowed to attend a safe public school within the District to the extent required by federal and state law and regulations.

In accordance with Commissioner's regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner of Education as a persistently dangerous public elementary or secondary school."

Violent Criminal Offense

The Superintendent will determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or

b) A sex offense that involves forcible compulsion; or

c) Any other offense defined in New York State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

Serious Physical Injury

"Serious physical injury," as defined in Penal Law Section 10.00(10), means a "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

Deadly Weapon

"Deadly weapon," as defined in Penal Law Section 10.00(12), means "any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles."

(Continued)

SUBJECT: SAFE PUBLIC SCHOOL CHOICE (Cont'd.)

Determination Whether Student is a Victim

Procedures will be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent will, prior to making any determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by the agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense.

The Superintendent's determination may be appealed to the Board. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of the violent criminal offense.

Notice to Parents or Persons in Parental Relation

The District will establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the District and procedures for the transfer. This notice will be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to the student. The District will notify the parents of, or persons in parental relation to, the student within 24 hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he or she attends.

Written notice will be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the determination at the last known address or addresses of the parents or persons in parental relation to the student. Where possible, notification will also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents or persons in parental relation.

Designation of Safe Public School

It is the responsibility of the District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, will be enrolled in the classes and other activities of the public school to which the student transfers in the same manner as all other students at the public school. The receiving school will be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the District will allow transferring students to transfer to a school that is making

adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District will provide transportation for any student permitted to transfer to the safe public school

(Continued)

SUBJECT: SAFE PUBLIC SCHOOL CHOICE (Cont'd.)

within the District designated by the District within the transportation limits established in Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school will be permitted to remain in the safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents or persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he or she currently attends.

Education Law § 2802(7)
8 NYCRR § 120.5

Adopted: 6/10/19

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan will be developed describing the Special Education program in the District. The District plan will include the following:

a) A description of the nature and scope of special education programs and services currently available to students (including preschool students) residing in the District, including, but not limited to, descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition;

b) Identification of the number and age span of students (school age and preschool) to be served by type of disability, and recommended setting;

c) The method to be used to evaluate the extent to which the objectives of the program have been achieved;

d) A description of the policies and practices of the Board to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities;

e) A description of the policies and practices of the Board to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services (BOCES);

f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law;

g) The estimated budget to support this plan;

h) The date on which the plan was adopted by the Board; and

i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the BOCES.

The District plan, with personally identifiable student information deleted, will be filed and available for public inspection and review by the Commissioner.

20 USC § 1474(e)(3)(B)
8 NYCRR Part 155 and § 200.2(c)(1)

Adopted: 6/10/19

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) Taking the following measurable steps to recruit, hire, train, and retain highly qualified personnel to provide special education programs and services:

    1. Utilize established procedures for publication of all potential job openings;

    2. Check credentials and requirements listed on applications;

    3. Provide training sessions for interview committee;

4. Special education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two or more core academic subjects exclusively to children with disabilities, the teacher will meet all requirements imposed by law or demonstrate competence in all the core academic subjects taught per state regulations;

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

5. Special education teachers and administrators are required to complete enhanced training in the needs of autistic children.

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;

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 by:

1. Addressing appropriate universal design principles in IEP;

2. Having the library media specialist or Curriculum Coordinator keep CSE/Committee on Preschool Special Education (CPSE) apprised of available products and services utilizing universal design principles;

3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;

4. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;

5. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.

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.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

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.

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.

(Continued)

SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)

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 Policies #7615 -- Least Restrictive Environment
#7650 -- Identification and Register of Children with Disabilities (Child Find)

Adopted: 6/10/19

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)(3), 200.4(d) and 200.6(a)(3)

Adopted: 6/10/19

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM

The Board will establish at least one Committee on Special Education (CSE) and one Committee on Preschool Special Education (CPSE). The Board will also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

Committee on Special Education

The Board will, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board will also notify the parent or guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE will provide a recommendation to the Board which will arrange for the appropriate special education programs and services to be provided within 60 school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation will be provided to the Board which will arrange for the appropriate special education programs and services to be provided within 60 school days of the referral for review. However, if the recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board will arrange for special education programs and services for students with disabilities within 30 school days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board disagrees with the recommendation, the Board will follow one of the following procedures:

a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider the objections or concerns. The CSE will consider the Board's objections or concerns, revise the individualized education program (IEP) where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with the new recommendation, the Board may remand the

recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider the objections or

(Continued)

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

concerns. The second CSE will consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

In accordance with Commissioner's regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board will provide the student's parents or guardians with written notice and a copy of the statement of its objections or concerns and notice of due process rights in accordance with Commissioner's regulations.

Committee on Preschool Special Education

Upon receipt of the recommendation of the CPSE, the Board will arrange for the preschool student with a disability to receive appropriate programs and services in accordance with the student's IEP, commencing with the July, September, or January starting date for the approved program, unless the services are recommended by the CPSE less than 30 school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, services will be provided no later than 30 days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board will send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board will provide notice as required by federal and state law and regulations.

Subcommittee on Special Education

The number of Subcommittees on Special Education will be determined by the CSE which will be responsible for the oversight and monitoring of the activities of each subcommittee to ensure compliance with the requirements of applicable state and federal laws and regulations.

Each subcommittee may perform the functions for which the CSE is responsible, except:

a) When a student is considered for initial placement in a special class; or

b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or

(Continued)

SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)

c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees will report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee will refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement, or provision of a free appropriate education to the student.

Education Law §§ 4402 and 4410
8 NYCRR §§ 200.2(d)(1), 200.4(c), 200.4(d), 200.5, and 200.16(e)

NOTE: Refer also to Policy #7630 -- Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE)

Adopted: 6/10/19

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: 6/10/19

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)

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: 6/10/19

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.

(Continued)

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.

<u>Parental Notification</u>

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/Multi-Tiered System of Supports (MTSS)

Adopted: 6/10/19

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)

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 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), 200.2(b)(8), 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 Policies #7222 -- Diploma or Credential Options for Students with Disabilities
#7641 -- Transition Services

Adopted: 6/10/19

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)

Adopted: 6/10/19

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: 6/10/19

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.

(Continued)

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.

(Continued)

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 Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program
#7614 -- Preschool Special Education Program

Adopted: 6/10/19

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.

(Continued)

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.

(Continued)

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 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.

(Continued)

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)

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)(11), 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

Adopted: 6/10/19

SUBJECT: TRANSITION SERVICES

Transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of this student to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences, and interests, and will include needed activities in the following areas:

a) Instruction;

b) Related services (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 such device);

c) Community experiences;

d) The development of employment and other post-school adult living objectives; and

e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Beginning not later than the first individualized education program (IEP) to be in effect when the student is age 15 (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;

b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;

c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;

d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of

employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and

e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

(Continued)

SUBJECT: TRANSITION SERVICES (Cont'd.)

When developing transition goals and services, the District will discuss with the student's parents:

a) Graduation requirements;

b) The student's progress toward receiving a diploma; and

c) The appeal, safety net, and Superintendent determination pathway options that may be available.

At the CSE meeting where the District discusses transition services with parents, it will provide written information explaining the graduation requirements, including eligibility criteria and processes for seeking an appeal and for requesting a local diploma through the Superintendent's determination pathway. The District will also inform parents that graduating with a local or Regents diploma terminates their child's entitlement to a free public education and special education services.

The District must invite a student with a disability to attend the student's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the CSE meeting, the District must take other steps to ensure that the student's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student who has reached the age of majority, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

Graduation/Aging Out

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her post-secondary goals.

Before a student's graduation from high school with a Skills and Achievement (SA) Commencement Credential or Career Development and Occupational Studies Commencement Credential (CDOS), parents must receive prior written notice indicating that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns 21 or until receipt of a regular high school diploma.

Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400 et seq.
34 CFR §§ 300.321, 300.343, 300.347, and 300.348
Education Law § 4401
8 NYCRR §§ 200.1(qq), 200.1(fff), 2004.(d)(2)(ix), and 200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 -- Declassification of Students with Disabilities

Adopted: 6/10/19

SUBJECT: EXTENDED SCHOOL YEAR SERVICES AND/OR PROGRAMS

The District will provide, directly or by contract, special services, or programs during July and August (i.e., extended school year) to those students who require a structured learning environment for 12 months in order to prevent substantial regression as determined by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE).

Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies, or knowledge during the months of July and August. Students, including preschool students, must be considered for 12-month special services and/or programs to prevent substantial regression in accordance with Commissioner's regulations.

For students eligible for 12-month services and/or programs, the student's Individualized Education Program (IEP) will indicate the identity of the service provider during July and August, and, for preschool students determined by the CPSE to require a 12-month structured learning environment to prevent substantial regression. The IEP will also include a statement of the reasons for that recommendation, the projected date of the review of the student's need for these services, and the recommended placement.

Any District plan to operate a July/August program must be approved by the State Education Department in accordance with applicable laws, regulations, procedures, and/or guidelines.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
Education Law § 4408
8 NYCRR Part 110 and §§ 200.1(qq), 200.4(d)(2)(x), 200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

Adopted: 6/10/19

SUBJECT: TRANSFER STUDENTS WITH DISABILITIES

To facilitate the transition of students with disabilities transferring into or out of the District the District will:

a) As the district of origin, take reasonable steps to promptly respond to all requests from the new school district.

b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the Individualized Education Program (IEP), supporting documents and any other records relating to the provision of special education services.

c) Provide to a student with a disability who transfers school districts within the same school year a free appropriate education including services comparable to those described in the student's previous IEP.

1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts, and implements a new IEP consistent with federal and state law and regulation.

2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and state law and regulation.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
8 NYCRR §§ 200.1(zz) and 200.4(e)(8)

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

Adopted: 6/10/19

SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND)

The District will locate, identify, and evaluate all students with disabilities who reside within its boundaries, including homeless children, children who are wards of the state, home-schooled children, and children attending private schools or charter schools. Further, it is the policy of the Board to conduct a census in order to locate and identify all children with disabilities within the District under the age of 21, including those children as described above, and to establish a register of those students entitled to attend school or receive preschool services.

The Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) will maintain and annually revise the register of these students and others referred to the committee as possibly having a disability, as appropriate. In addition, census data will be reported by October 1 to the CSE or CPSE as appropriate.

The District understands that its Child Find obligations have been expanded to include notification to every parent or person in parental relation, upon enrollment of their child in the District, of their rights regarding referral and evaluation for the purposes of special education services or programs in accordance with applicable federal and state laws. The notification will contain the name and contact information for the chairperson of the District's CSE or other individual who is charged with processing referrals to the committee in the District. The District may, in its discretion, provide notice by directing parents or persons in parental relation to obtain information located on the State Education Department's website relating to a parent's guide to special education in New York State for children ages three through 21.

Any student suspected of having a disability should be referred to the applicable CSE or CPSE for evaluation and possible identification as a student with a disability.

Nonpublic School Students with Disabilities Who Are Parentally Placed

If the District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate, and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in the nonpublic school.

The child find activities must be similar to those for students with disabilities in public schools and must be completed in a time period comparable to that for other students attending public schools in the District.

As the district of location, the District must also consult with the appropriate representatives of the nonpublic schools and parents of parentally placed nonpublic school students to determine an accurate count of students with disabilities attending those schools and receiving special education services.

(Continued)

SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES (CHILD FIND) (Cont'd.)

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.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 3240-3242, 3602-c(2)(a), 4401-a, 4402, 4404, 4405 and 4410-6
8 NYCRR §§ 200.2(a) and 200.4

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -- Age and Residency
#7140 -- School Census

Adopted: 6/10/19

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board recognizes the rights of the parent or guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation, and educational placement of a child with a disability. The District will observe all due process procedures for parents or guardians and children set forth in the Commissioner's regulations.

Definition of Parent

Parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, a person in parental relation to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation by General Obligations Law Title 15-A including a designated individual who is acting in the place of a birth or adoptive parent, or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's regulations.

A foster parent may act as a parent unless state law, regulations, or contractual obligations with a state or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

Surrogate Parents

In the event that no parent or guardian for a child with a disability can be identified, or after reasonable efforts the whereabouts of the parent or guardian cannot be determined, or the student is an unaccompanied homeless youth, or the child with a disability is a ward of the state and does not have a "parent" as defined above, or the rights of the parent to make educational decisions have been subrogated in accordance with state law, the Board will assign an individual from a list of willing and eligible persons to act as a surrogate for the parents or guardians. Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

The person selected as a surrogate will have no interest that conflicts with the interest of the child he or she represents, and will have knowledge and skills that ensure adequate representation of the child.

Prior Written Notice (Notice of Recommendation)

Prior written notice must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education (FAPE) to the student and in certain other circumstances as set forth in relevant law and Commissioner's regulations.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's regulations.

A parent may elect to receive prior written notice and other required notifications by email if the District makes this option available.

Parent Participation in Meetings

The District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The CSE or CPSE must also document its attempts to involve parents in the child's meeting and recommended educational program. A meeting may be conducted without a parent in attendance if the parents are unwilling to attend.

Additionally, the District will ensure the parent understands the proceedings of any meeting for their child including arranging for an interpreter as appropriate.

Parental Consent

A parent of a special education student or a student suspected of having a disability must provide informed consent before the District can take certain actions, including, but not limited to, evaluations, initial provision of services, and to access public benefits or insurance. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of those attempts.

Parents with custodial rights—whether sole or joint—may exercise decision-making authority with respect to the student's education. Absent a court order or custody agreement to the contrary, a non-custodial parent may not control educational decisions for the student, though he or she may participate in the child's education.

<u>Consent for an Unaccompanied Homeless Youth</u>

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the state means a child or youth under the age of 21 who:

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

a) Has been placed or remanded in accordance with Social Services Law or the Family Court Act or freed for adoption in accordance with Social Services Law; or

b) Is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or

c) Is a destitute child under Social Services Law.

In the event that a child is a ward of the state, the District will make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child has a disability.

The District is not required to obtain informed consent if:

a) Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent of the student, including consulting with the agency responsible for the care of the student; or

b) The rights of the parents have been terminated in accordance with state law; or

c) The rights of the parent to make educational decisions have been subrogated by a judge.

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District will not continue to pursue those evaluations by using due process procedures and it is not required to consider the student as eligible for special education services.

Parental Revocation of Consent

Parental revocation of consent for continued provision of special education and related services must be in writing. When the parent revokes his or her consent, the District still must provide the parent with the usual written notice of its intentions with respect to the child.

If the parent of a student with a disability revokes his or her consent in writing for the continued provision of special education and related services to the student at any time subsequent to the initial provision of special education and related services, the District:

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

a) Will not continue to provide special education and related services to the student, but must provide prior written notice to the parent before ceasing the provisions of special education and related services;

b) Will not use due process procedures (i.e., mediation, resolution meeting, and/or impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to the student without parental consent;

c) Will not be considered to be in violation of the requirement to make a FAPE available to the student because of the failure to provide the student with further special education and related services following revocation of consent;

d) Is not required to convene a meeting of the CSE or develop an IEP for the student for further provision of special education programs and related services upon receipt of written revocation of consent; and

e) Is not required to amend the student's education records to remove any references to the student's receipt of special education programs and services because of the revocation of consent.

Procedural Safeguards Notice

The District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one time per year and also upon:

a) Initial referral or parental request for evaluation;

b) The first filing of a due process complaint notice to request mediation or an impartial due process hearing;

c) Request by a parent;

d) A decision to impose a suspension or removal that constitutes a disciplinary change in placement; and

e) First receipt of a state complaint.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 207, 3212, 4005, 4202, 4401 and 4402
8 NYCRR §§ 200.1, 200.4(b)(6), and 200.5

NOTE: Refer also to Policies #7260 -- Designation of Person in Parental Relation
#7270 -- Rights of Non-Custodial Parents
#7630 -- Committee on Special Education (CSE)/
Committee on Preschool Special Education (CPSE)
#7640 -- Student Individualized Education Program (IEP):
Development and Provision

Adopted: 6/10/19

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS

Due Process Complaints

The District will make every effort to amicably resolve disputes regarding educational programs for students with disabilities. If these disputes cannot be resolved, either a parent, person in parental relation, 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 receive an impartial due process hearing until the complainant, or the complainant's attorney, 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. The impartial hearing officer (IHO) may conduct the hearing by videoconference or teleconference with parental consent which may be obtained at a pre-hearing conference, or at a minimum of ten days before the scheduled hearing date, provided that all personally identifiable data, information, or records pertaining to the student during the hearing is kept confidential in accordance with law and regulation.

A student whose education is the subject of a due process complaint will remain in their 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,

(Continued)

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont'd.)

and in a location that is physically accessible to the parents. The parents and District may agree to use alternative means of meeting participation, such as videoconferences and conference calls. The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

The parents and the District may agree, in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.

Selection and Board Appointment of Impartial Hearing Officers

When 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 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.

If an IHO is not appointed within 196 days from receipt by the District of a due process complaint, the District will, no later than five business days after the 196th day has elapsed, provide written notification to parents of their right to request accelerated review. When accelerated review is sought, the District will be deemed to have denied the student a free and appropriate public education (FAPE) by virtue of the 196 day (or more) delay in the appointment of an IHO.

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 §§ 4404 and 4410(7)
8 NYCRR §§ 200.2 and 200.5

(Continued)

SUBJECT: DUE PROCESS COMPLAINTS: SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont'd.)

NOTE: Refer also to Policies #7313 -- Suspension of Students
#7660 -- Parent Involvement for Children with Disabilities
#7690 -- Special Education Mediation

Adopted: 6/10/19
Revised: 4/15/24

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under federal and state regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions if they disagree with an evaluation obtained by the District.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees. The District may ask the parent to explain the reason as to why they object to the District's evaluation although the parent is not required to answer.

The District will not unreasonably delay either providing the IEE or initiating an impartial hearing to defend its own evaluation.

34 CFR §§ 300.12 and 300.502
8 NYCRR §§ 200.1(z) and 200.5(g)

Adopted: 6/10/19

SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation to resolve disputes involving any matter for which an impartial due process hearing may be brought, including those that occurred prior to filing a due process complaint notice.

Mediation will be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of any school district or state agency that is involved in the education or care of the student who is the subject of the mediation process. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial due process hearing procedures in accordance with federal and state law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be kept confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution. If the written agreement is inconsistent with the student's current individualized education program (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial due process hearing subsequent to mediation.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4005, 4202, and 4404-a
Judiciary Law § 849a
8 NYCRR §§ 200.1 and 200.5

Adopted: 6/10/19

Gloversville Enlarged City School District **NUMBER**

CURRICULUM (GENERAL)

1.1 Curriculum Development, Resources, and Evaluation 8110

ELEMENTARY AND SECONDARY INSTRUCTION

2.1 Safety Conditions and Prevention Instruction 8210
2.2 Career and Technical (Occupational) Education 8220
2.4 Instruction in Certain Subjects 8240
2.4.1 Patriotism, Citizenship, and Human Rights Education 8241
2.4.2 Civility, Citizenship, and Character Education/Interpersonal Violence Prevention Education 8242
2.5 Animals in the School (Instructional Purposes) 8250
2.6 Title I Parent and Family Engagement 8260
2.7 Instructional Technology
2.7.1 Internet Safety/Internet Content Filtering 8271
2.8 Instruction for English Language Learners 8280

INSTRUCTIONAL MATERIALS

3.2 Textbooks, Library Materials, and Other Instructional Materials 8320
3.3 Objection to Instructional Materials and Controversial Issues 8330
3.4 Instructional Materials and Nonpublic School Students. 8340
3.5 Use of Copyrighted Materials 8350
3.6 Religious Expression in the Instructional Program 8360

INSTRUCTIONAL ARRANGEMENTS

4.2 Opening Exercises 8420
4.3 Independent Study 8430
4.4 Home Instruction (Home Schooling) 8440
4.5 Home, Hospital, or Institutional Instruction (Homebound Instruction) 8450
4.6 Field Trips 8460

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION

The Board of Regents and the New York State Education Department (NYSED) are responsible for setting state learning standards for what all students should know and be able to do as a result of skilled instruction. The District must provide students with instruction on certain specified topics as outlined in law, regulation, and guidance and will develop curriculum based on established state learning standards, laws, regulations, and guidance.

Definitions

For purposes of this policy, the following definitions apply:

a) "Curriculum" means the outline or scope and sequence of the content, concepts, and skills students will learn to enable them to meet state learning standards.

b) "Instruction" means the ways (e.g., approaches, strategies, environments, materials, interactions) that an educator chooses to teach the curriculum, based on the needs of their students.

c) "State learning standards" means the knowledge, skills, and understandings that individuals can and do habitually demonstrate over time as a consequence of instruction and experience. These standards reflect educational goals for students and are organized by subject area and grade levels.

Curriculum Development, Resources, and Evaluation

District curriculum will align with state learning standards and include any specific topics required by law, regulation, or guidance. The Board has the authority to prescribe curriculum in the District within the parameters established by state learning standards, law, regulation, and guidance. The Board will work with District staff to develop and improve curriculum in the District.

Instructional staff will initiate curriculum development and improvement and respond to changing conditions in curriculum needs and requirements. Curriculum changes may be prompted by changes in state learning standards, trends in specific content areas, changes to educational best practices, and student input. Instructional staff are expected to continually evaluate District curriculum in order to improve learning and foster student growth.

There are many resources that instructional staff may utilize to develop and improve curriculum. Resources may originate from a variety of sources including NYSED, BOCES, and colleges and

universities. Instructional staff, under the guidance of District administrators, are expected to consider those resources for possible improvement to the instructional program.

(Continued)

SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION (Cont'd.)

District administrators will work with instructional staff to develop, improve, and evaluate the District's curriculum. District administrators and instructional staff in an academic department may work together to develop recommendations related to their specific academic area. District administrators will work to ensure that curriculum is evaluated on a regular basis.

Recommended curriculum changes will be presented to the Superintendent for review and action. Upon the Superintendent's approval, the recommended changes will then be presented to the Board for approval. District administrators and/or instructional staff may be invited to Board meetings to discuss changes to District curriculum.

The Board may periodically request that the Superintendent present reports necessary to evaluate the effectiveness of the District's curriculum.

20 USC § 6311
Education Law §§ 101, 101-a, 207, 305, 1604, 1709, 1711, 1804, 2503, and 2508
8 NYCRR §§ 3.35 and 100.1

NOTE: Refer also to Policies #8210 -- Safety Conditions and Prevention Instruction
#8240 -- Instruction in Certain Subjects
#8241 -- Patriotism, Citizenship, and Human Rights Education
#8242 -- Civility, Citizenship, and Character Education/Interpersonal Violence Prevention Education

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION

The practice of safety will be considered an integral part of a well-rounded education. A well-rounded education contributes to student success. The District will strive to provide students with an education that will enable them to achieve and maintain a safe life.

Acquired Immune Deficiency Syndrome (AIDS) Instruction in Health Education

As part of its health education program, the District will provide appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention will be provided in an age-appropriate manner, will be consistent with community values, and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

A representative community advisory group consisting of appropriate school personnel, Board members, parents, religious representatives, and other community members will be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. The Board will determine the content of the curriculum, approve its implementation, and be responsible for the evaluation of the District's AIDS instruction program.

Appropriate training will be provided for instructional staff. Instructional materials will be provided to parents who request these materials.

No student will be required to receive instruction concerning the methods of AIDS prevention if their parent or legal guardian files with the principal a written request that the student not participate in this instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades will be taught by the regular classroom teachers, while this instruction in the middle and high school grades will be a part of the required health education curriculum.

Hands-Only Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) Instruction

High school students will be provided instruction in hands-only CPR and the use of an AED as part of the District's health education program. Standards for this instruction will be based on a nationally recognized instructional program that utilizes the most current guidelines for cardiopulmonary resuscitation and emergency cardiovascular care issued by the American Heart Association or a substantially equivalent organization, that are consistent with the requirements of the

programs adopted by the American Heart Association or the American Red Cross, and that will incorporate instruction designed to:

a) Recognize the signs of a possible cardiac arrest and to call 911;

(Continued)

SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)

b) Provide an opportunity to demonstrate the psychomotor skills necessary to perform hands-only compression cardiopulmonary resuscitation; and

c) Provide awareness in the use of an AED.

A student with a disability may be exempted from the requirement for instruction in hands-only CPR and the use of AEDs if the student's individualized education program (IEP) or accommodation plan developed pursuant to Section 504 of the Rehabilitation Act of 1973 states that the student is physically or cognitively unable to perform the tasks included in the instruction.

Conservation of Natural Resources

Instruction relating to the conservation of the natural resources of New York State will be provided in accordance with law and regulation.

Fire and Arson Prevention/Injury Prevention/Life Safety Education

District administration will provide instruction in fire and arson prevention, injury prevention, and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

This instruction will include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency. This instruction will be given to all students for a period of at least 45 minutes during each month that school is in session.

Safety and Accident Prevention in the Schools

Instruction in courses in technology education, science, home and career skills, health and safety, physical education, and art will include and emphasize safety and accident prevention.

Safety instruction will precede the use of materials and equipment by students in relevant courses. Instructors will teach and enforce all safety procedures relating to the particular courses, including wearing protective eye devices during appropriate activities.

Eye Safety

The Superintendent or designee will ensure that eye safety devices are distributed as necessary and that they are properly repaired, cleaned, and stored to prevent the spread of germs or diseases after use. Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in their classroom.

(Continued)

SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)

Instruction on Prevention of Child Abduction

All students in grades K through 8 in District schools will receive instruction designed to prevent the abduction of children provided by or under the direct supervision of regular classroom teachers. The Board will provide appropriate training and curriculum materials for the regular classroom teachers who provide this instruction. However, at the Board's discretion, this instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in developing curricula for these courses of study which must be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness skills, information, self-confidence, and support to aid in the prevention of child abduction.

For purposes of developing these courses of study, the Board may establish local advisory councils or utilize the school-based shared decision making and planning committee established under the Commissioner's regulations to make recommendations concerning the content and implementation of these courses. Alternatively, the District may utilize courses of instruction developed by consortia of school districts, boards of cooperative educational services, other school districts, or any other public or private agency. The advisory council will consist of, but not be limited to, parents, school trustees and Board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

Instruction on Prevention of Child Sexual Exploitation and Child Sexual Abuse

All students in grades K through 8 in District schools will receive instruction designed to educate students, parents, teachers, and other school personnel about the prevention of child sexual exploitation and child sexual abuse. This instruction may be included as part of the District's health education program.

Curriculum addressing this topic will be developed in consultation with school counselors, school social workers, school psychologists, parents, and community members. The curriculum will be designed to:

a) Assist students, parents, teachers, and other school personnel in identifying child sexual abuse and child sexual exploitation;

b) Provide awareness, assistance, referral, and resource information for students and families who are victims of child sexual abuse and/or child sexual exploitation; and

c) Be aligned to grade objectives prescribed by the Commissioner in guidance.

(Continued)

SUBJECT: SAFETY CONDITIONS AND PREVENTION INSTRUCTION (Cont'd.)

Instruction on Child Development and Parenting Skills

Instruction regarding child development and parenting skills may be offered by the District as part of either its home economics or health education program.

Education Law §§ 409-a, 803-a, 803-b, 804-b, 804-c, 804-d, 808, 810, and 3204
8 NYCRR §§ 100.2(c), 135.3, and 141.10

NOTE: Refer also to Policies #3410 -- Code of Conduct
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances (Students)
District *Code of Conduct*

Adopted: 6/10/19
Revised: 3/6/23

Instruction

SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION

The District recognizes the need for career and technical (occupational) education and reaffirms its policy of strengthening available career and technical education programs through utilization of any available federal and state funds for that purpose and supporting BOCES' programs. Accordingly, these programs may be offered by the District and/or through a BOCES.

Equal Opportunity

The District prohibits discrimination on the basis of any legally protected class or category including, but not limited to, race, color, creed, religion, disability, use of a service animal, national origin, sexual orientation, gender identity or expression, military status, sex, age, and marital status in any career and technical education program or activity of the District.

Career and technical education programs and activities will be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District will issue an appropriate public announcement which advises students, parents, employees, and the general public that career and technical education opportunities will be offered without regard to any legally protected class or category including, but not limited to: race; color; creed; religion; disability; use of a service animal; national origin; sexual orientation; gender identity or expression; military status; sex; age; and marital status. Included in this announcement will be the name, address, telephone number, and email address of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and Title IX Coordinator(s).

Grievance Procedure

Various District policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

Local Advisory Council

The Board will appoint a Local Advisory Council for Career Education. The Board may, with BOCES approval, utilize the BOCES Advisory Council as its Local Advisory Council.

(Continued)

SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION (Cont'd.)

Age Discrimination Act of 1975, 42 USC § 6101 et seq.
Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.
Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.
28 CFR Part 35
34 CFR Parts 100, 104, 106, 110, and 270
45 CFR Part 86
Civil Rights Law §§ 40, 40-c, and 47-b
Education Law Article 93 and §§ 10-18, 313, 2801, 3201, and 3201-a
New York State Human Rights Law, Executive Law § 290 et seq.
8 NYCRR §§ 100.2 and 141 et seq.
9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#3421 -- Title IX and Sex Discrimination
#7550 -- Dignity for All Students
#7551 -- Sexual Harassment of Students
#7554 -- Equal Educational Opportunities
District *Code of Conduct*

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS

Generally, the Board has the authority to prescribe the course of study in the schools of the District. However, there are general curriculum areas and specific topics in which the District must prescribe instruction. All students in the District will receive instruction in accordance with any applicable laws and regulations.

Driver Education

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's regulations.

Gifted and Talented Students

The Board will provide appropriate educational programs for students identified as gifted and talented.

Physical Education Class

All students, except those with medical excuses, will participate in physical education in accordance with the Commissioner's regulations, which require that all students attend and participate in physical education as follows:

a) All students in grades K through 3 will participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 will participate in a program three times per week for a minimum of 120 minutes per week. The minimum time devoted to these programs (K through 6) is exclusive of any time that may be required for dressing and showering.

b) Students in grades 5 through 6 that are in a middle school will participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester, or a comparable time each semester if the school is organized in other patterns.

c) All secondary students (in grades 7 through 12) will have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester or for a comparable time each semester if the school is organized in other patterns. For students in grades 10 through 12 only, a comparable time each semester will be provided if students have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities in extra class

programs or out-of-school activities approved by the physical education staff and the school administration.

d) For grades K through 12, a district may provide an equivalent program as approved by the Commissioner of Education.

(Continued)

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)

An excuse from physical education class may be accepted from a licensed physician for medical reasons or a licensed chiropractor for conditions of the spine.

Any student who is temporarily or permanently unable to participate in the regular program of physical education will be provided with adaptive physical education that meets their particular needs.

Sudden Cardiac Arrest

For purposes of this policy, the following definition applies:

a) "Physical activities" means participation in physical education classes and recess or similar activities during the school day.

The District promotes safe physical activities and strives to prevent incidents of sudden cardiac arrest in students by:

a) Immediately removing from physical activities any student who displays signs or symptoms of pending sudden cardiac arrest;

b) Prohibiting any student from resuming physical activities until the student has been evaluated by and received written and signed authorization from a healthcare provider to resume physical activities;

c) Requiring the healthcare provider's written and signed authorization to be kept on file in the student's permanent health record;

d) Abiding by any limitations or restrictions concerning school attendance and physical activities issued by the student's healthcare provider;

e) Either posting on the District website information developed by the Commissioner of Health on the definition of sudden cardiac arrest and signs and symptoms of pending or increased risk of sudden cardiac arrest or providing a reference for how to obtain this information from the webpages of the New York State Education Department and the New York State Department of Health.

Health and Mental Health Education

The District's health education program recognizes the multiple dimensions of health by including instruction related to:

a) Mental health;

(Continued)

SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS (Cont'd.)

b) The relation of physical and mental health;

c) The misuse and abuse of alcohol, tobacco, and other drugs; and

d) The prevention and detection of certain cancers.

This instruction will enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

Health education programs provided by the District will be designed according to the needs and abilities of the students at successive grade levels in accordance with applicable laws and regulations.

Education Law Article 90 and §§ 803, 804, 806-a, 923, 1709, and 3204
8 NYCRR Part 142 and §§ 100.2(c), 107.2, 135.1, 135.3, 135.4, and 136.9

NOTE: Refer also to Policy #7420 -- Sports and the Athletic Program

Adopted: 6/10/19
Revised: 3/6/23; 4/15/24

SUBJECT: PATRIOTISM, CITIZENSHIP, AND HUMAN RIGHTS EDUCATION

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight years, to attend instructional courses in patriotism, citizenship, civic education and values, our shared history of diversity, the role of religious tolerance in this country, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the Freedom Trail and Underground Railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850.

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for these courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One week during each school year a uniform course of exercises will be provided to teach students, in an age appropriate manner, the purpose, meaning, and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises will be in addition to the above required courses.

In addition, since the District receives Federal Funds for a fiscal year, it will hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day will be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

36 USC § 106
Education Law § 801
8 NYCRR § 100.2(c)

NOTE: Refer also to Policies #3430 -- Diversity, Equity, and Inclusion in the District
#8242 -- Civility, Citizenship, and Character Education/Interpersonal Violence Prevention Education

Adopted: 6/10/19
Revised: 8/16/21

SUBJECT: CIVILITY, CITIZENSHIP, AND CHARACTER EDUCATION/ INTERPERSONAL VIOLENCE PREVENTION EDUCATION

Civility, Citizenship, and Character Education

The Board recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the District.

The District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of his or her right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District will ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship, and character education in accordance with Education Law, with an emphasis on discouraging acts of harassment, bullying, and/or discrimination. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education will instruct students on the principles of:

a) Honesty;

b) Tolerance;

c) Personal responsibility;

d) Respect for others;

e) Awareness and sensitivity to discrimination and/or harassment as defined in the Dignity for All Students Act;

f) Civility in relation to people of different races, weights, national origins, ethnic groups, religions, religious practices, physical or mental abilities, sexual orientations, genders or sexes;

g) Observance of laws and rules;

h) Courtesy;

(Continued)

SUBJECT: CIVILITY, CITIZENSHIP, AND CHARACTER EDUCATION/ INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)

i) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community; and

j) Safe and responsible use of the Internet and electronic communications.

As determined by the Board of Regents, and as further enumerated in Commissioner's regulations, the components of character education will be incorporated in existing District curricula as applicable.

The District encourages the involvement of staff, students, parents, and community members in the implementation and reinforcement of character education in the schools.

Interpersonal Violence Prevention Education

The District may utilize any interpersonal violence prevention education package made available by the State Education Department. These materials may be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law §§ 801-a and 804
8 NYCRR § 100.2(c)

NOTE: Refer also to Policies #3430 -- Diversity, Equity, and Inclusion in the District
#8241 -- Patriotism, Citizenship, and Human Rights Education

Adopted: 6/10/19

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 ensure 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: 6/10/19

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;

1. The District is involved in the federal grant My Brother's Keeper which provides support for young men of color through various activities.

2. District employed Family and Community Educators work with local agencies to provide the support necessary to meet the family needs and to provide education on numerous topics that would help support family engagement.

3. District utilizes services from the HFM Prevention Council.

4. District communicates with the local Department of Social Services at weekly support staff meetings.

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:

(Continued)

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

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;

2. The needs of parents and family members to assist with their child's learning, including engaging with school personnel and teachers;

3. Strategies to support successful school and family interactions;

4. Each school will be required to conduct, at least, an annual survey to collect effectiveness information on various aspects of the parent involvement plan; and

5. District requirement for participation at meetings, activities and conferences will be documented on sign-in sheets.

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;

1. Family and Community Educator's plan community family fun nights at every school in the District. These events provide parents the ability to create relationships with school staff and feel more comfortable asking questions on how to be more involved.

2. The District provides parents of middle school and high school students the ability to sign up for Parent Portal. This application provides parents the ability to view attendance, discipline, and grades online in realtime.

3. District elementary schools organize Parent-Teacher Organizations.

g) Involve parents and family members in decisions regarding how it spends funds reserved for parent and family engagement activities;

1. Parents are surveyed at the family fun nights in regards to what activities they would like to see for their child.

2. Parents are also invited to Board meetings that involve the budget process.

(Continued)

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

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

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

(Continued)

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

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) The School District provides parents the ability to utilize Parent Portal, this application allows the parents to see attendance, discipline, and grades online in realtime. Parents can also send emails to their child's teacher through application;

   (d) Teachers use Google classroom which allows parents the ability to see what the child is learning each day and the ability to communicate with teachers through a message board; and

   (e) 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:

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. District mails letters to all parents/guardians of students taking the state assessments explaining the importance of exams and what to expect.

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;

(Continued)

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

1. The District utilize the service of The Literacy Zone, which is a program provided by the HFM Prevention Council that is centrally located in the city of Gloversville.

2. The District provides students iPads and/or Chromebooks that specifically have applications to help students with literacy.

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. The District has an elementary and secondary Family and Community Educator who works directly with families to create better relationships with the School District. The Family and Community Educators also provide families education on various topics.

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;

1. The District has free preschool programs for all School District students.

2. The elementary schools and middle school all have an afterschool program that is run by the Fulton County Mental Health Association.

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;

(Continued)

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

c) Pay reasonable and necessary expenses associated with local parent and family member engagement activities, including transportation and childcare 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.

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

Adopted: 6/10/19

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 ensure 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 ensure 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) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using email, chat rooms, instant messaging, and other forms of direct electronic communications. 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 to ensure 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)

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 -- Use of Internet-Enabled Devices During the School Day
District *Code of Conduct*

Adopted: 6/10/19

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS

The Board recognizes its responsibility to ensure that students of foreign birth or ancestry who are identified as English Language Learners (ELLs) are provided with an appropriate bilingual education or English as a New Language (ENL) program.

The District has developed a comprehensive plan to meet the educational needs of ELLs. The plan will be kept on file in the District and submitted to the Commissioner of Education prior to the start of each school year. The plan includes:

a) The District's philosophy regarding the education of ELLs;

b) The District's administrative practices and procedures to screen, identify, and place ELLs in appropriate programs;

c) The District's plan to provide parents and other persons in parental relation with information about all bilingual education and ENL programs available in the District and notices regarding program placement and the rights of parents or persons in parental relation in the language or mode of communication they best understand;

d) The District's system to annually measure and track the academic progress and English language proficiency of ELLs and use of data to drive instruction;

e) A description of the District's curricular and extracurricular services provided to ELLs;

f) The District's administrative practices to annually evaluate ELLs;

g) The District's procedure to identify support services for ELLs;

h) The District's policies and procedures regarding ELLs who are students with disabilities;

i) The District's procedures to exit ELLs including those students with inconsistent/interrupted formal education;

j) The District's services to support former ELLs.

Additionally, the District will provide professional learning to all teachers, level III teaching assistants, and administrators that specifically addresses the needs of ELLs. For school business leaders, the District will provide professional learning related to the needs of ELLs and the federal, state, and local mandates for ELLs.

The Superintendent will ensure that all data, including plans, assurances, and reports as required by the Commissioner's regulations, is submitted to the State Education Department in a timely manner.

(Continued)

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS (Cont'd.)

Education Law § 3204
8 NYCRR Parts 117 and 154 and § 100.2(g)

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS

The District's instructional program is enriched and supported by the selection of quality print and non-print instructional materials. Selected instructional materials will align with New York State learning standards, reflect different viewpoints, and meet the varied needs and interests of staff and students.

Definitions

For purposes of this policy, the following definitions apply:

a) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the District. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.

b) "Library material" means any print or non-print material which is catalogued and processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.

c) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the District. Textbooks include:

1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and

2. Courseware or other content-based instructional materials in an electronic format.

Overview of Instructional Materials

<u>Textbooks</u>

The Superintendent will work with District administrators and instructional staff to determine what textbooks should be used as part of the District's instructional program. Upon the recommendation of the Superintendent, the Board will designate the textbooks to be used. Textbooks, once designated, cannot be superseded within a period of five years except by a 3/4 vote of the Board.

(Continued)

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)

The District will ensure that students who require alternative formats of instructional materials receive those materials in a format that meets the National Instructional Materials Accessibility Standard (NIMAS) and at the same time as those instructional materials are available to their peers.

The District participates in the National Instructional Materials Access Center (NIMAC) which is an online repository of source files in the NIMAS format. Since the District participates in NIMAC, contracts with publishers executed on and after December 3, 2006 for textbooks and other printed core materials must include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

The Board will make provision for funds to be budgeted for the purchase of textbooks. Students may be required to pay for lost or excessively damaged textbooks.

Calculators

The New York State Education Department (NYSED) requires the use of calculators for intermediate and high school level mathematics and science assessments. Students are not required to purchase their own calculators. To the extent that calculators are a necessary part of the instructional program, the District will provide them.

Calculators must be considered a classroom teaching material for which the District is authorized to levy a tax. Even if operating under a contingent budget, the District must purchase and provide calculators if required for participation in an instructional program. Students may be required to pay for lost calculators.

Library Materials

The District will establish and maintain a library media center in each school which will contain library materials. The library media center in each District school will meet the needs of students and staff, and provide an adequate complement to the instructional program in the various areas of the curriculum. The District will employ certified school library media specialists in accordance with specific standards contained in regulation, unless equivalent service is provided by an alternative arrangement approved by the Commissioner.

The Board delegates its authority to designate library materials to be used in the District to the school library media specialist(s). When appropriate, the school library media specialist(s) will work

cooperatively with the Superintendent, other District administrators, instructional staff, the Board, students, and/or District community members to identify, order, and organize library materials.

When appropriate, the school library media specialist(s) will utilize shared services such as Boards of Cooperative Educational Services (BOCES) to improve programs and services, build collections, utilize new technologies, and maximize funding.

(Continued)

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)

The Board will make provision for funds to be budgeted for the purchase of library materials. Students may be required to pay for library materials that are lost, excessively damaged, or overdue.

Objectives in the Selection of Instructional Materials

The broad range and varying suitability of all forms of instructional materials which are available for purchase demand careful evaluation before they are selected for use in the District's classrooms and library media centers. In order to select quality print and non-print instructional materials to enrich and support the District's instructional program, the Board endorses and supports the selection of instructional materials that:

a) Align with New York State learning standards;

b) Implement, enrich, and support the District's curriculum and instructional program, taking into consideration the varied interests, abilities, and learning styles of students;

c) Meet the varied needs and interests of staff and students;

d) Present various sides of controversial issues so that students may develop critical thinking and reading skills resulting in the ability to make informed decisions;

e) Offer global perspectives and promote diversity by including materials by authors and illustrators of all cultures -- materials will not be excluded because of the race, nationality, religion, gender, gender expression, sexual orientation, political views, or social views of the author;

f) Provide staff and students with a wide range of up-to-date instructional materials of all levels of difficulty in a variety of physical and digital formats including print and non-print such as electronic and multimedia (including subscription databases and other online products, ebooks, educational games, and other forms of emerging technologies);

g) Afford students the opportunity to explore a diverse range of literature to develop and strengthen a lifelong love of reading.

34 CFR § 300.172
34 CFR Part 300, Appendix C
Education Law §§ 701, 702, 711, 1604, 1709, 1804, 1950, 2503, and 3602
8 NYCRR §§ 91.1, 91.2, 100.1, and 200.2

(Continued)

SUBJECT: TEXTBOOKS, LIBRARY MATERIALS, AND OTHER INSTRUCTIONAL MATERIALS (Cont'd.)

NOTE: Refer also to Policies #5412 -- Alternative Formats for Instructional Materials
#8110 -- Curriculum Development, Resources, and Evaluation
#8330 -- Objection to Instructional Materials and Controversial Issues

Adopted: 6/10/19
Revised: 3/6/23

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES

The Board recognizes the right of District community members to voice concerns and objections about instructional materials and the discussion of controversial issues. This policy addresses how those concerns and objections can be raised.

Definitions

For purposes of this policy, the following definitions apply:

a) "Controversial issues" means questions, subjects, or problems which can create a difference of opinion. They can include issues which may have political, social, environmental, or personal impacts on students and/or the wider community: locally, nationally, or internationally.

b) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the District. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.

c) "Library material" means any print or non-print material which is catalogued and processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.

d) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the District. Textbooks include:

1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and

2. Courseware or other content-based instructional materials in an electronic format.

Objections to Instructional Materials

The Board has authority to prescribe curriculum in the District and to designate the textbooks to be used in the District. The parent of a student cannot compel the Board to use a particular textbook or discontinue the use of a particular textbook. Further, the District may not be compelled to assign an alternate curriculum to a student based upon a parent's disapproval of classroom assignments. Students may be able to be excused from instruction in very limited circumstances outlined in law and regulation.

(Continued)

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES (Cont'd.)

District community members who have questions or concerns about instructional materials are encouraged to bring these questions and concerns to instructional staff and/or the school library media specialist(s).

District community members who wish to formally object to instructional materials must submit their objections in writing to the Superintendent. District staff who object to instructional materials must follow the same process as all District community members. Challenged instructional materials will remain in use and/or circulation until a final decision has been made. The Board will be informed of any objection the Superintendent receives.

The Superintendent will designate a review committee to investigate and evaluate the challenged instructional material. The committee will include, among others, the school library media specialist from the building where the objection originated and the building principal. The committee will evaluate the challenged material according to the District's criteria for the evaluation and selection of instructional materials.

The review committee will submit a written report of the results of their review to the Superintendent within 60 days of receipt of the formal written objection.

Appeals of decisions by the review committee may be submitted in writing to the Superintendent who will then submit the appeal to the Board for action.

If subsequent objections after an appeal are issued for the same material within a period of five years, the Superintendent can deny the objection based on the previous review and decision.

Controversial Issues

Controversial issues may be studied as part of the curriculum. Instructional staff will present these issues in their classrooms in an impartial and objective manner. It is expected that a library media center's collection, both print and digital, will include items that are considered to be controversial.

Instructional staff wishing to call upon outside speakers to present on controversial issues are required to work with the building principal who will keep in mind the obligation to present balanced viewpoints. The building principal will inform the Superintendent of the presentation on the controversial issue prior to it occurring.

Any objection to how a controversial issue is being taught, including the use of a guest speaker, should be directed to the building principal who will consult with appropriate instructional staff to address the objection.

(Continued)

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES (Cont'd.)

If the objection is related an instructional material being used in the teaching of a controversial issue, the process requesting reconsideration of library or instructional materials should be followed. Objections to instructional materials by District community members must be submitted in writing to the Superintendent. If the objection is related to the curriculum or New York State learning standards, the building principal will address the matter with the individual(s) raising the objection.

Education Law §§ 701, 711, 809, 1604, 1709, 1804, 2503, and 3204
8 NYCRR §§ 16.2 and 135.3

NOTE: Refer also to Policies #8320 -- Textbooks, Library Materials, and Other Instructional Materials
#8360 -- Religious Expression in the Instructional Program

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS

Textbooks

Upon written request, textbooks will be purchased and loaned free of charge to resident nonpublic school students in grades K through 12 in accordance with law and regulation. Students who reside outside of the District in which the nonpublic school they attend is located must have their textbooks provided by their district of residence.

Written requests for textbook loans may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the book, such as title, author, publisher, and copyright date, as well as the name and address of the child or parent requesting the loan and the nonpublic school attended.

Textbook purchase and loan requests must be received by the District by June 1st of the school year prior to which the textbooks are being requested. Notice of this date will be given to all nonpublic schools. For resident students not enrolled by June 1, requests may also be submitted within 30 days of enrollment in the nonpublic school. Additionally, in no event will a late request be denied where a reasonable explanation is given for the delay in making the request.

Any textbook purchased and loaned cannot be religious and must be approved by any school board in New York State. The District may request evidence that a requested textbook is used in one or more public school districts in the state. This evidence may include an authenticated list of public school districts using the textbook from the publisher.

All textbooks will be loaned to resident students enrolled in public and nonpublic schools on an equitable basis.

Textbooks loaned to resident nonpublic school students remain the property of the District. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged textbooks. The District will provide notification of this at the time a textbook is loaned.

Instructional Computer Hardware

Upon written request, instructional computer hardware will be purchased and loaned free of charge to nonpublic school students in the District in grades K through 12 in accordance with law and regulation. The instructional computer hardware must be required for use as a learning aid in a particular class or program.

Written requests for a loan of instructional computer hardware may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the instructional computer hardware.

(Continued)

SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS (Cont'd.)

Instructional computer hardware purchase and loan requests must be received by the District by June 1st of the school year prior to which the instructional computer hardware is being requested. Notice of this date will be given to all nonpublic schools. For students not enrolled by June 1, requests may also be submitted within 30 days of enrollment in the nonpublic school. Additionally, in no event will a late request be denied where a reasonable explanation is given for the delay in making the request.

Any instructional computer hardware containing software programs which are religious in nature or content will not be purchased or loaned by the District. Additionally, any instructional computer hardware purchased and loaned must be approved by any school board in New York State.

Instructional computer hardware will be loaned to students enrolled in nonpublic schools on an equitable basis.

Instructional computer hardware loaned to nonpublic school students remains the property of the District. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged instructional computer hardware. The District will provide notification of this at the time instructional computer hardware is loaned.

Smart Schools Classroom Technology

Upon written request, Smart Schools classroom technology will be purchased and loaned free of charge to nonpublic school students in the District in grades K through 12 in accordance with requirements in law and regulation.

Written requests for a loan of Smart Schools classroom technology may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the Smart Schools classroom technology.

Smart Schools classroom technology purchase and loan requests must be received by the District by June 1st of the school year prior to which the Smart Schools classroom technology is being requested. Notice of this date will be given to all nonpublic schools. For students not enrolled by June 1, requests may also be submitted within 30 days of enrollment in the nonpublic school. Additionally, in no event will a late request be denied where a reasonable explanation is given for the delay in making the request.

Any Smart Schools classroom technology purchased and loaned cannot contain religious content and must be approved by any school board in New York State.

Smart Schools classroom technology will be loaned to students enrolled in nonpublic schools on an equitable basis.

(Continued)

SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS (Cont'd.)

Computer Software

Upon written request, computer software programs will be loaned free of charge to nonpublic school students in the District in grades K through 12 in accordance with requirements in law and regulation.

Written requests for a loan of computer software programs may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the computer software program.

Any computer software which is religious in nature or content will not be purchased or loaned by the District.

Computer software will be loaned to students enrolled in public and nonpublic schools on an equitable basis.

Computer software loaned to nonpublic school students remain the property of the District. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged computer software. The District will provide notification of this at the time computer software is loaned.

Library Materials

Upon written request, library materials will be loaned free of charge to nonpublic school students in the District in grades K through 12 in accordance with law and regulation. Library materials must be required for use as a learning aid in a particular class or program and will be loaned for individual student use only.

Written requests for a loan of library materials may be presented directly to the Board, or with the Board's consent, to an appropriate official of the nonpublic school the student attends. The loan request should include information necessary to identify the book, such as title, author, publisher, and copyright date, as well as the name and address of the child or parent requesting the loan and the nonpublic school attended.

Library materials which are religious in nature or content will not be purchased or loaned by the District.

All library materials will be loaned to students enrolled in public and nonpublic schools on an equitable basis.

(Continued)

SUBJECT: INSTRUCTIONAL MATERIALS AND NONPUBLIC SCHOOL STUDENTS (Cont'd.)

Library materials loaned to nonpublic school students remain the property of the District. Like public school students, nonpublic school students may be required to pay for lost or excessively damaged library materials. The District will provide notification of this at the time a library material is loaned.

Education Law §§ 701, 712, 752, 754, and 755
8 NYCRR §§ 21.1, 21.3, and 21.4

Adopted: 6/10/19
Revised: 3/6/23

SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board to abide by the provisions of the United States Copyright Law. All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

A Copyright Officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records. The Copyright Officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Any person who willfully disregards the copyright policy will be in violation of Federal Copyright Laws and District policy and will assume all liability. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Digital Millennium Copyright Act (DMCA), 17 USC §§ 101 et seq., 512 and 1201 et seq.
37 CFR Part 201

Adopted: 6/10/19

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 Policies #7460 -- Constitutionally Protected Prayer in the Public Schools
#8330 -- Objection to Instructional Materials and Controversial Issues

Adopted: 6/10/19

SUBJECT: OPENING EXERCISES

The Pledge of Allegiance will be included as part of the opening exercises in all District schools. Under certain circumstances, such as religious conviction, individuals may be excused from this requirement.

Education Law § 802
8 NYCRR § 108.5

Adopted: 6/10/19

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 guidance director or administrator.

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: 6/10/19

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

Purpose

To clarify the status of home schooled students residing within the Gloversville Enlarged School District and to outline the limitations on their participation in school-sponsored programs, activities, and events.

Policy Statement

Parents and guardians who elect to home school their child(ren) are choosing to educate their children outside of the Gloversville Enlarged School District's public education system. As such, home schooled students are not considered enrolled students of the District and are therefore not entitled to the rights, privileges, or access to programs reserved for enrolled students.

Definitions

Homeschooled Student: A child of compulsory school age who receives instruction at home under the supervision of their parent(s) or legal guardian(s) in accordance with the requirements of Section 100.10 of the Regulations of the Commissioner of Education of the State of New York.

Enrolled Student: A student who has completed the required registration materials for enrollment into the Gloversville Enlarged School District and is actively participating in academic instruction affiliated with the Gloversville Enlarged School District, including Adirondack Academy, CVLA, PTECH, Spedal Education programs within HFM BOCES, and various out-of-district placements.

Policy Provisions

a) Non-Enrollment Status:

1. Home schooled children are not considered to be enrolled students in the Gloversville Enlarged School District and are not public school students for the purposes of access to district resources, programs, or activities. Home schooled students may, however, be required to provide proof of residency and proof of compulsory education age.

b) Extracurricular Activities:

1. Regulations of the Commissioner of Education require participants in interscholastic athletics and intramurals to be enrolled in public schools. Accordingly, such opportunities shall not be available to home schooled students.

2. Participation in extracurricular activities, including but not limited to athletics, drama productions, prom, graduation ceremonies, student government, clubs, after school activities, or music programs, is reserved for enrolled students of the Gloversville Enlarged School District.

(Continued)

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)

c) Instructional Services:

1. The District is not required to provide home schooled students with access to instructional resources, health services, remedial programs, career and technical programs, transportation, or technology.

d) Diplomas/Scholarships/Academic Awards:

1. In accordance with New York State Law, a high school diploma may only be awarded to students enrolled in the District and who have completed all program requirements set by the Regents, the school or the District.

2. All academic awards provided by the District shall only be awarded to students enrolled in the District.

3. It is not the responsibility of the District to provide scholarships to or secure college admission for homeschooled students.

e) Special Education Services:

1. 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 education by the District.

2. 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.

Implementation

This policy will be communicated to families who submit an Individualized Home Instruction Plan (IHIP) and to all school administrators. The Superintendent or their designee shall ensure compliance with all applicable New York State Education Department regulations regarding homeschooling.

8 NYCRR Section 100.10 - Home Instruction Regulations
NYSED Guidance on Home Instruction and Participation in Public School Activities
NYSED Athletics: Eligibility of Home-Schooled Students in Interscholastic Sports

Adopted: 6/10/19
Revised: 8/18/25

SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION)

Overview

Home, hospital, or institutional instruction (sometimes referred to as homebound instruction) is an educational service provided by districts to resident students enrolled in a public or nonpublic school who are unable to attend school in person for at least ten days during a three-month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

The District will provide home, hospital, or institutional instruction to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, or emotional illness or injury, as documented by the student's treating healthcare provider, the student is unable to participate in their usual education setting.

Definitions

"Instruction delivery plan" means a written plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

"School district of residence" means the public school district within the State of New York where the students legally reside with their parents or guardians.

"Treating health care provider" means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.

"Tutor" means an employee of the school district of residence or an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction. The tutor must hold a New York State teaching certificate. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide this instruction.

Request for Home, Hospital, or Institutional Instruction

To request home, hospital, or institutional instruction for a resident student, the parent or guardian must submit a request to the District that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months and written consent authorizing the

Director of School Health Services or designee to contact the student's treating healthcare provider. Refusal to provide this written consent will result in a denial of the request for home, hospital, or institutional instruction.

(Continued)

SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)

The request will be forwarded to the Director of School Health Services who will review the need for home, hospital, or institutional instruction and either approve or deny the request. During this review, the Director of School Health Services may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

Within five school days after receipt of written medical verification from the student's treating healthcare provider, the District will notify the parent or guardian whether their request for home, hospital, or institutional instruction has been approved or denied. In the case of a denial, reason(s) for denial will be provided.

Appeals

Parents and guardians may appeal the denial of home, hospital, or institutional instruction to the District's Board within ten school days of receipt of notification of the denial. Home, hospital, or institutional instruction will be provided while an appeal is pending before the District's Board.

Home, Hospital, or Institutional Instruction Requirements

The District will provide home, hospital, or institutional instruction to a student within five school days after receiving notification of the student's medical condition or within five school days from the request for home, hospital, or institutional instruction, whichever occurs first. This instruction, which may include remote instruction, will meet the minimum requirements outlined in law and regulation.

Students with Disabilities

Students with disabilities who are recommended for home, hospital, or institutional instruction by the Committee on Special Education (CSE) will be provided instruction and appropriate related services as determined and documented by the CSE in consideration of the student's unique needs. This instruction will only be recommended if the placement is in the least restrictive environment and must be provided for at least the number and length of time as provided for other students receiving home, hospital, and institutional instruction.

Recordkeeping

The District will maintain a record of delivery of instructional services and student progress. This includes, but is not limited to, a record of the dates, amount, and type of instructional services the

student received including the tutor's name, subjects taught, and the location where the instructional services were provided.

(Continued)

SUBJECT: HOME, HOSPITAL, OR INSTITUTIONAL INSTRUCTION (HOMEBOUND INSTRUCTION) (Cont'd.)

Education Law §§ 1604(20), 1709(24), 3202
8 NYCRR §§ 100.22, 175.21, and 200.6

NOTE: Refer also to Policy #7150 -- Remote Instruction

Adopted: 6/10/19
Revised: 4/15/24

SUBJECT: FIELD TRIPS

The Board recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

A field trip means any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules as regular classroom activities. The District must obtain written parental or guardian permission for students going on school-sponsored field trips.

The Superintendent will prepare procedures for the operation of a field trip activity. Field trip support will be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the District for approval and conduct of these trips will apply.

The Superintendent or designee may cancel previously approved field trips due to extenuating circumstances.

NOTE: Refer also to Policies #3410 -- Code of Conduct
#5720 -- Transportation of Students
District *Code of Conduct*

Adopted: 6/10/19