

Fabius-Pompey Central School District

Board of Education Policy Book

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SUBJECT: SCHOOL DISTRICT AND BOARD OF EDUCATION LEGAL STATUS

The Constitution of New York State, as amended in 1894, instructs the Legislature to provide for a system of free common schools wherein all children of the State may be educated.

The Legislature of the State has implemented this constitutional mandate through the creation of school districts of various types. The Fabius-Pompey Central School District is governed by the laws set forth for Central School Districts in Article 37 of the Education Law, and by-laws relating to, or affecting, Union Free School Districts as set forth in Article 35 of the Education Law.

The School District constitutes a corporate entity that possesses all the usual powers of a corporation for public purposes, and in that name may sue and be sued, purchase, hold and sell personal property and real estate, and enter into such obligations as are authorized by law.

The Constitution of the State of New York places the responsibility for public education on the State Legislature, and directs the establishment of a State Department of Education for general supervision over the schools and headed by a Commissioner of Education. The New York State Constitution further provides that local public schools under the general supervision of the State Education Department shall be maintained, developed and operated by locally elected boards. Legally, local boards are instruments of the New York State Constitution, the New York Statutes and the regulations of the State Education Department and its Commissioner.

New York State Constitution
Education Law Articles 35, 37

BOE Adopted

POLICY

2015

1120

By-Laws

SUBJECT: BOARD OF EDUCATION AUTHORITY

As a body created under the Education Law of New York State, the Board of Education of the Fabius-Pompey Central School District has full authority, within the limitations of federal and state laws and the Regulations of the Commissioner of Education and interpretations of them, to carry out the will of the people of its District in matters of education.

In all cases where laws or regulations of the State Commissioner of Education do not provide, permit, or prohibit, the Board shall consider itself the agent responsible for establishing and appraising educational matters and activities.

Board members have no authority over school affairs as individuals. They have authority only when acting as a body duly called in session.

Education Law Sections 1604, 1701, 1709, 1804 and 1805

BOE Adopted

POLICY

2015

1130

By-Laws

SUBJECT: NUMBER OF MEMBERS AND TERMS OF OFFICE

The Board of Education of the Fabius-Pompey Central School District shall consist of seven (7) members elected by the qualified voters of the School District at the annual election as prescribed by law.

Members of the Board of Education shall serve for three (3) years beginning July 1 following their election and each term shall expire on the thirtieth day of June of the third year.

7 Member Board - Education Law Section 1804.1
Term of Office - Education Law Section 2105

BOE Adopted

SUBJECT: BOARD OF EDUCATION MEMBERS: QUALIFICATIONS

Board of Education members of the Fabius-Pompey Central School District must meet the following qualifications:

- a. A citizen of the United States;
- b. Eighteen (18) years of age;
- c. Able to read and write;
- d. A legal resident one (1) year prior to the election;
- e. Cannot be an employee of the Fabius-Pompey Central School District;
- f. A qualified voter of the District;
- g. May not simultaneously hold another, incompatible public office;
- h. Must not have been removed from a School District office within one year from the date of such removal.

A *Board of Education Member*/trustee does not necessarily have to be a taxpayer.

Not more than one (1) member of a family (that is, cannot be a member of the same household) shall be a member of the same Board of Education in any School District.

Education Law Sections 2102, 2103 and 2103-a
Public Officers Law Section 3

SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION

- a. Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the Clerk of the School District, shall be signed by at least twenty-five qualified voters of the District, or by two (2) percent of the number of voters who voted in the previous annual election of Board members, whichever is greater, shall state the residence of each signer, shall state the name and residence of each candidate and whether such candidates are nominated for full terms or for unexpired portions of such terms. The nominating petitions shall not describe any specific vacancy upon the Board of Education for which the candidate is nominated.
- b. The notice of the annual District meeting must state that petitions nominating candidates for the office of member of the Board of Education must be filed with the Clerk of the District not later than the thirtieth day preceding the election at which time the candidates so nominated are to be elected.
- c. Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated.
- d. The hours of voting shall be as indicated by Board resolution.
- e. The position of candidates on ballots shall be determined by lot at a drawing conducted by the Clerk of the Board on the day after the last filing. The candidates who receive a plurality of the votes cast respectively for the several offices are to be declared elected in accordance with Education Law Where more than one office is to be filled by such election and there is a variance in the length of the terms for which such offices are to be filled, or where one or more persons are to be elected for a full term or terms and one or more persons are to be elected for the unexpired portion of a term or terms, or both, the candidate receiving the largest number of votes shall be entitled to the longest term and the candidate receiving the next highest number of votes shall be entitled, in decreasing order of the respective numbers of votes, to the several offices, in decreasing order of the length of such terms or unexpired portions of terms. In the event of a tie, there be a run-off election.
- f. At least ten days prior to the election, the Board shall appoint at least two inspectors of election for each voting machine, and set their salary.
- g. The Clerk and/or Designee of the Board shall attend the election and record the name and legal residence of each voter. The Clerk/BOE President/Superintendent shall give notice immediately to each person declared elected to the Board, informing of the election and term of office.
- h. Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.
- i. 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 term of office upon election.

Education Law Sections 2004, 2013, 2018, 2025, 2029, 2032, and 2121

SUBJECT: ANNUAL AND SPECIAL ELECTIONS - ELECTIONEERING PROHIBITED

Any type of electioneering shall be prohibited on the School District premises or grounds on Election Day of any annual or special District election.

At any such annual or special election:

- a. No person shall obstruct, hinder or delay or aid or assist in obstructing or delaying any elector on his/her way to the polling place or while he/she is attempting to vote.
- b. No person shall show his/her ballot after it is prepared for voting to any persons so as to reveal its contents or solicit a voter to show the same.
- c. No person shall remove any official ballot from a polling place before the closing of the polls.
- d. No person shall distribute any type of written material or engage in any type of solicitation for any purpose on the District's premises or grounds on Election Day.
- e. No electioneering will be allowed within one hundred (100) feet of the polling place.

SUBJECT: REPORTING OF EXPENDITURES AND CONTRIBUTIONS

Each candidate for the position of member of the Board of Education whose expenses and/or contributions received exceed five hundred dollars (\$500) must file a statement accounting for his/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 five hundred dollars (\$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 shall 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 transfer or, contributor or person from whom received;
- c. If that transferor contributor or person is a political committee as defined in Section 14-100 of the Election Law;
- 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 shall be reported within 24 hours after receipt.

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 Sections 1528 and 1529
Election Law Section 14-100(1)

BOE Adopted 10/7/08

SUBJECT: RESIGNATION AND DISMISSAL

A Board member may resign at an annual District meeting at which time the resignation shall be automatically accepted. At other times his/her resignation must be presented to the Superintendent of the School District, who will endorse it and file it with the Clerk of the Board. It shall become effective when so filed.

It shall be the duty of each member of the Board of Education to attend all meetings of the Board and, if any member fails 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 can proceed to declare that office vacant. The vote of four (4) members of the Board is required to rule that a member has vacated his/her office by reason of absence. *Any need for absence shall be sent to the Board of Education President. The President's request for absence shall be submitted to the Vice President. The minutes will reflect the status of a Board Member as present, excused absence or unexcused absence. The Board will determine if the cause for non-attendance is satisfactory, by majority vote and notify said Board Member of the Board decision.*

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.

In the event of death, resignation, refusal to serve, incapacity, removal from the District or from office, or any disqualification of a Board member, the Board may appoint a new member to fill such a vacancy. If the Board chooses to fill the vacancy, it shall be only for a term ending with the next annual election of the School District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term. The Board, at its own option, may also elect to call a special election within ninety 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 of the District. The Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered the vacancy shall not be filled otherwise. The Clerk shall immediately give notice of the appointment to the person appointed to fill the vacancy.

A Board member who has been removed from office shall be ineligible to appointment or election to any office in the District for a period of one year from the date of such removal.

Education Law Sections 306, 706, 1709(17), 1709(18), 2103(2) 2109, 2112 and 2113
Public Officers Law Sections 30, 31 and 35

SUBJECT: LEGAL QUALIFICATIONS OF VOTERS AT SCHOOL DISTRICT MEETINGS

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

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) A resident within the District for a period of thirty (30) days next preceding the meeting at which he/she offers to vote.

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

Education Law Section 2012

BOE Adopted 10/7/08

SUBJECT: SUBMISSION OF QUESTIONS AND PROPOSITIONS AT ANNUAL ELECTIONS SPECIAL DISTRICT MEETINGS

The following rules and regulations shall apply to the submission of the questions or propositions at the annual elections or special district elections of this School District.

- a. Questions or propositions shall be submitted by petition directed to the Clerk of the School District and shall be signed by twenty-five (25) qualified voters, or five percent (5%) of the registered voters of the District who voted in the previous annual election of Board members, whichever is greater. Each signer shall state his/her residence.
- b. A separate petition shall be required for each question or proposition.
- c. Each petition shall be filed with the Clerk of the School District. Petitions relating to an Annual Election must be filed not later than thirty (30) days preceding the election at which the question or proposition is to be voted upon. The Board of Education shall call a special election within twenty (20) days after submission of a petition calling for a vote at special meeting if such petition is acceptable in accordance with this policy.
- d. A question or proposition submitted in accordance with this procedure may be rejected if any of the following is true:
 1. Its purpose is not within the powers of the voters;
 2. Its purpose is illegal;
 3. It calls for an expenditure without specifying the amount of the appropriation therefore;
 4. It relates to a bond or note resolution previously adopted, with respect to which the publication of notice pursuant to Section 81 of the Local Finance Law occurred more than twenty (20) days before the question or proposition was submitted;
 5. Any other valid reason exists to reject the *question or* proposition.
- e. Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine.
- f. The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- g. Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Section 2018 of the Education Law.

Education Law Sections 2008, 2013(5b) and 2035(2)

BOE Adopted 10/7/08

Revised and BOE approved 1/6/15

POLICY

2015

1270

By-Laws

SUBJECT: VOTING BY ABSENTEE BALLOT

The use of Absentee Ballots is authorized for all School District and public library elections and referendums, including the election of members of the Board of Education and the Library Trustees and the adoption of the School District and Public Library budgets. The District Clerk or other individual expressly designated by the Board of Education shall implement the use of said ballots pursuant to regulations promulgated by the Superintendent of Schools.

Education Law Sections 2014 and 2018-a

BOE Adopted 10/7/08

SUBJECT: POWERS AND DUTIES OF THE BOARD

- a. The Board of Education shall exercise the powers and duties enumerated in the Education Law and the Commissioner's Regulations.
- b. Although each of the enumerated responsibilities belongs ultimately to the Board of Education, their definition and fulfillment requires the widespread cooperation of administrators, teachers and lay citizens if they are to represent an expression of community wishes, as well as a reflection of professional expertise, wisdom, experience, and research.

Obligations of Board Members

The duties and obligations of an individual Board member may be enumerated as follows:

1. To become familiar with the State school laws, regulations of the State Department of Education and all policies, rules and regulations of the Fabius-Pompey Central School District.
2. To have a general knowledge of educational aims and objectives of the School District.
3. To work harmoniously with other Board members without trying either to dominate the Board or neglect one's share of the work.
4. To vote and act in the Board meetings impartially for the good of the District.
5. To accept the will of the majority vote in all cases and give support to the resulting policy.
6. To represent the Board and the Fabius-Pompey Central Schools to the public in such a way as to promote both interest and support of the various facets of the School District program.
7. To refer complaints to the proper school authorities and to abstain from individual counsel and action.

BOE Adopted 10/7/08

Education Law Sections 1604, 1709, and 1804

SUBJECT: ELECTION AND ACCEPTANCE OF OFFICE

At its Reorganizational Meeting in July of each year, the Board shall elect a President and a Vice-President from its members, each of whom shall serve for one (1) year or until his/her successor is elected and qualified. The Board shall appoint a School District Clerk and a Treasurer and other personnel as needed. The Treasurer and other personnel shall not be Board members and shall serve at the pleasure of the Board.

The Board shall select one of its members to serve as Chairperson for the election of a President. Upon being selected, the Chairperson shall then ask the Board members for nominations for President. Upon the cessation of nominations, voting shall be carried out by secret ballot. In the event that no candidate receives a majority of votes, the two receiving the highest number shall be voted on again by secret ballot. In the event that only one Board member is nominated for President, the Chairperson may entertain a motion for nomination by Acclamation.

Immediately upon his/her election the President shall open nominations for Vice-President following the procedures in the preceding paragraph for his/her election.

Upon election of the Vice-President, the President shall entertain motions from members for the appointment of the Clerk and the Treasurer and such other auxiliary personnel as the Board shall deem necessary.

The President and Vice-President shall serve until the following June 30 or until a successor is appointed. The Treasurer and other auxiliary personnel shall serve at the pleasure of the Board.

The Clerk shall forthwith notify in writing each person elected to the office of the Board of his/her election and the date thereof. Such person shall be deemed to have accepted the office, unless within five (5) days after the service of such notice, he/she shall file his/her written refusal with the Clerk.

Education Law Sections 1701 and 2105(6)

BOE Adopted 10/7/08

SUBJECT: DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION

The President's duties 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.

Education Law Section 1701

BOE Adopted 10/7/08

POLICY

2015

1322

By-Laws

SUBJECT: DUTIES OF THE VICE-PRESIDENT OF THE BOARD OF EDUCATION

The Board of Education will elect one of its members Vice-President who shall have the power to exercise the duties of the President in case of the absence or disability of the President. In case of vacancy in the office of the President, the Vice-President shall act as President until a President is elected.

Education Law Section 1701

BOE Adopted 10/7/08

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

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

The following shall be appointed annually:

1. Clerk of the Board
2. District Treasurer
3. Tax Collector
4. Deputy District Clerk, Deputy District Treasurer, Deputy Tax Collector
5. Internal Claims Auditor
6. Deputy Internal Claims Auditor
7. Internal Auditor
8. Independent Auditor
9. Central Treasurer - Extraclassroom Activity Fund Account Advisor

The following must be appointed but need not be reappointed annually. The Board of Education will review these appointments annually.

1. School Physician
2. School Attorneys
3. Attendance Officer
4. School Dentist
5. Section 504/ADA Compliance Officer
6. Records Access Officer
7. Asbestos (LEA) Designee: AHERA
8. Title IX Officer
9. Board of Registration
10. Committee on Special Education membership
11. Committee on Preschool Special Education membership
12. CSE and CPSE Surrogate Parent
13. Water System Operator
14. Chemical Control Specialist
15. Census Enumerator and assistants
16. Liaison for Homeless Children and Youth
17. Board of Education Committees
 - a. Audit & Finance Committee
 - b. Facilities Committee
 - c. Policy Committee
18. District Health Insurance Officer
19. District Workers' compensation Officer
20. Dignity Act Coordinator

(Continued)

SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION (continued)**Designations**

The following designations shall be made by the Board of Education at the Annual Organizational Meeting in July:

1. Official Bank Depository, All Funds
2. Official Bank Signatories
3. Scheduled Board Meetings
4. Official Newspaper
5. Purchasing Agent
6. Designated Educational Official to receive court notification regarding a student's sentence/adjudication in certain criminal cases and juvenile delinquency proceedings
7. Integrated Pest Management Coordinator
8. Energy Manager of the District

Authorizations

1. To Certify Payrolls – ~~Treasurer or Deputy Treasurer~~ *Business Official or Superintendent*
2. To Authorize attendance at conferences, conventions, workshops – Superintendent
3. To fund Petty Cash Funds
 - Business Office - \$100
 - District Office - \$100
4. To sign District Checks – Treasurer or Deputy Treasurer
5. To authorize Budget Transfers on Chief School Officer's approval within limits prescribed by Commissioner's Regulation Section 170.2 and Board guidelines
6. To authorize Superintendent or Designee to apply for Grants in Aid (State and Federal)
7. To authorize Official Undertakings (Bonds):
 - District Treasurer/Deputy District Treasurer - \$1,000,000
 - District Tax Collector/Deputy District Tax Collector - \$1,000,000
 - All persons and positions required by law or regulation to be bonded - \$100,000
8. To Re-adopt all Policies and Codes of Ethics in effect during the previous year
9. To Establish Mileage Reimbursement Rate – At the Federal IRS reimbursement rate
10. To approve the Bus Use Rate

McKinney-Vento Homeless Education Assistance Act,
Section 722, as reauthorized by the No Child Left Behind Act of 2001
Education Law Sections 305 (31), 409-h, 1709 and 2503
29 Code of Federal Regulations (CFR) 1910.1450

SUBJECT: DUTIES OF THE DISTRICT CLERK

The Clerk of the Board will be appointed by the Board at its Annual Organizational Meeting and will serve for a period of one (1) year. The Clerk's duties include the following:

- a. Attends all meetings of the Board and keeps a record of its proceedings and record, by name, those in attendance;
- b. Prepares minutes of the meetings of the Board, obtain their approval by the Board at the next meeting and forwards copies of the minutes to each member of the Board of Education not later than ten (10) days after each meeting;
- c. The minutes shall constitute the official record of proceedings of the Board of Education and shall be open to public inspection at all reasonable times;
- d. Sends notices of special meetings to members of the Board; contacts and communicates with members as required;
- e. Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- f. Maintains an up-to-date record of Board policies and by-laws;
- g. Delivers to, and collects from, the President (or Vice-President) such papers for signature as may be necessary;
- h. Distributes notices to the public announcing availability of copies of the budget to be presented at the annual District meeting in compliance with the requirements of the State Education Law;
- i. Administers oaths of office, as required by Section 10, Public Officer's Law;
- j. Gives written notice of appointment to persons appointed as inspectors of election;
- k. Calls all meetings to order in the absence of the President and Vice-President;
 - 1) Assumes other duties customary to the office.

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

BOE Adopted 10/7/08

Education Law Section 2121

SUBJECT: DUTIES OF THE SCHOOL DISTRICT TREASURER

The Treasurer is appointed by the Board of Education 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 shall perform other specific tasks as follows:

- a) Acts as custodian of all moneys belonging to the School 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~~ *approved payments*; ~~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~~*Authorizes* 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/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 Sections 2122, 2130 and 2523

Local Finance Law Sections 163 and 165

8 NYCRR Sections 170.2(g), 170.2(o) and 170.2(p)

9 NYCRR Section 540.4

BOE Adopted 2/4/14

Revised and BOE Approved 2/3/15

SUBJECT: DUTIES OF THE TAX COLLECTOR

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

- a. Prepares and mails tax notices;
- b. Collects taxes in the amount of the warrant, upon the issuance of the tax warrant by the Board of Education and penalty fees in accordance with the terms of such warrant;
- c. Deposits all money collected by virtue of any tax list and warrant issued;
- d. Submits a report, certified by him/her to the Board of Education, showing the amount of taxes and fees collected along with the listing of unpaid taxes, containing a description of the real property upon which such taxes remain unpaid. The combination of taxes collected and uncollected shall equal the amount of the warrant;
- e. Turns over to the County Treasurer, prior to November 15th, a list of unpaid taxes;
- f. Carries out such other duties of the position as prescribed in the Real Property Tax Law.

Education Law Sections 2126 and 2130

Real Property Tax Law Sections 922, 924, 1322, 1330 and 1338

BOE Adopted 10/21/08

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The Board by law shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. The audit shall also include all extra classroom activity funds. The independent accountant shall present the report of the annual audit to the Board and provide a copy of the audit to each Board member. The Board shall 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 15th of the following school year. In addition to the annual audit, the District shall be subject to State audits conducted by the State Comptroller.

In addition, the independence and objectivity of the auditor may be enhanced when the Board of Education and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law. The Independent Auditor reports directly to the Board of Education and is required to meet with the Audit and Finance Committee.

Request for Proposal Process

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such 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 shall 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/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/her internal quality control processes adequately demonstrate compliance with government auditing standards. He/she must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.

(Continued)

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

- 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.
- d) Planning and Supervision: The auditor's work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material 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/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) Sections 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20

Education Law Sections 1709(20-a), and 2116-a

General Municipal Law Sections 33 and 104-b

8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board shall appoint a claims auditor who shall hold the position subject to the pleasure of the Board. No person shall be eligible for appointment to the office of claims auditor who shall be:

- a. A member of the Board;
- b. The Clerk or Treasurer of the Board;
- c. The official of the District responsible for business management;
- d. Clerical personnel directly involved in accounting and purchasing functions.

Valid claims against the District shall be paid by the Treasurer only upon the approval of the claims auditor. The claims auditor shall:

- a. Examine all claim forms with respect to the ~~availability of funds within the appropriate codes~~ *legality of appropriate use of district funds*;
- b. Ensure the claims packet includes an original invoice that clearly describes the goods/services purchased;
- c. Ensure the claim packet includes a receiving copy of the purchase order that is signed and dated, indicating that the materials or services were received;
- d. Substantiate receipts or other revenues or expenditures;
- e. Ensure that confirming purchase orders are not being done after the purchase;
- f. Ensure the proposed payment is for a valid and legal purpose;
- g. Ensure that no unauthorized taxes were paid;
- h. Ensure that the District has complied with its procurement policy and competitive bidding requirements;
- i. Provide a monthly report to the Board of Education attached to each warrant;
- j. Meet such other requirements as maybe established by the regulations of the Commissioner of Education and/or the Comptroller of the State of New York and/or District policies.

Education Law Section 1709(20-a)

BOE Adopted 12/13/11

Revised and BOE approved 2/3/15

SUBJECT: DUTIES OF THE CENTRAL TREASURER OF THE STUDENT ACTIVITIES ACCOUNT

The Central Treasurer of the Student Activities Account is appointed by the Board of Education and is responsible for the supervision of the student activities funds.

The Central Treasurer of the Student Activities Account's duties includes the following:

- a. Countersigns all checks disbursing funds from the Student Activities Account;
- b. Provides general supervision to ensure that all receipts are deposited and that disbursements are made by check only;
- c. Maintains records of all receipts and expenditures;
- d. Submits records and reports to the Board as required;
- e. Assumes other duties customary to the position.

8 New York Code of Rules and Regulations (NYCRR) Part 172

BOE Adopted 10/7/08

SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

The Board of Education shall employ a School Attorney who shall be responsible to the Board of Education for guidance on all affairs which are of a legal nature, including, but not limited to:

- a. Negotiation of all legal charges and processes for each bond issue and construction and/or reconstruction of new buildings;
- b. Legal counsel on matters referred to him/her by the Superintendent or his/her designee to determine legality of procedure;
- c. Matters related to "due process" hearings or procedures.

The School Attorney shall provide legal counsel at District expense to any member of the Board of Education or School District officers or employees who are sued in situations relating to and arising out of the performance of their office or employment.

SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN

The School Physician shall be appointed annually by the Board of Education. The duties of the School Physician shall include, but are not limited to, the following:

- a. Performs professional medical services in the examination and care of school children;
- b. Supervises routine examinations by the school nurse practitioner of those school children who are not examined by their own private physician to detect the presence of contagious diseases and physical defects;
- c. Serves as an on call member on the Committee on Special Education;
- d. Reports to the Superintendent on school health services and on the condition of school buildings in regard to health and safety;
- e. Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
- f. Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- g. Conducts physical exams for all bus drivers and substitutes annually (prior to employment);
- h. Conducts a medical evaluation on any employee at the request of the Board of Education.

Education Law Sections 902 and 913

BOE Adopted 10/21/08

SUBJECT: PRINCIPLES FOR SCHOOL BOARD MEMBERS

A School Board member, operating under the highest ethical standards, should:

- a. Assure the opportunity for high-quality education for every student;
- b. Observe state and federal laws and regulations pertaining to education;
- c. Accept office as a Board member as a means of unselfish service;
- d. Take official actions only in public sessions, unless otherwise authorized by law;
- e. Represent the entire community without fear or favor;
- f. Remember at all times the Board member is one of an educational team;
- g. Maintain confidentiality of privileged information;
- h. Recognize that the strength of a School Board is as a board, not as individuals;
- i. Delegate authority to the Superintendent as the Board's Chief Executive Officer and confine Board action to policy making, planning, and appraisal;
- j. Employ only competent, trained personnel;
- k. Preserve the obligation of having controversial issues presented fairly and without bias;
- i. Instill respect toward our Country and to each other.

New York State School Boards Association Annual Meeting

NOTE: Refer also to Policy #6110 -- Code of Ethics For All District Personnel.

BOE Adopted 10/7/08

SUBJECT: POLICY ADOPTION, REVIEW, AND SUSPENSION

The Board of Education should adopt clearly defined written policies based on a thorough understanding of the educational process. In formulating policies, the Board should consult those individuals or groups to be affected by the policies, and, since changing conditions bring changing needs, should periodically review policies. The Board should recognize that while it is a policy-making body, the execution of policy is properly delegated to employed professional administrators.

The formal adoption requires a 2/3 vote of the full Board. All policies adopted shall be recorded in the minutes of the Board of Education. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

The Board of Education can determine the effectiveness of the policies only by evaluating how the policies have been executed by the school staff and by weighing the results. The Board must therefore rely upon the reports of members of the staff and members of the community to determine the effectiveness of policies within the community.

It is the intention of the Board of Education that its policies be of sufficient breadth to serve as administrative guides in all cases. However, should the Board determine that any policy is unfair or is not in the best interests of the educational program it may temporarily suspend same by a 2/3 vote of the full Board. The policy shall then be carefully studied in relation to the situation which led to its suspension to determine whether it should be revised.

The format to be used by the Board of Education when changes or additions to written policy are to be made shall be the following:

- a. When at all possible, a written statement of proposed policy change should be distributed to the Board of Education members before the Board of Education meeting that said change is first discussed. Proposals for new policies or for changes in existing policies may be initiated by any Board member, by any patron of the School District, or by any employee of the Board.
- b. Changes in policy shall be discussed at two consecutive Board meetings. At the first meeting, the Board will discuss the policy and apparent ramifications of the change. No motion should be introduced at the first meeting for approval of the policy change since during the latter meeting, motions and voting on the policy change would be entertained.

The purpose of the above procedure is to enable the Board of Education sufficient time to evaluate changes or additions to the written policy so that hurried decisions are not made on previous written policies.

BOE Adopted 10/7/08

Education Law Sections 1604(9) and 1709(1) and (2)

POLICY

2015

1411

By-Laws

SUBJECT: POLICY DISSEMINATION

The Superintendent shall establish and maintain an orderly plan for preserving and making accessible those policies adopted by the Board and the administrative rules developed to put them into effect.

Policies and administrative rules shall be accessible to all employees of the school system, all members of the Board, and interested persons in the community.

BOE Adopted 10/7/08

SUBJECT: POLICY AND REGULATIONS MANUAL REVIEW

It is essential for the operation of the School District that the Board of Education review School Board policies and regulations on a regular basis. This provides an opportunity for the Board to address new concerns as well as identify those policies and regulations which may no longer be relevant.

The School Board will review policies and regulations in accordance with the following schedule:

During the 2019-2020 school year - Sections 1000 through 4000 of the Policy and Regulations Manual. This includes "By Laws," "Internal Operations," "Community Relations," and "Administration."

During the 2020-2021 school year – Section 5000 "Non-Instructional/Business Operations."

During the 2021-2022 school year – Section 6000 "Personnel."

During the 2022-2023 school year – Section 7000 "Students."

During the 2023-2024 school year – Section 8000 "Instruction."

During the 2024-2025 school year, the Board will adopt a new schedule for Board Policy and Regulations Manual reviews.

There are also a number of policies that need to be reviewed on an annual basis. These policies and regulations are identified in the Policy and Regulations Manual Index. They will be reviewed at the Organizational Meeting.

Throughout the course of any given school year, there will be a need to adopt new policies. New policies will be recommended to the Board as needed and after review by the Policy Committee.

POLICY

2015

1420

By-Laws

SUBJECT: EXECUTION OF POLICY: ADMINISTRATIVE REGULATIONS

The Board shall 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 these detailed arrangements shall constitute the administrative regulations governing the schools. They must in every respect be consistent with the policies adopted by the Board and shall be reviewed periodically by the Superintendent to determine their effectiveness in carrying out policies. The Board shall be kept informed periodically of changes in administrative regulations.

Administration in Absence of Policy

In those instances where action must be taken within the school system and where the Board of Education has provided no guides for administrative action, the Superintendent shall have the power to act, but his/her decisions shall be subject to review by action of the Board of Education at its regular meeting. It shall be the duty of the Superintendent to inform the Board promptly of any such actions on his/her part and of the need for policy.

The Board of Education shall retain the prerogative to review any and all administrative rules and may suggest or direct that certain rules be added, modified, or deleted.

SUBJECT: BOARD MEETING INFORMATION**General Information**

The Organizational Meeting date is set by the Board during the first part of July. At that time: 1) the days of the Regular and Special monthly meetings are established; 2) the officers are elected; 3) and appointments to many District positions are made (i.e.: School Attorney, official newspaper, Clerk, Treasurer, Bank, etc.).

Meeting Dates

The Board has determined the following:

- 1) Regular monthly meetings will be held on the third Tuesday of each month
- 2) A Special Board meeting will be held on the first Tuesday of each month.
- 3) Building principals are to attend the Special Board meetings and Regular monthly meetings upon request.

Meeting Time: Official starting time has been set at 6:30 p.m.

Meeting Place: All Regular Board meetings will be held in the ~~Middle~~ *High* School Library. Special Board meetings may be held at other locations.

Responsibilities of building personnel where meeting is held:

- 1) Seating arrangement for Board members:
NOTE: Although some modifications may be acceptable, the basic "U" shape is a determination of the Board.
- 2) Seating for the Audience:
Provide about 30 chairs for spectators in front of the "U."
- 3) ~~Coffee:~~
~~Make provisions for coffee, milk or dairy creamer, sugar, cups, spoons, napkins.~~
~~Approximately 30 cups of coffee should be ready by 6:15 p.m.~~
~~During break, person assigned is to check coffee supplies, and make more coffee if needed. Order all supplies from the Cafeteria Manager.*Refreshments will be available from the Cafeteria.*~~
- 4) Building Supervision:
As with any other public meeting, a custodian must be on duty during a Board meeting. If the meeting lasts past 10:30 p.m., the building principal should obtain permission from the Superintendent before the custodian is allowed to go home for the evening.
- 5) Questions:
If you have a question of concern, contact the Superintendent.

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

All Board of Education meetings must be open to the public except those portions of the meetings which qualify as executive sessions. In accordance with Section 102 of the Open Meetings Law, a "meeting" is defined as an official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body. A "public body" is defined as an entity of two (2) or more persons which requires a quorum to conduct public business, including committees and subcommittees. Reasonable efforts shall be made to ensure that all meetings are held in an appropriate facility which can adequately accommodate any and all members of the public who wish to attend.

Whenever such a meeting is to take place, there must be at least seventy-two (72) hours advance notice in accordance with the provisions of the Open Meetings Law. Notice of other meetings shall be given as soon as is practicable in accordance with law. When the District has the ability to do so, notice of the time and place of a meeting shall be conspicuously posted on the District's internet Web site.

District records subject to release under FOIL, as well as any proposed rule, regulation, policy or amendment, that are on the Board agenda and scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. If the District maintains a regularly updated Web site and utilizes a high speed internet connection, such records may be posted on the Web site to the extent practicable, prior to the meeting. The District may, but it is not required to expend additional funds to provide such records.

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify all 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.

Regular meetings of the Board of Education of the Fabius-Pompey Central School District shall take place on the day and time designated by the Board at the Annual Organizational Meeting, except as modified at subsequent meetings of the Board.

It is the responsibility of the Superintendent to prepare the agenda and review it with the Board President for each meeting of the Board. The agenda for each meeting shall be prepared during the week prior to the meeting. The agenda shall be distributed to Board members no later than the Friday before such regular meeting. Whenever the President or other members of the Board wish to bring a matter to the attention of the Board, such request should be made to the Superintendent *or Board President* so that the same can be placed on the agenda. Whenever individuals or groups wish to bring a matter to the attention of the Board, such request shall be addressed in writing to the Superintendent. The Superintendent shall present such matter to the Board.

The District Clerk shall notify the members of the Board of Education in advance of each regular meeting. Such notice, in writing, shall include an agenda and the time of the meeting.

In the event that a meeting date falls on a legal holiday, interferes with other area meetings, or there is an inability to attend the meeting by Board members to the extent that a quorum would not be present, the Board shall select a date for a postponed meeting at the previous regular meeting, and shall direct the Clerk to notify all members.

(Continued)

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

Any meeting of the Board may be adjourned to a given future date and hour if voted by a majority of the Board present.

The Superintendent and members of his/her staff at the Superintendent's discretion shall attend all meetings of the Board. The Superintendent shall attend all executive session meetings of the Board except those that concern his/her evaluation, employment status, and salary determination. The Board may request the attendance of such additional persons as it desires.

Recording of Meetings

The Board recognizes that advances in technology allow public meetings to be photographed, broadcast, webcast and/or otherwise recorded, by means of audio or video, in a non-disruptive manner and supports the use of such technology to facilitate the open communication of public business. To that end, the Board may adopt rules addressing the location of the equipment and/or personnel used to photograph, broadcast, webcast and/or record such meetings to assure that its proceedings are conducted in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies provided, upon request, to meeting attendees.

Public Expression at Meetings

Public expression at such meetings shall be encouraged and a specific portion of the agenda shall provide for this privilege of the floor. At its discretion, the Board may invite visitors to its meetings to participate in the Board's discussion of matters on the agenda.

The Board of Education reserves the right to enter into executive session as specified in Policy #1540 -- Executive Sessions.

Quorum

The quorum for any meeting of the Board shall be four (4) members. No formal action shall be taken at any meeting at which a quorum is not present. When only a quorum exists, the Board shall act by unanimous vote unless otherwise required by the laws of the State of New York.

Use of Parliamentary Procedure

The business of the Board of Education shall be conducted in accordance with the authoritative principles of parliamentary procedure as found in the latest edition of Robert's Rules of Order.

Education Law Sections 1708 and 2504

General Construction Law Section 41

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

BOE Approved 6/5/12

SUBJECT: AGENDA FORMAT

For regular Board meetings, the following format is used:

- a) Call to Order, Attendance by the Clerk, Pledge of Allegiance
- b) Comments from the Public
- c) Approval of Agenda
- d) Committee on Special Education
- e) Superintendent's Reports and Recommendations
- f) Business Administrator's Report
- g) Board President's Report
- h) Comments from the Public
- i) Consent Agenda
- j) Adjournment

For special and emergency meetings, the regular meeting agenda format shown above may be shortened and/or adapted to fit the purpose of the meeting.

POLICY

2015

1511A

By-Laws

SUBJECT: CONSENT AGENDA

The Consent Agenda would include all action items except those to be voted on separately as required by law. At the option of the Board of Education, all items contained in the Consent Agenda may be acted upon by single resolution.

BOE Adopted 10/7/08

POLICY

2015

1512

By-Laws

SUBJECT: PRESS COVERAGE OF BOARD MEETINGS

Board of Education meetings, except those portions of meetings during which the Board may meet in executive session, are open to the news media. Such media are invited to publish or broadcast the proceedings of Board meetings. However, news media are urged to check the obtained information for accuracy before broadcast or printing.

The Superintendent shall prepare a summary of Board proceedings for the news media upon request by such media.

BOE Adopted 10/7/08

SUBJECT: BROADCASTING AND TAPE RECORDING OF BOARD MEETINGS

The Board of Education recognizes its responsibility to conduct business publicly and to bring school issues to the attention of the community. Therefore, public meetings of the Board of Education may be tape recorded and/or otherwise broadcast or televised by news media personnel and others, subject to the following considerations:

- a) The Board retains the right to direct that a contemporaneous tape recording be made of the public meeting to ensure a reliable, accurate and complete account of the proceeding.
- b) If any person in attendance requests that tape recording and/or other broadcasting or televising devices be interrupted and/or discontinued for a portion of the meeting, it shall be the responsibility of the Board President to render a decision on such request while not conflicting with the provisions of the Open Meetings Law.
- c) Tape recording and/or broadcasting or other televising devices must be unobtrusive in manner and must not interfere with or distract from the deliberative process of the Board.

Education Law Section 1709(1)
Public Officers Law Article 7

Adopted by Board of Education 2/6/96

BOE Adopted 10/7/08

SUBJECT: SPECIAL MEETING OF THE BOARD OF EDUCATION

Special meetings of the Board shall be held on call by any member of the Board. A Reasonable and good faith effort shall be made by the Superintendent or the Board President, as the case may be, to give every member of the Board twenty-four hours' notice of the time, place and purpose of the meeting. All special meetings shall be held at a regular meeting place of the Board.

In an emergency, the twenty-four hour notice may be waived by unanimous consent of all Board members. When this occurs, it is advisable for the members to sign waiver-of-notice forms.

Public notice of the time and place shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior to the meeting.

Education Law Section 1606
Public Officers Law, Section 104(2)

SUBJECT: EXECUTIVE SESSIONS

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the area or areas of the subject or subjects to be considered, the Board of Education may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on a 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting.

- 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 Article 14 of the Civil Service Law;
- 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 thereof.

SUBJECT: ANNUAL DISTRICT MEETING AND ELECTION/BUDGET VOTE

Pursuant to law, the Annual District Meeting and Election/Budget Vote for the School District will be held on the third Tuesday in May. At this time, the District's registered voters will elect members of the Board of Education 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 School Board may petition the Commissioner of Education to obtain permission to hold the Annual Meeting Election and Budget Vote on the second Tuesday in May. Such request from the Board of Education must be certified and received by the Commissioner no later than March 1st.

The District Clerk shall give notice of the time and place of holding the Annual Meeting and Election/Budget Vote by publishing such notice four (4) times within seven (7) weeks preceding the meeting. The first publication of the notice must be at least forty-five (45) days prior to the meeting. Such notice must appear in two, 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 shall also contain such 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 shall be available, on request, in each District school building during certain designated hours on each day other than a Saturday, Sunday or holiday during the fourteen (14) days preceding such Annual Meeting. The availability of this budget information shall be included in a legal notice of the Annual Meeting; and such copies of the proposed budget will also be available to District residents at the time of the Annual Meeting and Election.

Annual Meeting (Election and Budget Vote) -

Education Law Sections 1804(4); 1906(1); 2002(1); 2017(5) and (6); 2022(1); and 2601-a (2)

Notice - Education Law Sections 1608(2); 716(2); 2003(1); 2004(1); and 2601-a (2)

SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION

The Board of Education will appoint at a regular or special meeting prior to the Annual Election, a qualified voter as chairperson.

The chairperson will call the meeting to order and proceed to the following order of business:

- a. Designation of District Clerk as clerk of the election and assistant clerks;
- b. Designation of tellers and/or inspectors of election as previously appointed by the Board;
- c. Reading of notice of call of the election by the Clerk;
- d. Opening of the booths for voting;
- e. Closing of the booths;
- f. Receiving the report of the Clerk of the results of the elections;
- g. Adjournment.

Education Law Sections 1716 and 2025

BOE Adopted 10/7/08

POLICY

2015

1550

By-Laws

SUBJECT: ANNUAL ORGANIZATIONAL MEETING: TIME

The Annual Organizational Meeting of the Board of Education shall be held on the first Tuesday in July of each year, unless that day is a legal holiday, in which event the Meeting shall be held on the first Wednesday in July.

The Board may pass a resolution, however, to hold its Annual Organizational Meeting at any time during the first fifteen (15) days of July.

Education Law Section 1707

BOE Adopted 10/7/08
Revised and BOE approved 2/3/15

SUBJECT: MINUTES

The minutes are a legal record of the activities of the School Board as a public corporation having the specified legal purpose of maintaining public schools. The minutes of all meetings shall be kept by the Clerk or, in his/her absence, by the Superintendent or his/her designee. The minutes shall be complete and accurate and stored in a minutes file. However, minutes of executive sessions need not include any matter which is not required to be made public by the Freedom of Information Law.

The minutes of each meeting of the Board of Education shall 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, with evidence of those voting in the affirmative and the negative, and those abstaining. The usual voting method shall be by show of hands or voice at the option of the President. The law requires that the vote of each Board member, on each matter acted upon, be recorded in the minutes;
- f. The nature of events that transpire, in general terms of reference.

Communications and other documents that are too long and bulky to be included in the minutes shall be referred to in the minutes and shall be filed in the District Office.

All Board minutes shall be signed by the Clerk of the Board when approved and stored in a locked room or locked file cabinet. Unless otherwise provided by law, minutes shall be available to the public within two (2) weeks following the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

Public Officers Law Section 106

BOE Adopted 10/7/08

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2000

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SUBJECT: NEW SCHOOL BOARD MEMBER ORIENTATION

The Board of Education President and Superintendent will conduct new school Board Member orientation.

The following are programs a Board member should expect to come in contact with throughout his/her term of office including:

- a. Fabius-Pompey School District functions;
- b. Activities our children are involved in;
- c. Programs for adults such as A.P.T.S.;
- d. Teacher Recognition Day;
- e. Teacher Workshop days.

Outside of our District, there are many functions that directly and indirectly affect education at Fabius-Pompey. This list is but a few:

- a. Onondaga-Madison County School Boards Association;
- b. BOCES programs;
- c. BOCES Board meetings;
- d. School Board Institute;
- e. CNYSSC Conferences;
- f. NYS School Boards Association;
- g. Seminar for New School Board Members (Albany).
- h. All new Board of Education members are required to attend State-mandated Board of Education training.

~~And, last, but not least,~~ A Board member should attend the two (2) monthly meetings and expect to spend a day in each of our schools at least once a year visiting with administrators, teachers, and students. School Board Member Orientation: This is held after the first meeting of the new Board. The purpose will be to review resource materials, procedures of management, and budget with Business Manager and building principals.

The Board President will review the procedure of addressing questions and concerns from community members.

~~What to do when questions and concerns arise from citizens should be addressed in a general review of Board policies with the Superintendent.~~

NOTE: Information packet of materials regarding Board responsibilities will be distributed to all candidates who submit a petition for School Board *new School Board Members;* including:

- a) Proposed School Budget
- b) Administrator/Teacher Handbook
- c) Mission and Goals Statement
- d) Access to Policy Manual

SUBJECT: BOARD MEMBER TRAINING

Training requirements for Board members in the first year of their first term as a Board member is two-fold.

Training on Financial Oversight, Accountability and Fiduciary Responsibilities

Currently, within the first year of election or appointment, each Board member must complete a minimum of six (6) hours of training on the financial oversight, accountability and fiduciary responsibilities of a school board member.

Re-elected Board members are not required to repeat this training. Additionally, re-training is not required if the Board member has previously fulfilled this requirement as a first-term member of a component school district.

Training on Powers, Functions and Duties of Board Members and Other Authorities

Beginning July 1, 2011 and thereafter, in addition to the above training, during the first year of a Board member's first term, he/she shall be required to complete a training course acquainting them with the powers, functions and duties of Boards of Education, as well as the powers and duties of other governing and administrative authorities affecting public education.

~~Re-elected Board members shall not be required to repeat this training. Additionally, should a voting Board member be seated or appointed on or before August 13, 2010, the signing date of Chapter 388 of the Laws of 2010, he/she is not required to take this training.~~

Curricula and Compliance

Training on financial oversight, accountability and fiduciary responsibilities shall be approved by the Commissioner of Education in consultation with the State Comptroller. General training shall be approved by the Commissioner of Education. Providers shall be approved by the Commissioner. Curricula may be offered together as a single course or separately.

Upon completing the required training, the Board member shall 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 of the District.

All Board Members are required to attend mandatory training, failure to complete such training can result in removal from the Board.

Education Law Section 2102-a
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(a)

BOE Adopted 9/20/11
Revised and BOE approved 2/3/15

POLICY

2015

2120

Internal Operations

SUBJECT: USE OF PARLIAMENTARY PROCEDURE

The business of the Board of Education shall be conducted in accordance with the following principles:

Internal Operations

- a. Rules of the Board will have precedence;
- b. Authoritative principles of parliamentary procedure as found in Robert's Rules of Order Newly Revised* shall be followed.

* Robert, H.M., Evans, W.J., & Cleary, J.W. The Scott Foresman Robert's Rules of Order Newly Revised, Illinois: Scott, Foresman and Company, 1991.

Commissioner's Decision Numbers 8018 and 8873
General Construction Law Section 41

BOE Adopted 10/7/08

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 shall appoint temporary committees consisting of fewer than the full membership for special purposes. These committees shall be discharged on the completion of their assignment or they may be terminated at any time by a vote of the Board. The President of the Board shall be an ex-officio member of such committees.

The Board of Education 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. Such committees shall be appointed by the Board of Education.

Visitation Committees

The Board of Education shall 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 Section 1708

Meetings of Committees of the Board of Education

All committees and/or sub-committees of the Board of Education must abide by the provisions of the Open Meetings Law. Such committees must meet publicly, go into executive session only on a motion and only for one of the permitted topics, give advance notice of meetings, make public minutes and otherwise comply with all requirements of the Open Meetings Law.

The only exceptions to this policy are District Committee meetings called by the administration rather than the Board of Education and meetings of the Committee on Special Education.

Public Officers Law Sections 102 and 104

BOE Adopted 10/7/08

POLICY

2015

2310

Internal Operations

SUBJECT: MEMBERSHIP IN ASSOCIATIONS

The School District shall be a member of the New York State and the Onondaga County School Boards Associations. Additionally, the Board may maintain membership and participate cooperatively in other associations.

Education Law Section 1618
Comptroller's Opinion 81-255

BOE Adopted 10/7/08

**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, workshops and conventions. However, in order to control both the investment of time and funds necessary to implement this policy, the Board establishes the following principles:

- a. A calendar of school Board conferences, conventions and workshops shall be maintained by the Board Clerk. The Board will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the School District. At least annually, the Board will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.
- b. Funds for participation at such meetings will be budgeted for on an annual basis. When funds are limited, the Board will designate which of its members would be the most appropriate to participate at a given meeting.
- c. Reimbursement to Board members for their travel expenses will be in accordance with the regulations established by the Board for travel reimbursements.
- 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.

General Municipal Law Section 77-b
Education Law Section 2118

BOE Adopted 10/7/08

POLICY

2015

2330

Internal Operations

SUBJECT: COMPENSATION AND EXPENSES

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

Education Law Sections 2118
General Municipal Law Section 77-b

BOE Adopted 10/7/08

POLICY

2015

2340

Internal Operations

SUBJECT: BOARD SELF-EVALUATION

The Board shall review the effectiveness of its internal operations at least once annually and will 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.

POLICY

2015

2350

Internal Operations

SUBJECT: BOARD-SUPERINTENDENT RELATIONSHIP

It is agreed by authorities in the field of education that the legislation of policies is the most important function of a School Board, and that the execution of the policies should then be the function of the Superintendent. Delegation by the Board of its executive powers provides freedom for the Superintendent to manage the schools within established policies. The Superintendent should then be held responsible by the Board for results.

New York State Law provides that the Superintendent shall have charge and control of the public schools of the District subject to the orders, rules and regulations of the Board.

BOE Adopted 10/7/08

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POLICY

2015

3110

Community Relations

SUBJECT: SCHOOL SPONSORED MEDIA

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

In addition, a monthly newsletter may be prepared and mailed to each resident of the School District. 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 his/her designee shall issue all news releases concerning the District. All statements of the Board will be released through the Office of the Superintendent and/or the Clerk of the Board of Education.

POLICY

2015

3111

Community Relations

SUBJECT: SCHOOL NEWSLETTER

The basic communication between the Fabius-Pompey Central School and the residents of the School District is the school newsletter. The editor-in-chief is the Superintendent. The newsletter shall reflect official opinion on school and school-related matters. It shall not carry unofficial opinion on any matter relating to Board or administrative action. News of various departments of the school and news of student activities and teams may be carried. News of local non-school organizations may be included. Not to be carried is any notice or advertisement designed to aid a profit-making business, since the newsletter is not intended to compete with any newspaper carrying such advertisements and notices, and since it is tax-supported.

The newsletter shall be published on a schedule set up by the editor-in chief and is to be delivered in a manner to be determined by him/her. Sufficient funds to publish the determined number of issues annually will be included in the administrative budget of the general fund.

POLICY

2015

3120

Community Relations

SUBJECT: RELATIONS WITH THE MUNICIPAL GOVERNMENTS

It is the policy of the Board to establish and maintain a positive working relationship with the governing bodies of the municipality. The Board shall also cooperate with municipal, county and state agencies whose work affects the welfare of the children of the District, including the County Social Service Department, the Onondaga County Health Department, the Recreation Department, the Public Library, and all community emergency service agencies.

POLICY

2015

3130

Community Relations

SUBJECT: SENIOR CITIZENS

The Board of Education will consider school related programs for the elderly in accordance with Education Law and/or regulations of the Commissioner of Education. Such programs include special use of school buses, school lunches and partial tax exemptions.

Education Law Sections 1502, 1709(28)
Real Property Tax Law Section 467

BOE Adopted 11/4/08

POLICY

2015

3140

Community Relations

SUBJECT: FLAG DISPLAY

In keeping with State Education Law and Executive Law, the Board of Education accepts its duty to 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 shall be flown at half-staff. The Superintendent's approval shall be required for the flag to be flown at half-staff upon any other occasion. Regulations for seeking such approval shall be established in the Administrative Manual of the District.

Education Law Sections 418 and 419
Executive Law Section 403

BOE Adopted 11/4/08

REGULATION

2015

3140R

Community Relations

SUBJECT: FLAG DISPLAY

1. The flag will be displayed during school hours upon or near every school building within the District during days that school is in session.
2. The flag will be displayed in assembly rooms and in all rooms used for instruction. The Pledge of Allegiance shall be recited daily during the homeroom period. The flag will be displayed in the room where the meetings of the Board of Education are conducted.
3. The flag should not be displayed on days when weather is inclement.
4. The flag may be displayed at night and appropriately lighted upon special occasions when it is desired to produce a patriotic effect, when so authorized by the Board or by the Superintendent as its designee to authorize such display.
5. The flag will be flown at full-staff at all times except, it may be flown at half-staff to commemorate the death of a:
 - a. Personage of national standing as designated by the President or Governor;
 - b. Present or former Board member;
 - c. Present or former employee of the District;
 - d. Student of the District;
 - e. Period of half-staff shall be from the day of death to the day of interment;
 - f. Or at the discretion of the Superintendent of Schools.
6. The flag will not be flown at half-staff in response to a petition from students, faculty, or other employees of the District, or petition from a member or members of the community, who have as their intent an expression of sympathy, support, dissent, or opposition to a cause which is political, social, or economic.

PROCEDURE

2015

3140P

Community Relations

SUBJECT: FLAG DISPLAY

Responsibility

Action

Student/Faculty/District
Employee

1. Submits a request to display flag at half-staff with rationale to the Superintendent through the immediate supervisor or principal.

Superintendent

2. a. Approves or denies the request. In case of denial, provides a rationale for same.
b. Informs the Board of Education, of the action.
c. If request is approved, notifies the custodial /maintenance provider.

Custodial /Maintenance
Provider

3. Ensures that flag is flown at half-staff for the duration as specified in request

POLICY

2015

3150

Community Relations

SUBJECT: COMMUNITY INVOLVEMENT

The Board of Education may, when it deems it appropriate, appoint a lay advisory committee to serve at the Board's discretion as a general study group to concern itself with the basic areas of system-wide policy which will be assigned to the committee for study.

The number of members to serve on the committee shall be determined by the Board. The members shall be persons representative of the School District as a whole, and persons who have demonstrated an interest in and a concern for public education in the community. Members shall serve at the pleasure of the Board.

When such a committee is established it shall:

- a. Meet periodically to consider policy areas in need of clarification, revision or expansion as assigned by the Board of Education.
- b. Select its own chairperson or vice-chairperson.
- c. Call up various interested groups and individuals for advice and information as needed.
- d. Have a member of the Board of Education and a member of the administrative staff to serve as secretary to the committee.

BOE Adopted 11/4/08

POLICY

2015

3151

Community Relations

SUBJECT: PUBLIC OPINION

It is the policy of the Board of Education to make wide use of public opinion and to keep aware of the consensus. The administrators of the school are expected to keep in touch with spokespersons for parents' and other citizen groups, as well as those of the Student Council, the faculty, and non-instructional employees. In this way, both Board and administration can work more closely within the framework of public opinion.

BOE Adopted 11/4/08

SUBJECT: SCHOOL VOLUNTEERS

The Board recognizes the need to develop a school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program will be 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.
- d. Volunteers are persons who are willing to donate their time and energies to assist principals, teachers, and other school personnel implementing various phases of school programs. Volunteers shall serve in that capacity without compensation or employee benefits except for Workers' Compensation and liability protection under the District's insurance program.

All persons performing volunteer services shall be screened and interviewed by one or more members of the regular school staff.

The Board of Education directs the Superintendent/designee to develop regulations to implement this policy and to periodically inform the Board of the progress of the school volunteer program.

REGULATION

2015

3160R

Community Relations

SUBJECT: SCHOOL VOLUNTEERS

- 1) Volunteers are asked to support the District's instructional programs and extracurricular activities.
- 2) A school volunteer is defined as a non-paid person who works on an occasional or regular basis at school sites or other educational facilities. Volunteers may include parents, senior citizens, students, and other member of the community.
- 3) The need for volunteer services will be determined by the principal in cooperation with the faculty. Final decision concerning selection, placement, and replacement is made by the principal subject to Board approval.
- 4) Orientation and in-service training will be provided by appropriate area personnel.
- 5) Volunteers will work under immediate supervision and direction and shall carry out only those duties assigned which have been approved by the building principal/designee.
- 6) Volunteers are expected to comply with all rules and regulations set forth by the District.
- 7) The principal and faculty shall evaluate the volunteer program, providing an opportunity for volunteers to submit suggestions and to evaluate their rules in the program.
- 8) An accurate and current list of active volunteers shall be maintained by the District Office.
- 9) Volunteers who have proven unsatisfactory will be asked by the Superintendent/designee to discontinued services.

POLICY

2015

3170

Community Relations

SUBJECT: RELATIONS WITH EDUCATION RESEARCH CENTERS/USE OF QUESTIONNAIRES AND INTERVIEWS

It is the policy of the District to cooperate as far as possible with the colleges, universities, and other agencies in promoting potentially beneficial research. In order to facilitate requests to make questionnaire and interview studies in our school, criteria for such studies have been established.

Decisions in connection with research involving students, teachers or other employees are made by the Superintendent and are based on guidelines as developed by administration.

BOE Adopted 11/18/08

POLICY

2015

3210

Community Relations

SUBJECT: VISITORS TO SCHOOL BUILDINGS

Persons visiting the schools are to go directly to the office of the building where they are to secure the permission of the building principal and sign the visitors' register.

Before a child may be taken from the building by any non-school person, the visitor must be recognized by the principal or his/her representative as one having legal right to take the child. The visitor will wait in the office for the child to come from the classroom. No visitor is to go to the classroom unaccompanied by an appropriate school official for the purpose of getting a child.

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

Penal Law Sections 140.10 and 240.35

BOE Adopted 11/4/08

SUBJECT: VISITORS TO SCHOOL BUILDINGS

Close communication and supportive relationships between parents and schools are essential to increasing student achievement and enhancing school climate. The Fabius-Pompey Central School District supports these efforts through effective and appropriate visitations to schools and to classrooms by parents, community members, and other appropriate individuals, subject to the following guidelines:

- 1) Parents may request a visit to their child's classroom(s) through the building principal, at which time the purpose of the visit will be established. The date and time of the visit will be mutually agreed upon directly between the parent and the teacher. The building principal will be notified, in advance, of the arrangements which have been agreed upon for the visit.
- 2) Teachers may request a parent to visit the classroom by directly contacting the parent and establishing a mutually agreed upon time and date. The building principal will be notified of the visit, in advance.
- 3) Visitations by individuals other than parents shall be arranged directly between the building principal and the individual making the request. The purpose of the visit will be made clear at this time in order to facilitate appropriate arrangements.
- 4) Visitations will be limited to those situations which involved neither the placement nor the change of placement of a child into or from a specific class room or program nor any manner of evaluation of members of the District's classroom teaching staff. Visitation will occur in a way that avoids or minimizes disruption to the normal learning process and the ordinary classroom routine. The building principal may be present when appropriate. Visitors agree to maintain confidentiality regarding information which they acquire during the course of the visit, especially in programs in which confidentiality is mandated, as explained to the visitor by the building principal.
- 5) Individuals visiting the schools are to go directly to the office of the building which they are planning to visit, advise the principal or his/her designee of their presence and purpose for being in the building, receive permission to be on school grounds, and sign the visitors' book. Visitors are to notify the office staff of their departure and sign out upon leaving the building.
- 6) Before a child may be taken from the building by a non-school person, the visitor must be recognized by the building principal or his/her designee as one having the legal right to take the child. The visitor will wait in the office for the child to come from the classroom at which time he/she will be signed out in the appropriate book. No visitor is to go to the classroom unaccompanied by an appropriate school official for the purpose of getting a child.
- 7) Regular visitors to the school, such as volunteers, should follow all of the guidelines outlined above for other visitors.

PROCEDURE

2015

3210P

Community Relations

SUBJECT: VISITORS TO THE SCHOOL

Responsibility

Action

Principal

- 1) Assures that notices are posted at all building entrances directing visitors to report to the principal's office immediately upon arrival.

Visitor

- 2) Reports to the principal's office stating intended business to the principal/designee.

Principal/Designee

- 3)
 - a. Grants permission for the visitor to carry out his/her stated business and assists him/her in locating desired room and/or staff member.
or
 - b. Denies permission for access to the building and/or staff and explains the reason(s) for the decision.
 - c. Escorts the visitor to the door and witnesses his/her departure from the building.
 - d. If visitor refuses to leave, notifies the legal authorities.

FORM

2015

3210F

Community Relations

VISITORS TO FABIUS-POMPEY MIDDLE SCHOOL-HIGH SCHOOL

Visitors are always welcome at Fabius-Pompey Middle School-High School. All visitors, however, must report to the Main Office on arrival.

Students are discouraged from bringing friends or relatives to school with them. Your most important job in school is to get an education. This responsibility to yourself is more difficult to accomplish when you are hosting a guest.

If unusual circumstances arise and you want to have a guest come to school with you, arrangements must be made at least one day in advance with the principal. This will involve obtaining a sheet from the Middle School-High School Office with which to seek permission from and inform the student's teachers. Permission cannot be granted until the completed form is returned to the Office. Any guest of a student is that student's responsibility. Other than such guests, the only people whom you may meet at school during the school day are your parents or guardians or other adults acting in their behalf and with their permission.

Visitor Request Form

Student's Name _____ Grade _____

Visitor's Name _____ Grade _____

Date of Visit _____

Visitor's Home School _____

Reason for Visit _____

Teacher's Approval

Class

Teacher's Signature

Period 1 _____

Period 2 _____

Period 3 _____

Period 4 _____

Period 5 _____

Period 6 _____

Period 7 _____

Period 8 _____

Period 9 _____

SUBJECT: PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board of Education recognizes the importance of maintaining an open dialogue with the community by assigning an open agenda item to them at each regular business meeting. In so doing, the Board members and the people who choose to use the agenda item must remember that they are bound by the terms outlined in this policy and must conduct themselves in a manner commensurate with the laws and regulations that govern the operation of a Board of Education.

Time Allotted for District Residents' Forum and Location on the Agenda

At the beginning of each regular business meeting, a maximum of 30 minutes will be reserved for comments from Fabius-Pompey Central District residents.

- a) The Board President may extend the time by an additional 30 minutes. Board members may also request such an extension, or
- b) Extension of time to exceed one hour at either the beginning or end of the business meeting will require Board approval.

Requirements

- a. A sign in is available at the start of the meeting, but not a requirement to speak. Residents will speak in order of their sign in.
- b. If they are speaking on behalf of an organization, they must give the name of the organization and furnish proof, if requested by the Board President, that they are authorized to speak for that organization. Residents may not speak for another resident even if the remarks are read unless that resident is present.
- c. New York State Taylor Law recognized that negotiations occur between the negotiating teams for the District and union and that any attempt to "end run" those negotiating teams by the Union, employees, or the District to negotiate directly with the other side are prohibited. Therefore, any speaker covered by those negotiations may not attempt, through their comments, to negotiate directly with or engage in a dialogue on negotiation issues with the Board of Education. As with any other speaker who addresses subjects improperly, the Board President, as chair of the meeting, will act to stop such comments.
- d. Residents who are candidates in any State, Federal, Municipal, or Board of Education elections must respect the purpose and intent of residents' forum which is to allow residents to speak about Central School District issues and not to further the political interests of candidates for political office. Residents who are candidates should take care to address only issues of the Central School District and not use the forum for a personal campaign opportunity.

(Continued)

SUBJECT: PUBLIC PARTICIPATION AT BOARD MEETINGS (Cont'd)Resident's Guidelines

- a) A sign in is available at the start of the meeting, but not a requirement to speak. Residents will speak in order of their sign in.
- b) Residents will identify themselves prior to speaking.
- c) Residents will direct their remarks to the Board President.
- d) An individual's resident's comments must be limited to five minutes, unless the Board President extends that time. No props under 5 minute presentation only verbal comments allowed, visual aids other than handouts are considered part of a presentation and should follow policy on presentation.
- e) The resident will not be allowed to transfer all or part of their allotted time to another resident.
- f) The Board President will direct comments and questions from residents to the Superintendent, administrator, or appropriate department.
- g) The Board President will have the right to limit or suspend interaction between residents and individual board members. Board members will confine comments to questions and comments directly related to a resident's question or comments.
- h) At study sessions, the Board of Education may permit participation by residents. The Board President will limit such participation to facilitate Board discussion, and residents will be required to confine their remarks to the subject of the study session.

All regular and special meetings of the Board of Education will be open to the public. Because the Board desires to hear the viewpoints of citizens throughout the District, it will schedule one period during each meeting to provide an opportunity to address the Board. The meetings are not public forum meetings, but are meetings held in public.

A reasonable period of time, not to exceed 30 minutes (which may be waived by the President of the Board) shall be set aside during the first part of each regular and special Board meeting. Generally, the speaker will be allowed five minutes to address the Board.

Speakers may offer such objective criticism of school operations and programs with which they are concerned. However, the Board will not hear, in public session, personal complaints of School District personnel, nor complaints against any person-connected with the school system. Such complaints are to be addressed first through proper administrative channels. Only in those cases where satisfactory adjustment cannot be made by the Superintendent's office should complaints be submitted, in writing, to the Board.

In accordance with provisions of state law, discussion or action by the Board on an item presented under the Public Participation agenda topic is not permitted. The President will advise speakers that no response of any kind will be made by any member of the Board of Education or administration either during or at the conclusion of the speakers remarks. Questions concerning matters which are not on the agenda may be taken under consideration and addressed at a subsequent Board meeting.

The presentation should be as brief as possible and relate to school matters. All speakers are to conduct themselves in a civil manner. Obscene language, libelous statements, threats of violence, statements advocating or implying racial, religious, or other forms of prejudice will not be tolerated. The Board vests in its President or other presiding officer the authority to terminate the remarks of any individual when the individual does not adhere to established rules.

(Continued)

SUBJECT: PUBLIC PARTICIPATION AT BOARD MEETINGS (Cont'd)

The President is responsible for the orderly conduct of the meeting and shall rule on such matters as the time allowed for public discussion, the appropriateness of the subject being presented, and suitability of the time for such a presentation. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings.

Copies of this policy will be made available to any interested individual(s) prior to a Board Meeting.

The Board of Education reserves the right to enter into executive session as specified in Policy #1530.

The Fabius-Pompey Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the community to be involved in a fair and orderly expression of such comment.

In the interest of affording an opportunity for public participation at Board meetings, provision will be made at the beginning of each meeting during which visitors may express their opinions, concerns, or provide information on topics that are included as agenda items for that meeting.

Items of concern - not related to the meeting agenda, will be referred to the Superintendent of Schools for review and possible inclusion at a subsequent meeting.

Individuals wishing to be heard will be recognized by the Board President. The President shall be responsible for establishing time limits, if warranted; prohibiting repetitious comments; and any other rules deemed by the president as necessary for the orderly conduct of business.

Defamatory or abusive remarks, personal attacks, charges or complaints against District employees or Board members, or inquiries relating to instructional materials used in the District will not be permitted during the public comment portion of any meeting.

Charges, complaints, or inquiries as described in the preceding paragraph should be referred initially to the Superintendent of Schools, and thereafter, follow established District procedures for this purpose.

All meetings of the Board shall be conducted in public, and the public has the right to attend all such meetings. Public expression at such meetings shall be encouraged and a specific portion of the agenda shall provide for this privilege of the floor. At its discretion, the Board may invite visitors to its meetings to participate in the Board's discussion of matters on the agenda.

The Board of Education reserves the right to enter into executive session as specified in Policy #1530.

Public Comment -Generally

The portion of the agenda reserved for public comment shall be limited to thirty minutes total, with each individual wishing to address the Board during the public comment section limited to five minutes each. The President of the Board reserves the right to increase these time limits at his/her discretion.

Requests for Consideration of Specific Matters by Individuals or Groups

Persons or groups wishing to ask Board of Education consideration of a matter of concern to them shall file with the Clerk of Board of Education a written request for inclusion on the agenda of the next regularly scheduled monthly meeting of the Board. Such request shall be filed with the Clerk not later than 3:00 p.m. Thursday of the week preceding the regular meeting. Any discussion of a particular agenda item so requested shall be limited to thirty minutes total, with each individual contributing to the discussion limited to five minutes each. The President of the Board reserves the right to increase these time limits at his/her discretion.

It is expected that person(s) or group(s) requesting the Board's consideration of a matter will first have permitted the school administration an opportunity to deal with the matter. The Board reserves the right to waive this requirement at its discretion.

FORM

2015

3220F

Community Relations

PUBLIC PARTICIPATION AT BOARD MEETINGS

Sign In Sheet

Date of BOE Meeting _____

NAME	ADDRESS	PHONE#	E-MAIL

POLICY

2015

3230

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/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 and/or one of his/her assistants. 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.

If the complaint and related concerns are not resolved at the Superintendent level to the satisfaction of the complainant, the complaint may be carried to the Board of Education. Unresolved complaints at the Superintendent level must be, reported to the Board of Education by the Superintendent. The Board of Education reserves the right to require prior written reports from appropriate parties.

BOE Adopted 11/4/08

SUBJECT: ANTI-DISCRIMINATION COMPLAINT GUIDELINES

Any type of discrimination allegedly occurring within the District shall be investigated by the appropriate official as outlined in the District's regulations and procedures. All allegations of discrimination may be reported through informal and/or formal complaint procedures.

In following the District's regulations and procedures, should the investigating official be the alleged source of discrimination, then the employee/student or potential employee/student shall report his/her complaint to the next level of supervisory authority.

Confidentiality of all reports of alleged discrimination will be maintained where appropriate. Subject to all applicable laws and collective bargaining agreements, the following guidelines shall be utilized in the investigation and resolution of discrimination complaints.

Step 1 - Informal Complaint

1. An employee or student who believes that he/she has been subjected to any type of discrimination shall immediately notify his/her immediate supervisor or principal on the complaint form provided by the District.
2. A potential employee or potential student who believes that he/she has been subjected to any type of discrimination shall immediately notify the District's complaint officer. Those procedures established under Step 2 - **Formal Complaint** will then apply (see below).
3. Within 14 days after receipt of the complaint the supervisor or principal will correct the situation stated in the complaint if he/she finds the complaint valid and if the correction of the complaint is within his/her scope of authority.

The action taken by the supervisor or principal will be noted on the complaint form.

1. The supervisor or principal may consult with or seek the assistance of the complaint officer in resolving the complaint.
2. If the supervisor or principal cannot resolve the issues raised in the complaint within 14 days, he/she shall notify the complainant of that fact before the expiration of the 14 day period and he/she shall further indicate the approximate date on which his/her determination will be made.
3. If resolution of the complaint is not within the scope of the authority of the supervisor or principal, he/she shall immediately notify the complainant who may then initiate those procedures set forth in the next section if he/she so desired.

Step 2 - Formal Complaint

- a. If the complaint has not been resolved at the informal stage to the satisfaction of the complainant he/she may within 14 days of the decision of the supervisor or principal ask that the complaint officer or his/her designee review the allegations raised by stating his/her reasons on the complaint form provided by the District and filing them with the complaint officer.
 - a. The complaint officer or his/her designee within 14 days of the receipt of the request for review will review the file and if necessary conduct his/her own investigation. The decision of the complaint officer will be made in writing within 14 days from presentation to him/her unless the complaint officer has notified complainant that a period in excess of 14 days will be needed for him/her to conduct the investigation and render his/her decision.

(continued)

SUBJECT: ANTI-DISCRIMINATION COMPLAINT GUIDELINES (continued)

- b. If the complaint officer concludes that further action beyond that taken by the supervisor or principal must be taken, he/she shall immediately notify the Superintendent so that the complaint officer's recommendations may be reviewed and implemented by the Superintendent.

Step 3 - Corrective Action/Resolution

The complaint officer will inform the Superintendent of the outcome of his/her investigation. If the Superintendent of Schools issues a finding that no form of discrimination has occurred, the complainant, if not satisfied with this resolution, may appeal the decision to the Board of Education. If the complainant is satisfied with the Superintendent's finding, the complainant will so indicate in writing and the matter will be deemed closed.

Should the Superintendent determine that corrective action is necessary, the Superintendent of Schools shall follow all applicable law and regulations and appropriate collective bargaining agreements in the resolution of the complaint.

The complainant shall receive a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint.

Scope of Legal Action

The filing and/or the rendering of a decision regarding the complaint shall in no way prohibit, prevent or limit the complainant from taking appropriate legal action in accordance with state and federal law.

Step 4 - Appeal to the Board of Education

In the event that a complainant files an appeal with the Board of Education, following an investigation by the Superintendent of Schools, the Board of Education will conduct a hearing and issue a written response to the complainant following completion of the hearing.

The District shall take all appropriate measures to prevent the occurrence or continuation of any type of discrimination and shall implement remedial or corrective action where necessary.

Regardless of whether a complaint has been filed, if the District knows or has reason to know of the existence of any type of discrimination, the District shall require a prompt and thorough investigation by appropriate personnel.

REGULATION

2015

3230R.1

Community Relations

SUBJECT: COMPLAINTS CONCERNING SCHOOL PERSONNEL

Board of Education policy #3230 stipulates that complaints or inquiries concerning school personnel be referred to the department or school to which the matter pertains.

Normally, such complaints or inquiries shall be referred to the immediate supervisor who will make initial inquiries and investigations, and if unable to resolve the matter satisfactorily shall refer the matter to the next appropriate level, and if necessary the matter will be referred through successive levels of authority to the Superintendent of Schools.

All administrators will process such complaints in a thorough and expeditious manner.

Applicable provisions of all contracts with negotiating units will be strictly adhered to by all administrators and supervisors.

Complaints against personnel will be discussed by supervisors only with superiors or with those persons directly involved in the matter.

Federal and state laws and Board of Education policies pertaining to Rights of Privacy will be strictly observed in the processing of complaints and inquiries about School District employees.

PROCEDURE

1995

3230P
1 of 2

Community Relations

SUBJECT: ANTI-DISCRIMINATION COMPLAINT PROCEDURES

Responsibility

Complainant
(Employee/Student)

Supervisor/Principal *

Complainant

Complaint Officer/Designee *

Superintendent

Complainant

Board of Education

Action

1. Notifies his/her immediate supervisor or principal on the complaint form provided by the District. (In the case of a potential employee/student, he/she shall immediately notify the District's complaint officer).
2.
 - a. Within 14 days after receipt of the complaint, corrects the situation stated in the complaint if he/she finds the complaint valid and if such action is within his/her scope of authority.
 - b. Notes on the complaint form the action taken.
3. If the complaint has not been resolved to his/her satisfaction, may file a formal complaint with the complaint officer within 14 days of the decision of the supervisor or principal on the form provided by the District.
4.
 - a. Within 14 days of the receipt of the complaint, reviews the file and, if necessary, conducts his/her own investigation.
 - b. Makes decision in writing within 14 days from receipt of the complaint or notifies the complainant that more time will be needed for further investigation before rendering a decision.
 - c. Notifies the Superintendent of his/her recommendations for review and/or implementation.
5.
 - a. Issues a finding as to whether discrimination has occurred.
 - b. If corrective action is deemed necessary, follows all applicable law and regulations and appropriate collective bargaining agreements.
6.
 - a. Receives a copy of any and all reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint.
 - b. If satisfied with the resolution, so indicates in writing.
 - c. If not satisfied, may appeal to the Board of Education or may take appropriate legal action in accordance with state and federal law.
7. If complainant files an appeal, conducts a hearing and issues a written response to the complainant.

PROCEDURE

1995

3230P
2 of 2

Community Relations

*If the investigating official is the alleged source of discrimination then the complainant shall report his/her complaint to the next level of supervisory authority.

FORM

3230F

Community Relations

ANTI-DISCRIMINATION COMPLAINT FORM

Complainant: Name _____

Mailing Address _____

Telephone _____

Date Filed _____

Description of Alleged Discrimination _____

Time and Place of Violation _____

Statement of Complaint _____

Remedy Sought by Complainant _____

Reason for Dissatisfaction with Informal and Formal Steps (Steps one and two) of Anti-Discrimination

Complaint Procedures _____

Decision of Principal or Supervisor _____

Decision of Complaint Officer _____

Action Taken by Superintendent _____

Action by the Board _____

Other Comments _____

Signature of Complainant

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Title IX/Section 504 Complaints and Grievances

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973. The Superintendent shall designate a District employee as the Title IX/Section 504 Coordinator and shall implement regulations and procedures to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parent/legal guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504 Coordinator.

General Municipal Law, Sections 681-685
Title IX, Education Amendment of 1972
Rehabilitation Act of 1973

BOE Adopted 11/4/08

SUBJECT: STUDENTS: COMPLAINTS AND GRIEVANCES BY STUDENTS

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination, or reprisal. Administration shall be responsible for:

- a. Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;
- b. Developing an appeals process;
- c. Ensuring that students have full understanding and access to these regulations and procedure;
and
- d. Providing prompt consideration and determination of student complaints and grievances.

Title IX/Section 504 Complaints and Grievances

In addition, students and parents/legal guardians will receive annual notification of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. This notice shall include the name, address and telephone number of the Title IX/Section 504 Coordinator.

Title IX, Education Amendment of 1972
Rehabilitation Act of 1973

BOE Adopted 11/4/08

POLICY

2015

3240

Community Relations

SUBJECT: STUDENT PARTICIPATION

Students provide an important channel of communication with parents and the entire community. Information concerning the schools may be properly disseminated through students. The School District's administrators shall review all messages and materials prior to authorizing their dispersal through the student body.

BOE Adopted 11/4/08

POLICY

2015

3250

Community Relations

SUBJECT: PARENT-TEACHER ASSOCIATION

The Board of Education recognizes that the goal of the Association of Parents, Teachers, and Students (A.P.T.S.) to develop a united effort between educators and the general public to secure for every child the highest achievement in physical, academic, and social education. Therefore, staff members and parents are encouraged to join the Association of Parents, Teachers, and Students (A.P.T.S.) and to participate actively in its programs.

SUBJECT: BOOSTER CLUBS

Booster clubs or other related organizations may be created to promote community support and to raise funds for specific school activities or programs. These groups must receive official Board approval and may not discriminate on the basis of sex, color, national origin, ethnic background, disability, religion, or any other arbitrary criteria. Fabius-Pompey School District has the responsibility, under Title IX, to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services, or opportunities regardless of their source.

The Board of Education directs the Superintendent or his/her designee to establish rules and regulations governing the activities of booster clubs and other related organizations. The Board further requires that:

- a. Financial records be maintained and made available, upon request, for Board and/or public inspection;
- b. Fund raising activities be approved in advance ~~by the Superintendent;~~
- c. Groups wishing to make a contribution adhere to the District's policy and regulations regarding the acceptance of gifts.

Violations to District policy or regulations may result in the dissolution of the club or organization.

BOE Adopted 11/18/08

BOE Revised and approved 3/10/15

REGULATION

2015

3260R

Community Relations

SUBJECT: BOOSTER CLUBS

Parents and members of the community who wish to organize a booster club for the purpose of supporting a specific District program shall adhere to guidelines established by the administration. Booster clubs will:

- 1) Be voluntary and foster support for a specific District activity and/or program;
- 2) Submit an activity schedule in advance to the Superintendent/designee for approval;
- 3) Seek prior approval for any use of District facilities;
- 4) Avoid interference with the decision-making of any student group;
- 5) Acknowledge and adhere to the authority of District employees in the administration of their duties and responsibilities; and
- 6) Assume complete financial responsibility for their organization including, but not limited to, providing adequate insurance coverage.

POLICY

2015

3270

Community Relations

SUBJECT: PUBLIC SALES ON SCHOOL PROPERTY

The Board of Education prohibits commercial sales on school property except when the proceeds of such sales benefit an educational or charitable purpose. In such instances, a permit may be requested from the Superintendent of Schools for the use of school property for public sales.

School organizations and parent associations may earn money through fund raising activities or sales on school property subject to the approval of the building principal.

Rules and regulations for public sales on school property shall be developed by the administration.

New York State Constitution Article 8, Section 1
Education Law Section 414

BOE Adopted 11/4/08

SUBJECT: ADVERTISING IN THE SCHOOLS

Neither the facilities, the staff, nor the students of the School District shall be 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 such cooperation does not restrict or impair the educational program of the schools;
- b. The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c. The Superintendent of Schools may, at his/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 of Schools, 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 shall be distributed through the children in attendance in the Fabius-Pompey Central Schools except as authorized by law or the Commissioner's Regulations.

New York State Constitution, Article 8, Section 1

REGULATION

2015

3271R

Community Relations

SUBJECT: REGULATIONS FOR THE USE OF PRODUCTS, MATERIALS, AND SERVICES PROVIDED BY COMMERCIAL (FOR PROFIT) ORGANIZATIONS

- 1) The Superintendent or his/her designee shall establish a committee of representatives from the school staff, parents, community and, as appropriate, students to make recommendations regarding the appropriateness of the use or distribution of a commercial product, promotion, or service.
- 2) Participation in any approved programs does not constitute an endorsement by the District. Endorsement of a commercial product or service by the school system is prohibited.
- 3) Giveaways, coupons, donations, and other kinds of promotions which require purchasing a product are prohibited unless it is the intent of the District to use such promotion to support a specific educational objective.
- 4) School publications such as yearbooks, programs, and newspapers may include paid advertising obtained under procedures authorized by the Superintendent or his/her designee.
- 5) Instructional time should not be used by students or staff for any promotions.
- 6) This policy applies to schools and school-sponsored organizations. Parental organizations may sponsor promotions following the approval of the Superintendent or his/her designee.
- 7) Individual employees may not benefit either monetarily or with products or services provided from programs involving students.

Officers and employees of the District are bound by the District's Code of Ethics. This code under Section 806 of the General Municipal law prohibits officers and employees from soliciting any gift or accepting any gift worth more than fifty dollars (\$50) under circumstances in which it could reasonably be inferred that the gift was intended to influence them or was intended as an award for official action.

PROCEDURE

2015

3271P

Community Relations

SUBJECT: ADVERTISING IN THE SCHOOLS

Responsibility

Action

Administrator

- 1) a. Reviews appropriateness of request.
b. If approved, submits copy of approval to the Superintendent.

Principal

- 2) a. Approves all public announcements on the schools intercom and any notices for the bulletin.
b. Approves all flyers and other advertisements.

POLICY

2015

3272

Community Relations

SUBJECT: SOLICITATION OF FUNDS

Soliciting of funds from students and school personnel by persons or organizations representing public or private organizations shall be prohibited. The Superintendent of Schools shall have the authority to make exceptions to this policy in cases where such solicitation is considered to be in the District's best interest. The Board of Education shall be notified of these instances prior to the time when funds are solicited.

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

SUBJECT: GUIDELINES FOR INSCRIPTIONS FOR COMMEMORATIVE PLAQUES FOR THE OUTDOOR EDUCATION CENTER

Inscriptions in connection with donations for commemorative plaques for the Outdoor Education Center shall be accepted by the District in accordance with the following guidelines:

1. The purpose of the plaques is to honor or commemorate persons or organizations directly related to the School District or the School community.
2. Inscriptions shall be limited to those in the name of, in memory of, or in honor of students, alumni, parents, employees (past or present) or student teams, clubs, organizations, extracurricular activities, or residents of the Fabius-Pompey School District.
3. Only legal names will be inscribed, no nicknames.
4. Placement of the plaques and donated items will be limited to the Outdoor Education Center and in accordance to the overall scheme and design of the Center. Components of the Center that can be memorialized will be determined by the Board at each stage of the project.
5. Plaques will be designed and provided by the School District in order to maintain uniformity of size, color, style, etc.
6. The monetary minimum for recognition on a commemorative plaque will be established by the Board of Education on a project-by-project basis. All business and individual donations meeting the monetary minimum, but do not designate a commemorative plaque, will be recognized on a separate plaque.

Examples of the three plaque types available are as follows:

Species of Tree
In Honor of
(Name of student, alumni, team, club, student organization,
or District resident)
Class of _____ or relevant date

Species of Tree
In Memory of
(Name of student, alumni, employee, or District resident)
Class of _____ or relevant date

Species of Tree
(Name of student, alumni, team, club, student organization,
or District resident)
Class of _____ or relevant date

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. This is meant to include those uses permitted by New York State law. Groups wishing to use the school facilities must secure written permission from the Board of Education or its designee and abide by the rules and regulations established for such use including restrictions on alcohol, tobacco and drug use.

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 such organizations.

Out-of-District groups having no local connection and serving no local interests will not be permitted to use school facilities.

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 and/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 such inter-municipal cooperation as it saves taxpayer monies and is a more efficient use of scarce or costly equipment and resources.

The District will develop administrative regulations to assure that use of school-owned materials and/or equipment complies with the letter and spirit of this policy, including a description of the respective rights and responsibilities of the School District/lender and borrower in relation to such materials and equipment.

Education Law Section 414
NY Constitution Article 8

SUBJECT: USE OF SCHOOL FACILITIES

Consistent with Board Policy and applicable law, the District encourages the greatest possible use of school facilities. Any such use will comply with the following:

- 1) Requests for use of school facilities must be submitted to the Board of Education or its designee at least two (2) weeks prior to the anticipated activity. Authorization to use school facilities will be granted on a "first come-first serve" basis.
- 2) ~~A custodian will~~ *An employee may be on duty at all times when facilities inside a school building are in use. ~~Such~~ If supervision ~~will~~ is required it will be* provided "at no cost" during regular working hours. When overtime services are required, an additional fee will be assessed to reimburse the District for this service.
- 3) The Fabius-Pompey School District may not aid or perpetuate discrimination on the basis of race, creed, color, country of national origin, religion, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, or use of a recognized service animal. Community groups and organizations should review their use of school facilities request for conformity. The District reserves the right to require evidence of compliance with civil rights law. However, in accordance with law, the District will not discriminate in its community use of school facilities against any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United State Code. Nor will the District deny such access or opportunity for reasons based on the membership or leadership criteria or oath of allegiance to God and country. However, such use must be in accordance with the District's community use of school facilities guidelines.
- 4) All activities conducted on school property must conform to federal and New York State laws, municipal ordinances, and District policies and regulations.
- 5) Organizations authorized to use school facilities assume responsibility for the conduct of both participants and spectators. Each group must designate a responsible adult representative who will be present at all times. Arrangements for supervision of anticipated crowds must receive prior approval of the Board of Education or its designee.
- 6) School facilities must be left in the same condition as they are found. Desks, displays, etc. should not be disturbed. All electrical equipment or movable properties owned by the District will at all times remain under the control of the District.
- 7) The District will assume no responsibility for equipment or property belonging to a community group or organization. Such property may not be stored on school property, unless specifically approved by the Board of Education or its designee.
- 8) Community groups will be liable for any damage to school property resulting from activities they sponsor. A check of the school facility will be made before and after each activity by the "person in charge" and the custodian assigned.

(Continued)

SUBJECT: USE OF SCHOOL FACILITIES (Cont'd.)

~~If the pool is to be used, one adult lifeguard, with a valid certificate must be on duty for every 3,400 square feet of pool surface area. In the event the lifeguard is providing instruction or is subject to distraction, a second person, who is certified to provide at least Level III supervision, must be in the pool for bather supervision and injury prevention. Each group is responsible for providing and paying its own lifeguard. Rules for use of the pool are posted in the pool room and must be strictly observed.~~

- 9) Kitchen facilities are only available by prior arrangement with the Food Service Supervisor and only when a Food Service employee is on duty. When overtime pay for such services is required, an additional fee will be assessed to reimburse the District for this service.
- 10) Vehicles are not allowed on grassed areas or athletic fields. Parking for any large event should be controlled by sufficient personnel. Use of auxiliary police for this purpose may be required. Any and all charges associated with the use of such services will be assumed by the organization.
- 11) Admission charges, approved registration fees, or concessions may only be administered as stated on the request.
- 12) Except for rest room facilities, participants and spectators should remain in the area or room assigned for an activity.
- 13) The District assumes no liability for injuries resulting from community group activities. For certain activities, the District may require submission of a certificate of liability or insurance bond to the Board of Education or its designee.
- 14) The District or its representative will have free access to all facilities at all times.
- 15) The District reserves the right to revoke authorization to use school facilities at any time.
- 16) The District reserves the right to charge a fee for the use of its facilities by outside organizations in a manner consistent with law, and in the amounts specified in the fee schedule provided in Form #3280F.
- 17) The use of tobacco products on school grounds or within one hundred (100) feet of the entrance, exit or outdoor area of a school is prohibited. Likewise, no person may knowingly possess alcoholic beverages and/or illegal or non-prescribed "controlled substances," as defined by Penal Law Section 220.00, on school grounds.

FORM

2015

3280F

1 of 2

Community Relations

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT

Fabius, New York 13063

APPLICATION FOR USE OF BUILDINGS AND GROUNDS

____ Elementary School ____ Middle School ____ High School
____ Auditorium ____ Cafeteria ____ Gym ____ Library ____ Other (____)

1. Check with Building Principal's Secretary concerning availability of accommodation(s).
2. Obtain signature of supervisors and chaperones.
3. Submit Certificate of Insurance
4. Submit form to Building Principal at least 10 days prior to the day of the activity.
5. Building Principal will notify organization of approval or disapproval.

SPONSORING ORGANIZATION _____

ACTIVITY _____

DAY(S) AND DATE(S) OF USE _____

TIME OF ACTIVITY _____ WHO WILL ATTEND _____

SET UP DATE _____ CLEAN UP DATE _____

SPECIAL PREPARATIONS (i.e. chairs for event moved in and taken out) **: _____

EQUIPMENT NEEDS (i.e. microphone, lighting, podium, coffee, pizza warmer: _____

Inspection of the facility to be used will be made jointly by the custodian on duty and the Chairperson or a representative of the requesting organization prior to and immediately following the utilization of said facility. Should it be determined that damage to the building or its contents occurred during utilization by requesting group, said group will be billed by the School district for same.

****All groups must pay wages for custodial services anytime there is not a scheduled custodian on duty (i.e. after 11:00 p.m. and on weekends, summer time and/or holidays) at the current rate of \$10.00 per hour or the prevailing wage rate of that employee, whichever is greater. Only Approved School District employees may be utilized. Any special preparation will also be at this rate as well as cafeteria fees.**

The General Chairperson or representative hereby obligates the sponsoring group to accept responsibility for the building and equipment and for the supervision of all who attend this event. In addition, the Chairperson or representative is responsible for seeing that proper clean up of facilities is accomplished.

Signatures needed of adults who will actively supervise this activity and who will be responsible for the conduct of participants as well as for the building, equipment, and clean up. For school-sponsored events, at least two teachers and two parents of students involved. For non-school groups, four adult signatures are needed.

	(Print Name)	(Signature)
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Date Submitted _____ Availability Verified by Secretary _____

☐ Certificate of Insurance on file with Fabius-Pompey CSD listed as an additional issued. (check with the Business Office)

I have read this application and the Evacuation Procedures for Fire Emergencies and agree to comply with the stipulations contained therein.

Signature of Chairperson or Representative _____

Address _____ Phone # _____

APPROVED BY BUILDING PRINCIPAL _____ SUPERINTENDENT: _____

☐ Principal ☐ Business Administrator ☐ Head/Building custodian ☐ Person's room/area being used ☐ Rep. of sponsoring org. ☐ Tech Advisor (if needed)

Evacuation procedures for Fire Emergencies

Governor Cuomo has signed into law Chapter 9 of the Laws of 1991. Effective September 1, 1991, the principal or other person in charge of any public or private school or education institution (other than colleges or universities) shall require the teacher or person in charge of any after-school program, event or performance which takes place in a school and which is attended by persons who do not regularly attend classes within the school, to notify such persons in attendance at the beginning of such program, event or performance of the proper procedures to evacuate the building in an orderly and timely manner in the event of a fire emergency.

The required notification shall be given to the attendees at any single occurrence, and at each occurrence where the same presentation is given to a difference audience. Where a program such as an adult education class runs several weeks, the notice shall be given at least the first meeting.

Every principal or other person in charge of the school should carefully review the written evacuation procedures required by Section 1195.1© of the New York State Uniform Fire Prevention Code, to assure that such procedures are up to date and conspicuously posted.

SUBJECT: USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

Except when used in connection with or when rented under provisions of Education Law Section 414, school-owned materials or equipment may be used by members of the community or by District employees and/or students for school related purposes only. Private and/or personal use of school-owned materials and equipment is strictly prohibited.

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 loaned 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 Superintendent or his/her designee shall develop administrative regulations to assure the lender's responsibility for, and return of, all such materials and equipment.

Education Law Section 414

BOE Adopted 11/4/08

SUBJECT: SMOKING/TOBACCO USE

Tobacco use shall not be permitted and no person shall use tobacco on school grounds, to within one hundred (100) feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this shall not apply to smoking in a residence, or within the real property boundary lines of such residential real property. For purposes of this policy, "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 all District vehicles, including vehicles used to transport children or school personnel.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.

The use of e-cigarettes and any other products containing nicotine, except for current FDA- approved smoking cessation products, are also prohibited.

Off-School Grounds

Tobacco use is prohibited by students at any school-sponsored event or activity off school grounds.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of Article 13-E of the New York State Public Health Law, the federal Pro-Children Act of 1994, and District policy.

The District shall also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

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 school vehicles;
- c) At school-sponsored events, including those that take place off school premises and in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the *District Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items shall be implemented in accordance with the *Code of Conduct* and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

**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 such group that requests to conduct a meeting within the District's designated open forum or limited public forum, including denying such 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 Section 7905
36 USC Subtitle II
34 CFR Parts 75, 76 and 108

BOE Adopted 4/28/14 (New)

SUBJECT: USE OF VEHICLES ON SCHOOL PROPERTY

Since it is expected of the custodial staff that clean, neat and well-seeded lawns and well-groomed shrubbery will be maintained at each school, the administration in accordance with this policy will make every effort to prevent any type of vehicle from disfiguring the lawns.

No automobiles, mini-bikes, motorcycles, bicycles, snowmobiles, or any other vehicle is to be operated on the lawns or recreation fields except for purposes necessary for the operation of school-sponsored events or in cases involving health and safety. School sidewalks and driveways are not to be used as runways, parking spaces or racetracks by these vehicles. Horseback riding is likewise prohibited on school property.

School property is private property under the law, and is expected to be maintained as such. Children's sleds, sleighs, flying saucers, etc., are not to be operated on school driveways and parking spaces. These constitute a hazard to school employees and students and create a situation dangerous to the children in their play.

Student drivers who are permitted to drive to the BOCES Center are not permitted to carry any other students in their vehicles without the consent of the parents of both students and the consent of the building principal.

SUBJECT: PUBLIC ACCESS TO RECORDS

Access to records of the District shall be consistent with the rules and regulations established by the State Committee on Open Government and shall comply with all the requirements of the New York State Public Officers Law Sections 87 and 89.

A Records Access Officer shall be designated by the Superintendent, subject to the approval of the Board of Education, who shall have the duty of coordinating the School District's response to public request for access to records.

The District shall provide copies of records in the format and on the medium requested by the person filing the Freedom of Information Law (FOIL) request if the District can reasonably do so regardless of burden, volume or cost of the request.

Regulations and procedures pertaining to accessing and providing District records shall be as indicated in the School District Administrative Manual.

Requests for Records via E-mail

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request. The District shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the District. This information shall be posted on the District Web site, clearly designating the e-mail address for purposes of receiving requests for records via this format.

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

Board of Education Meetings and Records

District records subject to release under the FOIL, as well as any proposed rule, regulation, policy or amendment, that are on the Board agenda and scheduled to be discussed at a Board meeting, shall be made available upon request, to the extent practicable, prior to the meeting. Copies of such records may be made available for a reasonable fee. If the District maintains a regularly updated website and utilizes a high speed internet connection, such records may be posted on the Web site to the extent practicable, prior to the meeting. The District may, but is not required to expend additional funds to provide such records.

Education Law Section 2116

Public Officers Law Sections 87 and 89

21 New York Code of Rules and Regulations (NYCRR) Parts 1401 and 9760

BOE Adopted 6/5/12

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Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

The School District shall support public access to District records. These regulations provide information concerning the procedures by which records may be obtained from an agency as defined by Public Officers Law Section 86(3). No District regulations shall be more restrictive than Public Officers Law Article 6. The District Records Access Officer shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by other applicable law. The District shall amend existing regulations or adopt new regulations to implement the Freedom of Information Law in conformity with any amendments to this law.

Designation of Records Access Officer

- 1) The Board of Education shall be responsible for insuring compliance with the regulations herein, and shall designate one person as Records Access Officer by name or by specific job title and business address, who shall have the duty of District response to public requests for access to records.
- 2) The Records Access Officer is responsible to:
 - a. Maintain an up-to-date subject matter list;
 - b. Assist the requester in identifying requested records, if necessary and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist in reasonably describing the desired records;
 - c. Upon locating the records, take one of the following actions:
 - (1) Make records available for inspection; or
 - (2) Deny access to the records in whole or in part and explain in writing the reasons therefore.
 - d. Upon request for copies of records:
 - (1) Make a copy available upon payment, or agreement to pay established fees, if any; or
 - (2) Permit the requester to copy those records.
 - e. Upon request, certify that a record is a true copy;
 - f. Upon failure to locate records, certify that:
 - (1) The District is not the custodian for such records; or
 - (2) The records cannot be found after diligent search.

Location and Hours for Public Inspections

Records shall be available for public inspection and copying at:

Fabius-Pompey Central School District
District Office
1211 Mill Street
Fabius, New York 13063

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)**Subject Matter List**

The District will maintain a reasonably detailed current list by subject matter of all records in its possession and whether or not available pursuant to the Freedom of Information Law.

The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

The subject matter list shall be updated annually, and the date of the most recent update shall appear on the first page of the subject matter list.

Requests for Public Access to Records

A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

- 1) The District requires that a request be made in writing, but oral requests may be accepted when records are readily available.
- 2) If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form either on paper or other information storage medium.
- 3) A response shall be given within five (5) business days of receipt of a request by:
 - a. Informing the requester that the request or a portion of it does not reasonably describe the records sought, including direction to the extent possible, that would enable that person to request records reasonably described;
 - b. Granting or denying access to records in whole or in part;
 - c. Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty (20) business days after the date of the acknowledgement, or if it is known that circumstances prevent disclosure within twenty (20) business days, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period, when the request will be granted in whole or in part; or
 - d. If the receipt of the request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty (20) business days, but circumstances prevent disclosure within that time frame, providing a statement in writing within twenty (20) business days specifying the reason for the delay and a date certain when the request will be granted.
- 4) In determining a reasonable time for granting or denying a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the District, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(Continued)

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

- 5) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an administrator or employee of the District:
- a. Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five (5) business days of the receipt of a request;
 - b. Acknowledges the receipt of a request within five (5) business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
 - c. Furnishes an acknowledgment of the receipt of a request within five (5) business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
 - d. Fails to respond to a request within a reasonable time after the approximate date given or within twenty (20) business days after the date of the acknowledgment of the receipt of a request;
 - e. Determines to grant a request in whole or in part within twenty (20) business days of the acknowledgment of the receipt of a request, but fails to do so, unless the District provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
 - f. Does not grant a request in whole or in part within twenty (20) business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
 - g. Responds to a request, stating that more than twenty (20) business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Requests for Public Access to Records via E-mail

If the District has the capability to retrieve electronic records, it must provide such records electronically upon request.

The District shall accept requests for records submitted in the form of electronic mail and respond to such requests by electronic mail using the forms supplied by the District. This information shall be posted on the District Web site, clearly designating the e-mail address for purposes of receiving requests for records via this format.

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

(Continued)

SUBJECT: PUBLIC ACCESS TO RECORDS (Cont'd.)**Response to Requests for Access to Records**

- 1) The District will, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:
 - a. Are specifically exempted from disclosure by state or federal statute;
 - b. If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Public Officers Law Section 89(2);
 - (1) An unwarranted invasion of personal privacy includes, but shall not be limited to:
 - a) Disclosure of employment, medical or credit histories or personal references of applicants for employment;
 - b) Disclosure of items involving the medical or personal records of a client or patient in a medical facility;
 - c) Sale or release of lists of names and addresses if such lists would be used for solicitation or fund raising purposes;
 - d) Disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party, and such information is not relevant to the work of the agency requesting or maintaining it; or
 - e) Disclosure of information of a personal nature reported in confidence to the District and not relevant to the ordinary work of the District.
 - (2) Unless otherwise provided by the Freedom of Information Law, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy:
 - a) When identifying details are deleted;
 - b) When the person to whom a record pertains consents in writing to disclosure; or
 - c) When upon presenting reasonable proof of identity, a person seeks access to records pertaining to himself/herself.
 - c. If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
 - d. Are compiled for law enforcement purposes and which, if disclosed would:
 - (1) Interfere with law enforcement investigation or judicial proceedings;
 - (2) Deprive a person of a right to a fair trial or impartial adjudication;
 - (3) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - (4) Reveal criminal investigative techniques or procedures, except routine techniques and procedures.

(Continued)

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

- e. If disclosed would endanger the life or safety of any person;
- f. Are inter-agency or intra-agency materials which are not:
 - (1) Statistical or factual tabulations or data;
 - (2) Instructions to staff that affect the public;
 - (3) Final agency policy or determinations; or
 - (4) External audits, including but not limited to audits performed by the comptroller and the federal government.
- g. Are examination questions or answers which are requested prior to the final administration of such questions;
- h. Are computer access codes.

Fulfilling FOIL (Freedom of Information Law) Requests

The District shall 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. The District may not enter into a contract for the creation or maintenance of records if such a contract impairs the right of the public to inspect or copy the District's records.

The District cannot use the excuse that the FOIL request is voluminous, burdensome or it lacks the staff to copy the documents as it may recover any costs in complying with the request including having an outside entity provide copying, programming or other services needed. [The District's](#) Records Access Officer will work with the requestor to clarify and define the scope so as to accommodate the records request. The District can reject a request that is vague and does not reasonably describe the requested records.

Should the District have the ability to do so with reasonable effort, it must retrieve or extract requested records or data maintained in its computer storage system. Moreover, the District must retrieve or extract records or data electronically when doing so would take less employee time than manual retrieval or redaction of non-electronic records. Programming necessary to retrieve computer records and to either transfer them into the medium requested or to allow them to be read or printed is not deemed to constitute preparation or creation of a new record. Records provided in computer format may not be encrypted.

The public may and can only be charged an amount equal to the hourly salary attributed to the employee or employees required to produce a copy of the record, the actual cost of the storage device or media provided in complying with the FOIL request, and the actual cost to the District of engaging an outside professional service to produce a copy of the record or records should the District need to engage an outside entity in order to comply with the FOIL request. The District may not enter into or renew contracts with outside entities for the creation or maintenance of records that impair the public's right to inspect or copy District records. The costs for copies of records shall not include search time unless at least two (2) hours of employee time is needed to prepare the requested records. The requestor shall be informed of the estimated cost if more than two (2) employee hours are needed or if an outside service is retained to prepare copies.

(Continued)

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Community Relations

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

Denial and Appeal of Access to Records

- 1) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to determine appeals, (who or which) shall be identified by name, title, business address and business phone number.
- 2) If requested records are not provided promptly, such failure shall also be deemed a denial of access.
- 3) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:
Superintendent, Fabius-Pompey Central School District
1211 Mill Street
Fabius, New York 13063
- 4) Any person denied access to records may appeal within thirty (30) days of a denial.
- 5) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - a. The date and location of requests for records;
 - b. A description, to the extent possible, of the records that were denied; and
 - c. The name and return address of the person denied access.
- 6) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- 7) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:
Committee on Open Government Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231
- 8) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal.

Fees

- 1) There shall be no fee charged for the following:
 - a. Inspection of records;
 - b. Search for records;
 - c. Certification of documents;
 - d. Copies of documents which have been printed or reproduced for distribution to the public.
- 2) The District may charge a fee for copies of records provided that the fee for copies of records shall not exceed twenty-five (25) cents per photocopy not exceeding nine (9) by fourteen (14) inches except when a different fee is otherwise prescribed by statute.

(Continued)

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Community Relations

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

- 3) The fee for copies of records not covered by subparagraph 2 of this section shall not exceed the actual reproduction cost. When determining the actual reproduction cost the District may include only the following factors:
 - a. An amount equal to the hourly salary of the lowest paid employee with the skills necessary to prepare a copy of the requested record multiplied by the number of employee hours required for the preparation of such copy but only when those hours are two (2) or more;
 - b. The actual cost of the storage device or media provided to the person making the FOIL request in complying with such request; and
 - c. The actual cost to the District of hiring an outside professional service to prepare a copy of a record, but only when the District's technology equipment is inadequate to prepare the copy if such service is used to prepare the copy.
- 4) When the District has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the District shall be required to retrieve or extract such record or data electronically.
- 5) A person requesting a record shall be informed of the estimated cost of preparing a copy of the record if more than two (2) hours of a District employee's time is needed, or if an outside professional service will be retained to prepare a copy of the record.
- 6) The District may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- 7) The District may waive a fee in whole or in part when making copies of records available.

Public Notice

The District shall publicize by posting in a conspicuous location in the Central Office:

- 1) The location where records shall be made available for inspection and copying;
- 2) The name, title, business address, and business telephone number of the designated Records Access Officer;
- 3) The right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.

REGULATION

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3310R.1

Community Relations

SUBJECT: BROADCASTING AND RECORDING BOARD MEETINGS

The right to witness and observe the governmental decision-making process in action is basic to our society. Access to public portions of District meetings must be protected and maintained. The following guidelines have been adopted in order to provide direction concerning the procedures by which public meetings of the District may be photographed, recorded and broadcast.

Recording and Broadcasting Public Portions of Meetings

- 1) The public portion of any meeting of the District or Board of Education may be photographed, recorded and broadcast.
- 2) The District may adopt reasonable rules governing the location of equipment and personnel used to photograph, record or broadcast the public portion of a meeting in order to ensure that the use of such equipment does not detract from or interfere with the deliberative process.
- 3) There is no privacy interest in statements made during public portions of meetings of public bodies. Distaste or embarrassment shall not constitute a basis for prohibiting or limiting the photographing, recording or broadcasting of those present at a meeting.

Rules for Recording and Broadcasting Public Portions of Meetings

- 1) Operation of equipment to photograph, record or broadcast a meeting is permitted unless it is obtrusive, disruptive, or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings.
- 2) Use of equipment necessary to photograph, record or broadcast is permitted without notice to or express permission from the District or those in attendance at the meeting.
- 3) Use of equipment necessary to photograph, record or broadcast is permitted in a supervised or unsupervised manner.
- 4) Use of special lighting or large equipment necessary to photograph, record or broadcast a meeting is permitted unless it is obtrusive or disruptive.
- 5) Personnel who operate equipment necessary to photograph, record and/or broadcast a meeting shall be permitted to move about the room, as long as such movement does not disrupt or interfere with the deliberative process.
- 6) Use of equipment necessary to photograph, record and/or broadcast a meeting shall not be limited to a location from which such equipment is not reasonably capable of photographing, recording and/or broadcasting.
- 7) Persons operating equipment necessary to photograph, record and/or broadcast shall be given a reasonable opportunity to modify their actions in order to avoid interference with the deliberative process.

Public Notice

These rules governing the operation of equipment necessary to photograph, record or broadcast a meeting shall be posted in the Board of Education meeting room and other designated locations. Written copies of such rules shall be provided upon request, free of charge, to those in attendance at or who seek to attend a meeting.

Procedure

2015

3310P

Community Relations

SUBJECT: PUBLIC ACCESS TO RECORDS

Responsibility

Action

Requester

1. a. Obtains request form (3310F) to inspect or copy record(s) from office of Records Access Officer.
b. Completes request form describing record(s) sought.
c. Submits form to Records Access Officer at least five (5) business days in advance of the day upon which a copy of the record(s) is desired.

Records Access Officer

2. a. Furnishes written acknowledgment of receipt of request and statement of approximate date when determination will be made within five (5) business days of receipt of request.
b. Determines if record(s) specified on form is available for inspection and copying.
c. If available, directs requester to place where record(s) may be inspected and copied.
d. If not available, notes reason for unavailability on request form, returns copy to requester, and informs requester of his/her right of appeal.

Requester

3. If not satisfied with response submits written appeal to the Appeals Officer.
 - a. Makes determinations within ten (10) days to further deny or provide access to records sought.

Appeals Officer

4. Submits to Committee on Open Government a copy of Appeal and final determination.
 - a. Makes determinations within ten (10) days to further deny or provide access to records sought.
 - b. Submits to committee on Open government a copy of Appeal and final determination

FORM

2015

3310F

Community Relations

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT

Fabius, New York 13063

APPLICATION FOR PUBLIC ACCESS TO RECORDS

TO: Records Access Officer
Fabius-Pompey Central School District
Main Street
Fabius, New York 13063

I HEREBY APPLY TO INSPECT THE FOLLOWING RECORD:

SIGNATURE

DATE

REPRESENTING

MAILING ADDRESS

FOR AGENCY USE ONLYAPPROVED ☐

DENIED (for the reason(s) checked below)

- ☐ Confidential Disclosure ☐ Part of Investigatory Files
- ☐ Unwarranted Invasion of Personal Privacy
- ☐ Record of Which This Agency is Legal Custodian Cannot Be Found
- ☐ Record is not Maintained by This Agency
- ☐ Exempted by Statute Other Than the Freedom of Information Act
- ☐ Other (specify) _____

SIGNATURE

TITLE

DATE

NOTICE: YOU HAVE A RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO THE HEAD OF THIS AGENCY

NAME

BUSINESS ADDRESS

WHO MUST FULLY EXPLAIN HIS REASONS FOR SUCH DENIAL IN WRITING SEVEN DAYS OF RECEIPT OF AN APPEAL.

I HEREBY APPEAL:

SIGNATURE

DATE

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

The development of centralized computer banks of educational data gives rise to the question of the maintenance of confidentiality of such data while still conforming to the New York State Freedom of Information Law. The safeguarding of confidential data from inappropriate use is essential to the success of the District's operation. Access to confidential computerized data shall be limited only to authorized personnel of the School District.

It shall be 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 such computerized data shall be 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 such information.

Public Officers Law Sections 84 et seq.

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

The District has developed and will amend, as appropriate, a written *Code of Conduct* for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors and/or vendors. The Board of Education shall further provide for the enforcement of such *Code of Conduct*.

For purposes of this policy, and the implemented *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 shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

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 *Code of Conduct* shall include, at a minimum, the following:

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination, bullying and/or harassment against any student, by employees or students on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, that creates a hostile environment by conduct, with or without physical contact, threats, intimidation or abuse (verbal or non-verbal), of such a severe nature that:
 1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
 2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

When the term "bullying" is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication. Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

(continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a) or the period of removal expires, whichever is less;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- g) Provisions for responding to acts of discrimination, bullying and/or harassment against students by employees or students on school property, at a school function, or off school property when the actions create or would foreseeable create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, pursuant to clause (b) of this subparagraph;
- h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the *Code of Conduct* and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) 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 such period on a case-by- case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the *Code of Conduct* on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;

- p. A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- q. A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain- language, publicized and explained in an age-appropriate manner to all students on an annual basis; and
- r. Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

The District's *Code of Conduct* shall be adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The *Code of Conduct* shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its *Code of Conduct* and the District's response to *Code of Conduct* violations. The School Board shall reapprove any updated *Code of Conduct* or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its *Code of Conduct* and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The Board of Education shall 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;

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- 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 to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- e. Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

Privacy Rights

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 11(8), 801-a, 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 NYCRR Section 100.2

NOTE: Refer also to *District Code of Conduct*

REGULATION

2022

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Community Relations

SUBJECT: MAINTENANCE OF PUBLIC ORDER ON FABIOUS-POMPEY CENTRAL SCHOOL PROPERTY

The following rules and regulations are in effect to maintain public order on school property.

Prohibited Conduct

The Board of Education prohibits the following conduct or acts on school property by students, teachers, staff members, licensees, or invitees:

1. The willful physical injury of any person or the threat to use force which would result in such injury.
2. The harassment or coercion of any person.
3. The willful damage to, or destruction of, property.
4. The willful disruption of the orderly conduct of classes or of any other school program or activity.
5. The entry of any school building or upon any portion of the school premises unless such entry is made in connection with official business with the District or to attend an activity or function authorized thereby.
6. The willful interference with the lawful and authorized activities of others.
7. The possession, consumption, or exchange of alcoholic beverages, drugs, or narcotics on school property.
8. The possession or use of firearms, including air guns, pistols and other dangerous devices, on school grounds. Equipment commonly used in the conduct of school affairs is not so restricted.
9. The violation of any federal or state statute, local ordinance, or Board policy.
10. The refusal or failure of any person to comply with a lawful order or direction of an official of the School District in the performance of his/her duties.
11. The distribution or posting of any written material, pamphlets or posters without the prior written approval of the Superintendent or his/her agent delegated to give such approval.
12. The operation of snowmobiles, mini-bikes, go-carts, and other off road vehicles on school property.
13. The use of tobacco products anytime by community, staff and students on school grounds.

Enforcement

Violations of these rules and regulations shall be enforced by the Superintendent. He/she shall investigate and report violations of these rules and regulations and prepare or cause to be prepared a summary in writing of his/her findings. If in the opinion of the Superintendent a violation has been committed, he/she may by appropriate action enforce the penalties hereinafter set forth.

(continued)

REGULATION

2022

3410R

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Community Relations

SUBJECT: MAINTENANCE OF PUBLIC ORDER ON FABIUS-POMPEY CENTRAL SCHOOL PROPERTY (Cont 'd.)

Penalties

The following penalties may be imposed:

1. Ejection from the school premises if the violator is not a student, teacher, or employee of the District.
2. Any penalty authorized under Section 3214 of the Education Law if the violator is a student, provided the provisions of said Section pertaining to notice and hearing have been complied with.
3. Any penalty authorized under Section 3020-a of the Education Law if the violator is a tenured teacher, provided the provision of said Section pertaining to charges, notice, hearing, and findings have been complied with.
4. Any penalty authorized under Section 3031 of the Education Law if the violator is a non-tenured teacher or Section 75 of the Civil Service Law if the violator is a non-teaching employee of the District, provided the provisions of said Sections pertaining to charges, notice and hearing have been complied with.

Other Penalties

These rules and regulations and the penalties imposed herein shall not be deemed to be exclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

Notice

Notice of these rules and regulations shall be given to all present and future employees and students of this School District by posting a copy hereof on all bulletin boards maintained in the District's school buildings for posting notices to such employees and students; and notice shall be given to the public at large by posting a copy hereof at or near the main entrance to each separate building maintained by the District.

Adopted by BOE 9/6/22

PROCEDURE

2022

3410P

Community Relations

SUBJECT: THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL PROPERTY

Responsibility

Action

Superintendent

- 1)
 - a. Determines if person(s) is/are in violation of the rules.
 - b. Determines the cause of the conduct in question and makes a reasonable effort to persuade those engaged in the conduct to desist. He/she must try to resort to permissible methods for the resolution of any issues which may be presented.
 - c. Tells the person(s) that their conduct is in violation of these rules and warns the person(s) involved in the conduct of the consequences if they persist in the prohibited conduct.
 - d. If they refuse to discontinue their conduct, ejects the person(s) from the premises or institution where the conduct is taking place.
 - e. May apply to the public authorities for any aid he/she deems necessary in causing the ejection of any violation of the rules.
 - f. Request school counsel to apply any legal course of action to the violators.

School Counsel

- 2) Applies to any course of appropriate jurisdiction for any injunction to restrain the violator or threatened violation of these rules, subject to provisions of applicable law.

Superintendent/Designee

- 3) In the case of a student, may charge him/her with violation of any of these rules. These charges shall be heard, presented and determined in the manner established at the building where he/she is enrolled for the disposition of which may lead to suspension or expulsion.

PROCEDURE

2022

3410.1.P

Community Relations

SUBJECT: VANDALISM PROTECTION

Responsibility

Action

Employee

1) Reports damage or act of vandalism to the principal.

Principal/Designee

2) a. Investigates damage or act of vandalism.

b. Reports findings of the investigation to the Superintendent.

3) a. Determines the extent (if any) of policy involvement

b. Notifies parents and student (if known) and confers with them regarding damages done.

c. Submits a description of damages and a bill for their repair to the student/parents.

Student/Parents

4) a. Agrees to pay for damages.

b. Agrees to work for the District until the debt is paid.

c. Refuses to provide restitution.

Superintendent/Designee

5) Initiates legal action if the option outlined in 4) c. is exercised by the student/parents

FORM

2022

3410F

Community Relations

REPORT OF UNUSUAL OCCURRENCE

This form is to be completed by the principal, with copies sent to the Superintendent and the Maintenance and Custodial Supervisor as soon as possible for any act of vandalism, serious injury, act of violence, unlawful entry, equipment failure, vehicular accident or threat to the safety or security of students or personnel which are out of the ordinary.

School _____ Date _____

Give brief description of incident. When using names of those involved, follow them with (S) to indicate student and (F) to indicate faculty or other staff member.

Was this incident reported to:

Police Dept. _____ Fire Dept. _____ Other _____

Give name of individual to whom report was made:

Date _____ and time _____ of report.

Name of injured student(s). Give parents name, home address and extent of injuries.

Names of faculty, staff member or others having first hand knowledge of the incident. Follow each name with a phrase indicating their connection, such as "witnessed accident", "first upon the scene", etc.

(attach additional pages if necessary)

NOTE: Principal should phone the office of the Superintendent/Designee, Maintenance and Custodial Supervisor as soon as he/she is aware of essential facts. This written report should follow before the close of the school day if possible.

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 of Education or its designee, no person may have in his/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 shall include, but not be 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 Sections 265.01-265.06, 265.20

SUBJECT: USE OF SERVICE ANIMALS

The Board of Education allows the use of service animals on school grounds by individuals with disabilities, subject to restrictions permitted by federal and/or state law, and procedures established by the Superintendent of Schools or his/her designee.

For the purpose of this policy, 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, will not be considered 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.

Where reasonable, the Board of Education also allows the use of miniature horses on school grounds by individuals with disabilities. Such 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 will be subject to the considerations and restrictions permitted by federal and/or state law.

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

28 CFR Sections 35.104, 35.136, 35.139

BOE Approved 1/7/14

REGULATION

2015

3415R

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Community Relations

SUBJECT: USE OF SERVICE ANIMALS

Service Animals

Pursuant to federal and state law, the Fabius-Pompey Central School District permits the use of service animals on school grounds by individuals with disabilities. A service animal is 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 for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. 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.

Permissible Inquiries

Bona fide service animals may accompany individuals with disabilities in all areas of District buildings and grounds where the public is normally allowed to go. The District, however, reserves the right to ensure that an animal accompanying an individual with a disability is a *bona fide* service animal. When it is not obvious what service an animal provides, District staff may ask if the dog is a service animal required because of a disability, and what work or task the dog has been trained to perform. District staff may not ask about the person's disability, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.

Exclusions

The District also reserves the right to exclude a service animal from District property if the animal is out of control and the animal's handler does not take effective action to control it, if the animal is not housebroken, or if the service animal poses a direct threat to the health or safety of others. In the event a service animal is excluded from District property, the individual will be afforded the opportunity to participate in the service, program, or activity without having the service animal on the premises. Any instance in which an individual's service animal has been excluded from District property will be reported to and documented by the appropriate Building Principal or the Superintendent of Schools.

Responsibilities of Handlers

The District is not responsible for the care or supervision of an individual's service animal. The service animal's handler or the individual for whom the service animal is performing work or tasks will be responsible for ensuring that the animal is cleaned, fed, groomed, trained, vaccinated, and otherwise cared for.

All service animals must be harnessed, leashed, or tethered, unless such devices interfere with a service animal's work or the individual's disability prevents their use. If a harness, leash, or tether cannot be used, the individual must maintain control of his/her service animal through voice, signal, or other effective controls.

The owner or handler of a service animal is solely responsible for any damage to District property or injury to personnel, students, or other individuals.

(continued)

SUBJECT: USE OF SERVICE ANIMALS**Miniature Horses**

The District will, where reasonable, permit the use of miniature horses by individuals with disabilities, provided that any miniature horse has been individually trained to do work or perform tasks for the benefit of the individual. In determining whether the use of a miniature horse is reasonable, the District will consider:

- 1) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- 2) Whether the handler has sufficient control of the miniature horse;
- 3) Whether the miniature horse is housebroken; and
- 4) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for the safe operation of the District and its property.

The use of miniature horses by individuals with disabilities will be subject to the same rules, requirements, and procedures as the use of service animals, generally.

Use of Service Animals by Students

Where the use of a service animal by a student with a disability is sought, the child's parent(s) or guardian(s) must submit a request for such use to the applicable Building Principal or to the Committee of Special Education Chairperson. The request must indicate whether the animal is required because of a disability and what task or work the animal has been trained to do. It also must provide documentation that the animal is up to date with respect to all required vaccines, that it does not have fleas or other infestation, and that it is in good health.

If there is any question concerning the relationship of the specific task or work to be performed by the service animal to the student's educational program, including the student's participation in general education academic and nonacademic activities, the District's Committee on Special Education (CSE) or Section 504 team, as applicable, will convene to determine whether the service animal's presence is necessary for the student to receive a free appropriate public education or equal access to the District's programs, activities, or services.

Nothing herein will require that a service animal be specified on an Individualized Education Plan (IEP) or on a Section 504 Plan as a support, service, modification, supplementary aid, or accommodation for a student.

Use of Service Animals by District Employees

Use of a service animal by an employee with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her position, or to enable the employee to enjoy comparable benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

Where the use of a service animal by an employee with a disability is sought, then he/she must submit a request for such use to the applicable *Building Principal or to the School Superintendent. The request must indicate whether the animal is required because of a disability and what task or work the animal has been trained to do. It also must provide documentation that the animal is up to date with respect to all required vaccines, that it does not have fleas or other infestation, and that it is in good health. All such requests will be addressed on a case-by-case basis.

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

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation as required by Federal and state law. Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of discrimination and harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status by employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of nondiscrimination and anti-harassment will be enforced on School District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises and in another state.

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the School District, as well as school volunteers, visitors, guests and other third parties. All of these persons are hereinafter referred to collectively as "the named group."

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, use of a recognized guide dog, hearing dog or service dog or domestic violence victim status that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

(Continued)

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)**Complaints and Grievances by Employees (*Moved from Policy #6122*)**

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Complaints and Grievances by Students (*Moved from Policy #7550*)

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal.

Administration shall be responsible for establishing rules and regulations for the redress of complaints or grievances through proper administration channels. In addition, the administration shall be responsible for developing an appeals process, ensuring that students have full understanding and access to these regulations and procedure, and providing prompt, thorough and equitable consideration and determination of student complaints and grievances.

Investigation of Complaints and Grievances

The School District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment. The District will designate, at a minimum, two (2) Compliance Officers, one of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated Compliance Officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable and thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. 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. The Superintendent will inform the Board of Education of investigations involving findings of discrimination or harassment.

(Continued)

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

Based upon the results of this investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of discrimination or harassment may also face appropriate disciplinary action.

Privacy Rights

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

(Continued)

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT (Cont'd.)**Civil Rights Compliance Officer (Title IX/Section 504/ADA Compliance Officer)**

The Civil Rights Compliance Officer is the Business Administrator. The Civil Rights Compliance Officer shall be appointed by the Board and shall be responsible for providing information, including complaint procedures, and for handling complaints relative to civil rights (e.g., Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990) for any student, parent, employee or employment applicant.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardian, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Civil Rights Compliance Officer.

The Civil Rights Compliance Officer shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating, and remedying allegations of harassment based on the characteristics described above. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s). Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this District. It is the intent of the District that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any member of the above named group which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of District policy.

(Continued)

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

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Military Law Sections 242 and 243

NOTE: Refer also to Policies #3000 -- Public Complaints

#6000 -- Sexual Harassment of District Personnel

#7000 -- Sexual Harassment of Students

POLICY

2015

3510

Community Relations

SUBJECT: EMERGENCY CLOSINGS

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement thereof shall be made over local radio stations designated by the Board of Education.

When school is closed, all related activities, including athletic events and student activities, will ordinarily be suspended forth at day and evening.

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

SUBJECT: EMERGENCY CLOSINGS

The Superintendent is empowered to close the District Schools, delay the opening, or to dismiss students early in the event of hazardous conditions, including weather, which threatens the safety of students.

In making the decision to close schools, either the Superintendent or his/her designee shall consider many factors, including the following:

1. The availability of parent (s) /guardians(s) to receive the student at home in the event schools should be dismissed early.
2. The health and safety of students remaining in a school environment.
3. Weather conditions, both existing and predicted.
4. Driving and traffic conditions affecting public and private transportation facilities.
5. Continuance or discontinuance of the operations of business, commercial and professional people in the area.

Facts will be assembled from the appropriate agencies and organizations before any decisions are made. For example, the Highway Department, Police Department, Weather Bureau, transportation companies and other governmental agencies, as needed, will be called.

Following the decision, communications will begin for the total notification of the students and staff. Either the Superintendent or his/her designee shall notify the public media. Employees should listen to broadcasts beginning at 6:00 o'clock a.m. Any employee who is doubtful about reporting should contact his/her immediate supervisor.

Delayed School Plan

When it appears likely that weather and/or street conditions will improve later in the morning, a "delayed school opening" announcement may be made to the public. Employees shall make an effort to report to their assignment at the regular starting time.

"A" Schedule (One hour delay in all school starting times.)

All schools will begin one hour later than normal starting times and dismiss at regular time.

"B" Schedule (Two hour delay in all school starting times.)

All schools will begin two hours later than normal starting times and dismiss at regular time.

Early Dismissal School Plan

When a sudden, unanticipated emergency condition, including weather alert, arises after school has commenced, and it is deemed appropriate to close schools and offices, the following actions will be followed:

1. The media will be called and the public will be informed of the decision.
2. Schools will be dismissed with dismissal time arranged to parallel the arrival of buses. No staff member may leave his/her assignment until all students have left the building (unless authorized to do so by the principal).
3. Elementary students can be released to the custody of their parent/guardian or another designated adult.

(Continued)

REGULATION

2015

3510R

2 of 2

Community Relations

SUBJECT: EMERGENCY CLOSINGS (continued)

Staff Assignments

The Superintendent is responsible for the effective operation of the School District at all times. Under Education Law Sections 1711 and 3012, the Superintendent is empowered to require certain groups of employees to work while other employees are not required to work because the absence of students reduces the productivity of these employees.

When schools are officially closed for students due to inclement weather or other emergency conditions:

1. In general, school-based personnel will not report with the exception of the building plant operators, custodians, maintenance, and janitorial staff, as per negotiated agreement.
2. All administrative, supervisory and full time support staff employees assigned to the District Office will report to work at the Superintendent's discretion.

Parent Notifications

Principals have the responsibility to urge parents to make plans for the emergency supervision of their children should an all-day closing, a delayed opening, or an early closing of school be necessary.

Radio announcements or telephone trees may be used to notify staff members.

PROCEDURE

2015

3510P

Community Relations

SUBJECT: CLOSINGS - BEFORE SCHOOL

Responsibility

Superintendent/Designee

Action

1. Consults with highway officials or other agencies regarding road conditions and predicted weather patterns.
2. Makes decision as to closing.
3. If decision is to close, notifies:
 - a. Radio/TV stations
 - b. Principals
 - c. Ed Alert

PROCEDURE

2015

3510P.1

Community Relations

SUBJECT: CLOSINGS - DURING SCHOOL

Responsibility

Transportation Supervisor

Superintendent

Superintendent/Designee

Transportation Supervisor

Action

1. Consults with highway officials or other agencies regarding road conditions and predicted weather patterns.
2. Informs Superintendent of adverse conditions.
3. Makes decision as to closing.
4. If decision is to close, notifies:
 - a. Transportation Supervisor
 - b. Radio stations
 - c. Principals
 - d. Staff and Students
5. Notifies drivers and substitutes where necessary.
6. Reschedules school pickups as soon as decision is made.

PROCEDURE

2015

3510P.2

Community Relations

SUBJECT: INCLEMENT WEATHER: SNOW/ICE STORM – THUNDER/LIGHTENING

County Fire Control – 911

Responsibly

School Bus Dispatcher/School
Business Administrator

Superintendent/Designee

Building Administrator

Building Administrators/
Transportation Supervisor

Superintendent/Designee

Action

1) a. Monitors National Weather Service
broadcast frequency and road conditions.

b. Notifies Superintendent of impending situation.

2) a. Notifies building administrator of pending
situation.

b. Selects appropriate Emergency Response
Action and relays instructions to building
administrators.

3) a. Curtails or ceases all outdoor and/or
extracurricular activities as appropriate.

b. Summons all persons into the building with
help of staff and public address system.

4) Implements selected Emergency Response
Action.

5) Issues termination of emergency.

Resources

Radio tuned to National Weather Service frequency

Transportation Supervisor: 683-5301

Local emergency responders: Fire/Ambulance - 911

Highway Department: Town - 683-5881, County - 469-5023

Emergency Two-Way Radios located in each building with key administrators.

Staff trained in Shelter Management, First Aid and CPR.

American Red Cross - 425-1661

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.

BOE Adopted 11/17/20

SUBJECT: CHARTER SCHOOLS

A charter school is a public school financed through public local, state and federal funds that is independent of local school boards. Although the New York Charter Schools Act of 1998 designates certain "charter entities," only the local School District may approve the conversion of an *existing public school* to a charter school. Prior to any such conversion to a charter school, the parents/guardians of the majority of the students then enrolled in the public school must have voted in favor of the conversion.

For charter schools approved by the Board of Trustees of the State University of New York or the Board of Regents, the local School District within which the charter school is located has the right to visit, examine, and inspect the charter school for compliance with all applicable laws, regulations, and charter provisions.

Charter schools may be located in part of an existing public school building, a private work site, a public building, or any other suitable location. At the request of the charter school or prospective applicant, the School District shall make available a list of vacant and unused school buildings and vacant and unused portions of school buildings, including private school buildings, within the School District which may be suitable for the operation of a charter school.

The School District's high school(s) may accept academic credit from students who transfer from the charter school as authorized and/or, permitted in accordance with law, Commissioner's Regulations, and local District standards. Either the charter school or the local School Board may issue a high school diploma upon students' graduation from a charter school depending on the charter school's relationship with the School Board.

For the purposes of the Textbook Loan Program defined in Education Law Section 701, the Library Materials Loan Program defined in Education Law Section 711, and the Computer Software Loan Program defined in Education Law Section 751, students attending a charter school have the same access to textbooks, software and library materials loaned by the School District as if enrolled in a nonpublic school. Within available School District inventory and budgetary appropriations for purchase of such materials, the School District is required to provide such materials on an equitable basis to all public school students and to all nonpublic school and charter school students who are residents of the District (Textbook Loan Program) or who attend a nonpublic or charter school in the School District (Software and Library materials Loan Programs). The base year enrollment of students in the charter school may be claimed by the School District for the purposes of Textbook, Software and Library Materials Aids, in the same manner as nonpublic school enrollments are claimed.

For the purpose of transportation, charter schools are considered nonpublic schools, which means that students attending charter schools who reside within a fifteen (15) mile radius of the charter school [or a greater radius if the voters of the *school district of residence* have approved nonpublic transportation for more than fifteen (15) miles] will receive transportation from their *school district of residence* on the same basis from nonpublic school students; that is, subject to the applicable minimum mileage limits for transportation in the *school district of residence*, and the requirement of the timely filing of the request for transportation pursuant to Education Law Section 3635(2).

(Continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

A student *cannot* be dually enrolled in the charter school and District schools. However, the *school district of residence* of students attending a charter school may, but is not required to, allow such students to participate in athletic and extracurricular activities.

Special Education programs and services shall be provided to students with disabilities attending a charter school in accordance with the individualized education program recommended by the Committee or Subcommittee of Special Education of the student's *school district of residence*. The charter school may arrange to have such services provided by the *school district of residence* or by the charter school directly or by contract by with another provider.

All employees of a public school *converted* to a charter school are included within the negotiating unit for the local School *but* the collective bargaining agreement of that negotiating unit may be *modified by a majority vote* of the members who work at the charter school, with the approval of the Board of Trustees of the charter school.

Instructional employees of a charter school which has *not* been converted from an existing public school and which has more than 250 students during the *first year* of instruction will be represented in a separate negotiating unit at the charter school by the same employee organization representing similar employees in the local School District. Employees *may* be included *in* the Teachers' Retirement System and other retirement systems open to employees of the School District. Financial contributions for such benefits are the responsibility of the charter school and the charter school's employees.

Teachers employed by the School District may apply for a leave of absence for purposes of teaching at a charter school. Approval for such leave of absence for a period of two (2) years or less shall not be unreasonably withheld. If such approval is granted to a teacher by the District, the teacher may return to teach in the School District during such period of leave without the loss of any right of certification, retirement, seniority, salary status, or any other benefit provided by law or by collective bargaining agreement. If an appropriate position is unavailable, the teacher's name shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position similar to the one such teacher filled in the District immediately prior to the leave of service.

Charter School Finances

Charter school financing shall be based on the number of students projected to be served by the chapter school and the approved operating expenses of the *district of residence* of those students. The New York Charter Schools Act requires that the *school district of residence* forward payments to the charter school, which shall include State and Federal aid and any other pertinent aid to students with disabilities, in six (6) substantially equal installments each year beginning on the first business day of the months of July, September, November, January, March, and May. Failure by the School District to make such required payments will result in the State Comptroller deducting the required amounts from State funds due to the District and paying them to the charter school.

(continued)

SUBJECT: CHARTER SCHOOLS (Cont'd.)

Charter School Finances (cont'd.)

Approved operating expenses include the essential operating cost of the School District. Excluded are costs for transportation, debt services, construction, tuition payments to other school districts, some BOCES payments, cafeteria or school lunch expenditures, balances and transfers, rental income from leased property, and certain other limited categories.

Federal and State aid attributable to students with disabilities *are* required to be paid to a charter school by the *school district of residence* for those students attending such charter school *in proportion to the services the charter school provides such students*.

Amounts payable to a charter school by the School District will be determined by the Commissioner of Education.

Neither the School District, the charter entity, nor the State is liable for the debts of the charter school.

Notice And Hearing Requirements

The New York State Board of Regents is required to provide the School District information on the charter school process. If a charter school is proposed, the charter entity and the Board of Regents *have to notify the school district in which the charter school is located and public and nonpublic schools in the same geographic area* as the proposed charter school at each significant stage of the chartering process.

Before a charter is issued or renewed, the *school district in which the charter school is located* is entitled:

- a. To hold *a public hearing* to receive comments from the community, and
- b. To comment on the proposed charter to the charter entity.

Time limits on the charter application process will be in accordance with the Charter Schools Act.

Education Law Article 56 and Sections 3602(11) and 3635
8 New York Code of Rules and Regulations (NYCRR) Parts 100 and 119

BOE Adopted 1/6/09

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Administration

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POLICY

2015

4110

Administration

SUBJECT: SCHOOL ADMINISTRATION

The Board of Education shall provide an administrative staff sufficient to meet the needs of the District for instructional and supportive functions.

POLICY

2015

4120

Administration

SUBJECT: ADMINISTRATIVE PERSONNEL

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

These employees shall meet all certification and/or Civil Service requirements as outlined in New York State Civil Service Law, and the Rules and Regulations promulgated by the Commissioner of Education of New York State. The administrative and supervisory staff must be eligible to meet these requirements at the time of employment.

The obligations, duties, and responsibilities of all administrative and supervisory personnel shall be set forth in job descriptions issued by the Superintendent of Schools.

Commissioner's Regulations, Section 80.4
Education Law Section 1709

BOE Adopted 1/6/09

SUBJECT: CODE OF ETHICS: ADMINISTRATION

The professional school administrator constantly upholds the honor and dignity of his/her profession in all his/her actions and relations with pupils, colleagues, School Board members, and the public.

The professional school administrator obeys local, state, and national laws; holds himself/herself to high ethical and moral standards, and gives loyalty to his/her country and to the cause of democracy and liberty.

The professional school administrator accepts the responsibility throughout his/her career to master and to contribute to the growing body of specialized knowledge, concepts, and skills which characterize school administration as a profession.

The professional school administrator strives to provide the finest possible educational experiences and opportunities to all persons in the District.

The professional school administrator, applying for a position or entering into contractual agreements, seeks to preserve and enhance the prestige and status of his/her profession.

The professional school administrator carries out in good faith all policies duly adopted by the local Board and the regulations of State authorities and renders professional service to the best of his/her ability.

The professional school administrator does not permit considerations of private gain or personal economic interest to affect the discharge of his/her professional responsibilities.

The professional school administrator recognizes that the public schools are the public's business and seeks to keep the public fully and honestly informed about their schools.

~~NOTE: Refer also to Policy #6110 --- Code of Ethics for all District Personnel.~~

BOE Adopted 1/6/09

SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION

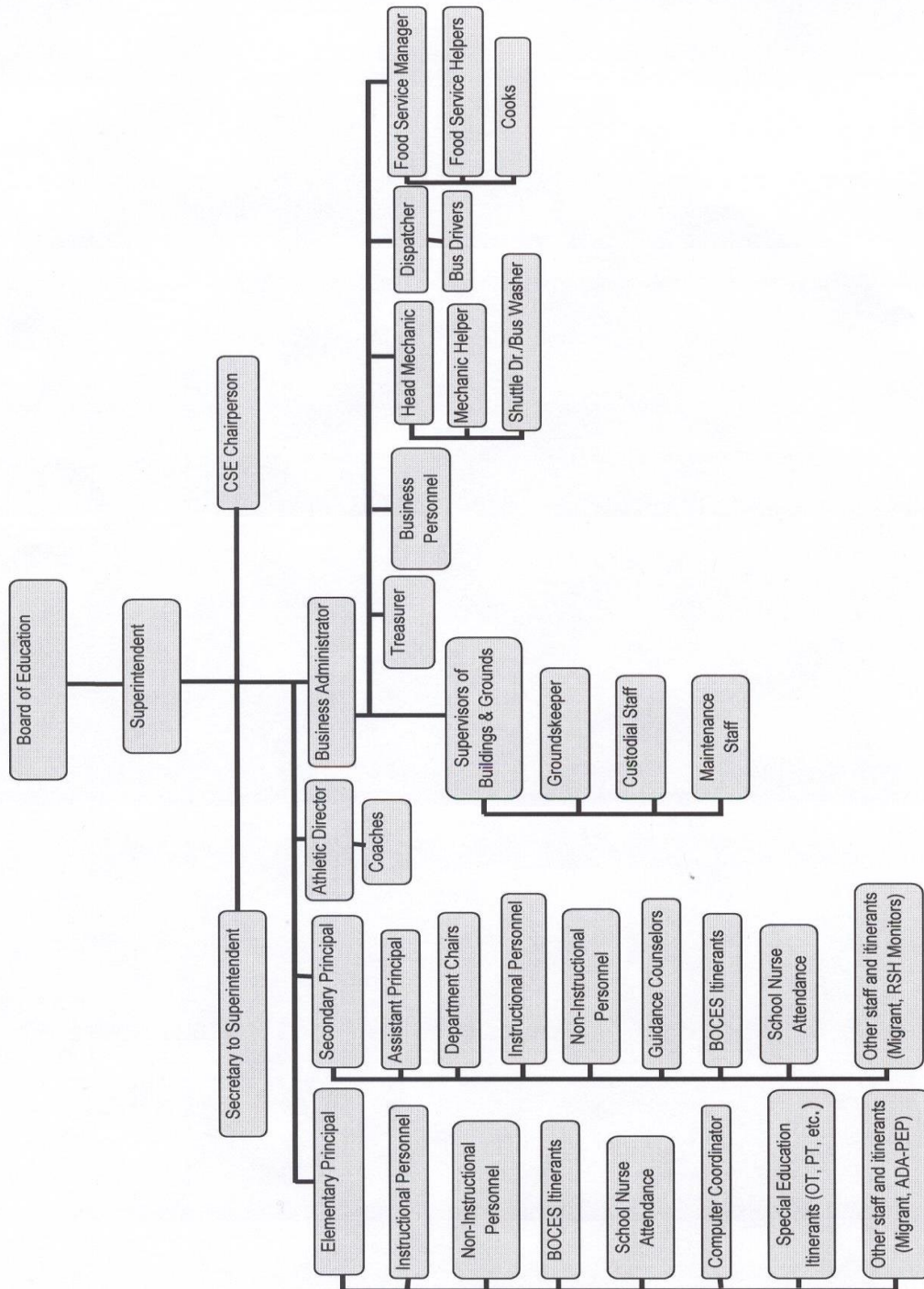
The basic principles of Administrative Organization and Operation are:

- a. The working relationships shall involve two types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from chief school officer 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 of Education shall formulate and legislate educational policy.
- c. Administrative regulations shall be developed by the chief school officer in cooperation with affected or interested staff members or lay persons.
- d. The central office staff shall provide overall leadership and assistance in planning and research.
- e. A reasonable limit shall be placed upon the number of persons with whom an administrator shall be expected to work effectively.
- f. Areas of responsibility for each individual shall be clearly defined.
- g. There shall be full opportunity for complete freedom of communication between all levels in the school staff.

SUBJECT: ORGANIZATIONAL CHART

Fabius-Pompey CSD Organizational Chart

4211



SUBJECT: ADMINISTRATIVE LINE AND STAFF RESPONSIBILITIES

- 1) Lines of Responsibility
 - a. District-wide

To ensure that we have someone in a decision-making position should an emergency occur when one or more of the administrators are out of the District, we have established the following line of responsibility *unless otherwise designated by the Superintendent*:

 1. Superintendent of Schools
 2. School Business Administrator
 3. High School Principal
 4. Elementary School Principal
 5. Assistant Middle School-High School Principal
 6. *Coordinator of Pupil Personnel Services*
 - b. Individual Buildings

Each building principal is to designate a certified educator to be in a decision-making capacity in his/her absence. This designation will be made at the beginning of school each year and all staff members will be notified.
- 2) Decisions that must be made regarding the closing of school early, canceling of after-school events and field trips, and/or the delaying of school or closing for the day are the responsibility of the Superintendent of Schools. In his/her absence, this authority may be delegated to the:
 1. School Business Administrator
 2. High School Principal
 3. Elementary School Principal
 4. Assistant Middle School-High School Principal
 5. *Coordinator of Pupil Personnel Services*
- 3) It is the administrator's responsibility to:
 - a. Identify who is in charge during his/her absence, and to inform the building principal and all staff of this designation.
 - b. Be sure the building secretary knows how to get in touch with him/her at all times.
 - c. Arrange for a responsible person to complete his/her portion of the Communications Network as listed on our Emergency Closing memo, and to inform the Superintendent of this designation.

POLICY

2015

4220

Administration

SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION

Existing administrative positions shall not be abolished by the Board of Education without previous written notification of the impending abolition. Such written notification is to be served to the individual currently holding that position, and must be given thirty (30) days prior to the effective date of abolition. In all cases the individual currently holding the position should receive as much advance notice as possible, preferably sixty (60) or more days.

BOE Adopted 1/6/09

SUBJECT: ADMINISTRATIVE AUTHORITY DURING ABSENCE OF THE SUPERINTENDENT OF SCHOOLS

During the absence of the Superintendent of Schools, authority and responsibility for making decisions and taking such actions as may be required will fall in the following order *unless otherwise designated by the Superintendent*: first to the Business Administrator, then to the Middle School-High School Principal, next to the Elementary Principal, and finally to the Assistant Middle School-High School Principal.

1. Superintendent of Schools
2. Business Administrator
3. Middle School-High School Principal
4. Elementary School Principal
5. Assistant Middle School-High School Principal
6. *Coordinator of Pupil Personnel Services*

POLICY

2015

4240

Administration

SUBJECT: ADMINISTRATIVE LATITUDE 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 shall act in a manner consistent with the existing policies of the School District and shall alert the Superintendent of Schools to the possible need for additional policy development.

POLICY

2015

4250

Administration

SUBJECT: USE OF COMMITTEES

Standing and/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 of Education, 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 shall report. The composition of each committee shall reflect its purpose and each committee shall have a clear assignment.

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

The Board of Education shall 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 to be made available for review by any individual, no later than August first of each year.

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

Evaluation of Administrative Staff

The Board shall direct the Superintendent to conduct an annual 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.

Commissioner's Regulations Section 100.2(0)

BOE Adopted 1/6/09

SUBJECT: SUPERINTENDENT OF SCHOOLS

- a. As chief executive officer of the Board of Education, he/she shall attend all regular, special, and work meetings of the Board except that the Superintendent may be excluded when his/her employment contract or performance is discussed in executive session.
- b. He/she shall administer all policies and enforce all rules and regulations of the Board.
- c. He/she shall constantly review the local school situation and recommend to the Board areas in which new policies seem to be needed.
- d. He/she shall be responsible for organizing, administering, evaluating, and supervising the programs and personnel of all school departments, instructional and non-instructional.
- e. He/she shall recommend to the Board the appointment of all instructional and support personnel.
- f. He/she shall be responsible for the preparation and recommendation to the Board of the annual School District budget in accordance with the format and development plan specified by the Board.
- g. He/she shall acquaint the public with the activities and needs of the schools through his/her written and spoken statements, and shall be responsible for all news releases emanating from the local schools.
- h. He/she shall be responsible for the construction of all salary scales and for the administration of 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. He/she shall determine the need and make plans for plant expansion and renovation.
- j. He/she shall be responsible for recommending for hire, evaluating, promoting, and dismissing all professional and non-professional staff personnel.
- k. He/she shall prepare or supervise the preparation of the teacher's handbook, staff bulletins, and all other District-wide staff materials.
- l. He/she shall plan and coordinate the recruitment of teachers and other staff to assure the District of the best available personnel.
- m. He/she shall 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 be of a high degree of competence will be recommended for tenure.
- n. He/she shall continually strive to 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. He/she shall, when necessary and/or desirable, transfer such personnel as he/she anticipates will function more effectively in other positions. These transfers shall be made within the guidelines of state laws, District policies, and negotiated contracts.

Education Law Sections 1711 and 3003

BOE Adopted 1/6/09

SUBJECT: SUPERINTENDENT - BOARD OF EDUCATION RELATIONS

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

- a. With respect to School 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; 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, in violation of commonly accepted business and professional ethics; in violation of any contract into which the Board has entered; or, in violation of policies adopted by the Board that limit the Superintendent's authority.
- d. Should the Superintendent or his/her designee consider it unwise or impractical to comply with an explicit Board policy, the Superintendent will inform the Board of that determination. The Board will decide whether such judgment was warranted.
- e. When law or other authority calls for Board approval of decisions that the Board has delegated to the Superintendent, Board approval will be routinely given if those decisions have been made within the limits of Board policies.

Education Law Section 1711

BOE Adopted 1/6/09

POLICY

2015

4330

Administration

SUBJECT: ADMINISTRATIVE STAFF

School Business Administrator

The School Business Administrator shall be responsible for all phases of the District's business activity, as set forth in Section 5000 of the Policy Manual, and shall report directly to the Superintendent of Schools.

Building Principals

The building principals are the educational executives of the school centers. They have the responsibility for executing Board of Education policies in the schools. They are directly responsible to the Superintendent of Schools.

Department Chairs

Department Chairs are staff who shall have various ranges of responsibilities as indicated by their respective titles and job descriptions.

Commissioner's Regulations Sections 100.3 and 80.4

BOE Adopted 1/6/09

POLICY

2015

4340

Administration

SUBJECT: BUILDING PRINCIPALS' RESPONSIBILITIES REGARDING RULES AND REGULATIONS GOVERNING STUDENTS

Each building principal shall prepare rules and regulations for the governance of students or pupils in his/her building and shall, as necessary, revise such rules and regulations. Said rules and regulations or revisions thereof shall be submitted to the Board for its consideration. The principals shall then publish and make available to students or pupils those rules, regulations, and revisions which are approved by the Board.

BOE Adopted 1/6/09

POLICY

2015

4410

Administration

SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES

The Board of Education shall encourage administrators to keep themselves informed of current educational theory and practice by study, by visiting other school systems, by attendance at educational conferences, and by such other means as are appropriate.

The approval of the Superintendent shall be required for any conference attendance or visitations requested by administrators.

Participation shall be limited by available resources and reimbursement guidelines.

General Municipal Law Section 77-b

BOE Adopted 1/6/09

REGULATION

2015

4410R

Administration

SUBJECT: ADMINISTRATIVE CONFERENCE

1. It is incumbent upon administrators to request sufficient funds for travel, lodging, meals and conference fees during budget preparation.
2. The allocation of such funds in the budget remains the sole prerogative of the Board of Education.
3. Approval of requests shall rest with the Superintendent. Approvals are contingent upon sufficient budget all locations. Requests should include information concerning mode of travel, purpose of attendance, estimated/actual costs, and a statement, of value or benefit the District will potentially receive from the participants attendance.
4. The Superintendent or Board may request a resume concerning conference activities and benefits.
5. Claims shall be itemized by actual figures, and receipts shall accompany them.
6. Advanced draws must be accounted for by receipt or reimbursement of funds.

POLICY

2015

4420

Non-Instructional/Business Operations

SUBJECT: COMPENSATION AND RELATED BENEFITS

The salaries and related benefits of administrators shall be set annually by the Board of Education upon the recommendation of the Superintendent.

POLICY

2015

4421

Non-Instructional/Business Operations

SUBJECT: PAY SCHEDULE

Administrators shall be paid in twenty-six (26) checks, each one to be 1/26 of the annual salary, with the first to be paid within 14 days after July 1. The remainder of the checks shall follow at approximately 2-week intervals.

BOE Adopted 1/6/09

CONTENTS

5000

Non-Instructional/Business Operations

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Non-Instructional/Business Operations

SUBJECT: BUDGET PLANNING AND DEVELOPMENT

Budget planning and development for the District will be an integral part of program planning so that the annual operating budget may effectively express and implement programs and activities of the School System. Budget planning will be a year-round process involving participation of District-level administrators, Principals, Directors, Coordinators, teachers, and other personnel. The process of budget planning and development should allow for community input and contain numerous opportunities for public information and feedback.

The Superintendent will have 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 School System's educational priorities.

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

In accordance with Commissioner's Regulations, the budget will be presented in three (3) components which are to be voted upon as one (1) 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 shall include, but need not be limited to, all program expenditures of the School 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 shall 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 School District, including facilities lease expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the School District, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget shall include a rental, operations and maintenance section that 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

(continued)

Non-Instructional/Business Operations

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

- c) An administrative component which shall 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 School Board, the Office of the Superintendent of Schools, 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 of Education shall append to the proposed budget the following documents:

- a) A detailed statement of the total compensation to be paid to the Superintendent of Schools, and any Assistant or Associate Superintendent of Schools 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 School 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 shall attest that unexpended surplus funds (i.e., operating funds in excess 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. Surplus funds shall mean any operating funds in excess of four percent (4%).

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

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

School District Report Card

Each year the District shall 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. The Report Cards 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 Report Cards are generated from the supplied data and are in a format dictated by SED. The School District Report Cards consist of three (3) parts:

(continued)

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

- a) Accountability and Overview Report - shows District/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:
<https://reportcards.nysed.gov/>

Property Tax Report Card

Each year, the Board of Education shall prepare a Property Tax Report Card, pursuant to Commissioner's Regulations, and shall 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 shall 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 School 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
- 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 School District budget for the preceding school year; and the percentage of the School District budget for the preceding school year that the actual adjusted unrestricted fund balance represents; 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, NYSED 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 sixty percent (60%) of the District's qualified voters present and voting.

(Continued)

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

A copy of the Property Tax Report Card prepared for the Annual District Meeting shall be submitted to the State Education Department 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 of Education, but no later than twenty-four (24) days prior to the statewide uniform voting day (i.e., the third Tuesday in May).

The State Education Department shall compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and shall make such compilation available electronically at least ten (10) days prior to the statewide uniform voting day. Links to each school year's Property Tax Report Card can be found at: <http://www.p12.nysed.gov/mgtserv/propertytax/>

Tax Exemption Report

A Tax Exemption Report shall be annexed to any tentative or preliminary budget and shall become part of the final budget. This report shall be on the form as prescribed by the State Board of Real Property Services and shall 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;
- 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 shall be included in any notice of the preparation of the budget required by law and shall 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 Sections 1608(3)-(7), 1716(3)-(7), 2022(2-a), 2023-a, 2601-a(3) and 2601-a(7)
General Municipal Law Section 36
Real Property Tax Law Sections 495 and 1318(l)
8 NYCRR Sections 170.8, 170.9 and 170.11
State Education Department Handbook No. 3 on Budget

REGULATION

2016

5110R

Non-Instructional/Business Operations

SUBJECT: BUDGET PLANNING

The budget reflects the educational aims of the School District. This means that items placed in the budget should be a direct reflection of the educational aims of the people of the District as determined by the Board of Education. As Chief Executive Officer of the Board of Education, the Superintendent has the basic responsibility for the preparation of the proposed annual budget. However, the budget-making process must involve other administrators and employees. The general procedure to be followed in preparing the proposed annual budget will be:

1) School Business Administrator

- a. The School Business Administrator shall be responsible for the preparation of the final copy of the proposed budget for presentation to the Board of Education by the Superintendent.
- b. Although he/she shall not be charged with the assignment of specific items in the budget, unless those items be within the scope of his/her direct responsibility, he/she shall scrutinize each item and offer his/her advice to the Superintendent regarding each item.
- c. The School Business Administrator shall be responsible for the assignment of items in the proposed budget to the proper budget category.
- d. The School Business Administrator will submit budgetary requests in the categories for which he/she is directly responsible to the Superintendent during the first week in December.

2) Preparation of Budget

- a. All budgetary requests from all administrators, and from any other sources, shall be submitted to the Superintendent as outlined in the District's budget planning booklet.
- b. All budget requests will be carefully reviewed by the Superintendent with the assistance of the School Business Administrator.
- c. A completed tentative budget proposal will be prepared by the School Business Administrator during the early part of January so that mimeographed copies will be available to the Board members and administrators by the February Board meeting. This work will proceed on the basis of current salary schedules and will not be held up pending the outcome of salary discussions.
- d. The Board will hold the necessary number of work sessions to discuss the budget proposal with a view to having a Board approved budget available no later than April 1st.
- e. The School Business Administrator shall have copies of the Board approved budget summary available for distribution at least fourteen (14) days (other than a Saturday, Sunday or holiday during the fourteen days immediately preceding the Annual Meeting) prior to the Annual Meeting.

3) Early Placement of Orders

- a. Bids may be received and orders placed with suppliers prior to public approval of the budget provided the following clause, or its equivalent, is inserted in requests for bids and all purchase orders: "Bids received and orders placed on the following year's budget prior to approval of such budget by the voters are subject to the approval of the budget at the annual meeting. In the event of non-approval of the budget by the publicly any orders placed will not be binding upon the Fabius-Pompey Central School District."
- b. It is desirable to have purchase requisitions in such form that upon approval of the budget by the electorate, deliveries can be received and the majority of them completed no later than June 30th.

SUBJECT: AUDIT AND FINANCE COMMITTEE

No later than January 1, 2006, an Audit and Finance Committee shall be established by Board resolution. The Audit and Finance Committee may consist of:

- a) The Board of Education as a whole;
- b) A subcommittee of the Board of Education; 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, such membership is advisable to provide accounting and auditing expertise.

The membership of the Audit and Finance Committee shall be determined annually at the Organizational Meeting. Each member shall serve a one-year term.

The Audit and Finance Committee for the Fabius-Pompey School District shall consist of at least three (3) members who shall serve without compensation. Employees of the District are prohibited from serving on the Audit and Finance Committee. Members of the Audit and Finance Committee shall be deemed School District Officers, but shall not be required to be residents of the School District.

The role of the Audit and Finance Committee shall be advisory unless the Audit and Finance Committee consists of at least a quorum of Board members, and any recommendations it provides to the Board shall not substitute for any required review and acceptance by the Board of Education.

The responsibilities of the Audit and Finance Committee include the following:

- a) Provide recommendations regarding the appointment of the External (Independent) Auditor for the District;
- b) Meet with the External (Independent) Auditor prior to commencement of the audit, and again at the completion of audit field work;
- c) 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;
- d) Receive and review the draft Annual Audit Report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;
- e) Make a recommendation to the Board on accepting the Annual Audit Report;
- f) Review every corrective action plan developed by the School District and assist the Board in its implementation.

(Continued)

SUBJECT: AUDIT AND FINANCE COMMITTEE: (continued)

- g) Review of District financial statements before presentation to the Board of Education.
- h) Maintain a calendar of financial reports which assigns duties to specific staff to provide oversight and assurance of timeliness and accuracy of these specified financial reports. Financial reports will include those related to both expenditures and revenues along with required reports due to specific state and federal agencies.
- i) Monitor a monthly schedule of reporting that will provide the Audit and Finance Committee with all information required to fully inform the Board of Education on the fiscal condition of the District.
- j) All other duties as assigned by the Board of Education.

Additional responsibilities of the Audit and Finance Committee include:

- a) Assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor;
- b) Reviewing significant findings and recommendations of the Internal Auditor;
- c) Monitoring the School District's implementation of such recommendations; and
- d) Evaluating the performance of the Internal Audit Function.

The Audit and Finance Committee may conduct an Executive Session pursuant to Public Officers Law Section 105 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 of Education in interpreting such documents.

Any Board member who is not a member of the Audit and Finance Committee may be allowed to attend an Audit and Finance Committee meeting if authorized by a Board resolution. However, if such 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.

Education Law Sections 2116-c, and 3811-3813

Public Officers Law Sections 105(b), 105(c), and 105(d)

SUBJECT: INTERNAL AUDIT FUNCTION

~~No later than July 1, 2006,~~ The District shall *may* establish an Internal Audit Function. ~~to be in operation no later than December 31, 2006.~~ The Internal Audit Function shall include:

- a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies and procedures and the testing and evaluation of District internal controls;
- b) An annual review and update of such risk assessment;
- c) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings; and
- d) Recommendation of changes for strengthening controls and reducing identified risks, and the specification of timeframes for implementation of such recommendations.

The District is permitted to utilize existing District personnel to fulfill the Internal Audit Function, but such persons shall not have any responsibility for other business operations of the District while performing Internal Audit Functions. The District shall 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 performing the Internal Audit Function shall report directly to the Board of Education. The Audit and Finance Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

The appointment of an Internal Auditor will take place annually as part of the District's Organizational Meeting.

Education Law Sections 1950, 2116-b and 2116-c

SUBJECT: BUDGET ADOPTION

The Board of Education shall review the recommended budget of the Superintendent of Schools and shall seek public input and feedback regarding the recommended budget including, but not limited to, holding a public budget hearing not less than seven (7) nor more than fourteen (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.

Copies of the proposed annual operating budget for the succeeding year to be voted upon at the Annual Meeting and Election shall 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 fourteen (14) days immediately preceding such Annual Meeting. The availability of this budget information shall also be included in a legal notice of the Annual Meeting; and such copies of the proposed budget will also be available to District residents at the time of the Annual Meeting and Election. 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.

The School District budget will be presented in three separately delineated components which are to be voted upon as one proposition: a program component, an administrative component, and a capital component. Additionally, the Board shall attach to the proposed budget those documents mandated pursuant to law and/or Commissioner's Regulations.

All budget documents for distribution to the public shall be written in plain language and organized in a manner which best promotes public comprehension of the contents.

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 at a later date. In the alternative, if the initial proposed budget is defeated, the Board may adopt a contingency budget and levy taxes as necessary for implementation of the contingency budget expenditures. If the voters fail to approve the second budget submittal, or budget proposition(s), the Board shall adopt a contingency budget in accordance with law.

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

The School District budget, once adopted, becomes the basis for establishing the tax levy on real property within the District.

Education Law Sections 1608, 1716, 1804(4), 1906(1), 2002(1), 2003(1), 2004(1), 2022, 2023, and 2601-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(bb), 170.8 and 170.9

SUBJECT: SCHOOL DISTRICT BUDGET HEARING

The Board of Education 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 (7) nor more than fourteen (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 (7) 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 will be included in the notice of the Annual Meeting and Election and/or Special District Meeting as required by law.

All School District budgets which are submitted for voter approval shall be presented in three (3) components: a program component, an administrative component, and a capital component; and each component will be separately delineated in accordance with law and/or regulation.

The Board of Education will also prepare and append to copies of the proposed budget a School District Report Card, pursuant to the Regulations of the Commissioner of Education, referencing measures of academic and fiscal performance. Additionally, the Board of Education shall also append to copies of the proposed budget a detailed statement of the total compensation to be paid to various administrators as enumerated in law and/or regulation, and a Property Tax Report Card prepared in accordance with law and Commissioner's Regulations.

All budget documents for distribution to the public will be written in plain language and organized in a manner which best promotes public comprehension of the contents. New York School District Report Cards and Property Tax Report Cards are also available online from the State Education Department.

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 (7) days before the budget hearing. Copies shall 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 fourteen (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.

(continued)

SUBJECT: SCHOOL DISTRICT BUDGET HEARING**Budget Notice**

The School District Clerk shall mail a School Budget Notice to all qualified voters of the School District after the date of the Budget Hearing, but no later than six (6) days prior to the Annual Meeting and Election or Special District Meeting at which a school budget vote will occur. The School Budget Notice shall compare the percentage increase or decrease in total spending under the proposed budget over total spending under the School 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.

Beginning with the budget notice for the ~~2012-2013~~ proposed budget, 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);
- c) The total permissible exclusions; and
- d) The proposed school year tax levy (including permissible exclusions to the school tax levy limit).

The Notice shall 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 one hundred thousand dollars (\$100,000) under the existing School District budget as compared with such savings under the proposed budget.

The Notice shall 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 shall be in a form prescribed by the Commissioner of Education.

Notice of Budget Hearing/Availability of Budget Statement:

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

Election and Budget Vote:

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

Budget Development and Attachments:

Education Law Sections 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 Sections 100.2(bb), 170.8 and 170.9

POLICY

2016

5140

Non-Instructional/Business Operations

SUBJECT: ADMINISTRATION OF THE BUDGET

The Superintendent of Schools, working in conjunction with the administrative staff, is responsible to the Board for the administration of the budget.

- a. He/she shall acquaint District employees with the final provisions of the program budget and guide them in planning to operate efficiently and economically within these provisions.
- b. Under his/her direction the District shall maintain such records of accounting control as are required by the New York State Uniform System of Accounts for School Districts, the Board of Education, and such other procedures as are deemed necessary and shall keep the various operational units informed through periodic reports as to the status of their individual budgets.
- c. Board approval is required prior to the expenditure of District funds.

BOE Adopted 1/6/09

SUBJECT: CONTINGENCY BUDGET

The School District budget for any school year or any part of such budget, or any proposition involving the expenditure of money for such school year, shall not be submitted for a vote of the qualified voters of the District more than twice in any school year.

If the original proposed budget is not approved by District voters at the Annual District Meeting and Election, the Board has the option of either resubmitting the original or revised budget for voter approval at a special meeting held at a later date; or the Board may, at that point, adopt a contingency budget and levy a tax for teachers' salaries and ordinary contingent expenses as enumerated in law. If the Board decides to submit either the original or a revised budget to the voters for a second time, and the voters do not approve the second budget submittal, the Board shall adopt a contingency budget and levy a tax for those expenditures mandated pursuant to law and/or for those services necessary to maintain the educational program.

The contingency budget will include the sum necessary for teachers' salaries (i.e., professional educator positions certificated by the State Education Department which include teachers, administrators, teaching assistants, and professional specialists in the various areas of public personnel services) and ordinary contingent expenses as determined by the Board in accordance with law including, but not limited to, the purchase of library books and other instructional materials associated with the school library; and expenses incurred for interscholastic athletics, field trips and other extracurricular activities. Ordinary contingent expenses include, but are not limited to, legal expenses incurred by the District; expenditures specifically authorized by statute; and other items necessary to maintain the educational program, preserve property, and assure the health and safety of students and staff. As deemed necessary, school counsel may be consulted for review as to those items considered to be ordinary contingent expenses prior to Board adoption of the contingency budget.

In accordance with law, the contingency budget will reflect the statutory expenditure limits imposed on the administrative component of the contingency budget as well as the total spending authorized in the overall contingency budget.

With regard to overall District spending, the contingency budget, as a whole, shall not result in a percentage increase in total spending under the school district budget for the prior year that exceeds the lesser of:

- (a) The result when one hundred twenty percent is multiplied by the percentage increase in the Consumer Price Index (CPI), with the result rounded to two decimal places; or
- (b) Four percent.

Additionally, the administrative component of the contingency budget shall not comprise a greater percentage of the contingency budget exclusive of the capital component than the lesser of:

- (a) The percentage the administrative component had comprised in the prior year's budget exclusive of the capital component; or
- (b) The percentage the administrative component had comprised in the last proposed defeated budget exclusive of the capital component.

(continued)

Non-Instructional/Business Operations

SUBJECT: CONTINGENCY BUDGET (continued)

The Consumer Price Index to be used refers to the percentage that represents the average of the national consumer price indexes determined by the U.S. Department of Labor for the twelve-month period preceding January first of the current year.

In determining the increase in total expenses when computing the contingency budget percentage increase, the following expenditures shall be disregarded:

- (a) Expenditures resulting from a tax certiorari proceeding;
- (b) Expenditures resulting from a court order or judgment against the School District;
- (c) Emergency expenditures that are certified by the Commissioner of Education as necessary as a result of damage to, or destruction of, a school building or school equipment;
- (d) Capital expenditures resulting from the construction, acquisition, reconstruction, rehabilitation, or improvement of school facilities, including debt service and lease expenditures, subject to voter approval;
- (e) Expenditures in the contingency budget attribute to projected increases in public school enrollment, which may include increases attributable to the enrollment of students attending a pre-kindergarten program established in accordance with Education Law Section 3602-e;
- (f) Non-recurring expenditures in the prior year's School District budget; and
- (g) Expenditure of gifts and grants in aid and use of insurance proceeds.

Should the Board of Education adopt a contingency budget, it will officially pass a resolution reflecting such action; and that resolution shall incorporate by reference a statement specifying the projected percentage increase or decrease in total spending for the school year, and explain the reasons why the Board disregarded any portion of an increase in spending in formulating the contingency budget.

Regulations will be developed enumerating a sample list of expenditures which have been determined, pursuant to law, to constitute ordinary contingent expenses. However, the Board reserves the right, in accordance with its legal responsibility, to designate other items as ordinary contingent expenses as deemed necessary to maintain the educational program of the District, preserve property, and assure the health and safety of students and staff.

Education Law Sections 2002, 2023, 2024, and 2601-a

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. To this end, the District may establish and maintain reserve funds in accordance with New York State Laws, Commissioner's Regulations and the rules and/or opinions issued by the Office of the New York State Comptroller, as applicable. The District shall 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 shall be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The District may engage independent experts and professionals, including but not limited to, auditors, accountants and other financial and legal counsel, as necessary, to monitor all reserve fund activity and prepare any and all reports that the Board may require.

Periodic Review and Annual Report

The Board of Education will periodically review all reserve funds. The District will also prepare and submit an annual report of all reserve funds to the Board of Education. The annual report shall 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 shall 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.

The Superintendent shall develop any necessary and/or appropriate regulations to implement the terms of the Board's policy.

REGULATION

2016

5150R

1 of 2

Non-Instructional/Business Operations

SUBJECT: RESERVE FUNDS

In New York State, reserve funds may be established and maintained by School Districts for a limited number of specific intended purposes and pursuant to the requirements of select provisions of Education and General Municipal law. The following outlines some of the more common types of reserve funds that may be created by School Districts—their purpose, statutory/legal authority and how and why they are established.

Specific Types of Reserve Funds—Purpose, Statutory Authority and Creation

Type of Reserve Fund	Statutory/Legal Authority	Why create?/Purpose	How to Create
Repair Reserve Fund	General Municipal Law Section 6-d	To pay for certain repairs (non-recurring repairs) to capital improvements or equipment.	Voter approval is required to fund the repair reserve.
Unemployment Insurance Payment Reserve Fund	General Municipal Law Section 6-m	To reimburse the State Unemployment insurance Fund for payments to claimants (in lieu of contributions required of employers under Article 18 of the Labor Law).	Board resolution; voter approval is not required to either create or expend monies from the reserve (per Labor Law Section 581(1) (e)).
Workers Compensation Reserve Fund	General Municipal Law Section 6-j	To pay compensation and benefits (e.g., medical, hospital or other expenses authorized by Article 2 of the Workers Compensation Law and to pay the administrative expenses of administering a self-insurance program.	Board resolution; voter approval is not required to either create or expend monies from the reserve.
Capital Reserve Fund	Education Law Section 3651(1)	To pay the cost of any object or purpose of a School District.	Voter approval is required.
Tax Certiorari Reserve Fund	Education Law Section 3651 (1-a)	To pay judgments or claims in tax certiorari proceedings per Article 7 of the Real Property Tax Law. (Some City School Districts may , and others must , establish a reserve fund to cover uncollected taxes per Education Law Section 3651 (1-b))	Board resolution; voter approval is not required provided the total amount of the reserve fund doesn't exceed the amount needed to pay the anticipated judgments and claims of the tax certiorari proceedings.

(Continued)

REGULATION

2016

5150R
2 of 2

Non-Instructional/Business Operations

SUBJECT: RESERVE FUNDS (Cont'd.)

Type of Reserve Fund	Statutory/Legal Authority	Why create?/Purpose	How to Create
Employee Benefit Accrued Liability Reserve Fund	General Municipal Law Section 6-p	To pay for any accrued employee benefit (e.g., cash payment of the monetary value of accrued and accumulated but unused and unpaid sick leave, personal leave, vacation leave, etc.) due upon an employee's termination of service. (School Districts in a city with a population of 125,000 or more are not eligible to create this type of reserve)	Board resolution; voter approval is not required to either create or expend monies from the reserve.
Retirement Contribution Reserve Fund	General Municipal Law Section 6-r	To pay for retirement contributions, defined as, all or any portion of the amount payable to the NYS and Local Employees' Retirement System, pursuant to Section 17 of the Retirement and Social Security Law. (School Districts in a city with a population of 125,000 or more are not eligible to create this type of reserve)	Board resolution to finance retirement contributions. Voter approval is not required to either create or expend monies from the reserve

Common Principles

In general, the School District shall adhere to the following principles with respect to the creation and funding of any or all reserve funds for the District:

- 1) Consult with legal counsel and other financial experts as necessary for guidance on the authority to establish the reserve fund;
- 2) Identify the financial need or purpose to be served by the prospective reserve fund, including an assessment of whether the reserve fund will complement the long-term financial or capital plans of the School District;
- 3) Communicate clearly and effectively to District residents the specific purpose of and the financial objectives for the reserve;
- 4) Maintain open and transparent records of all reserve fund transactions for the benefit of District residents and voters;
- 5) Determine optimal funding levels for the reserve, as well as the conditions under which the reserve assets will be utilized;
- 6) Periodically assess the reasonableness of the amounts accumulated in the reserve and when conditions warrant (and subject to any/all legal requirements) reduce reserve funds to a reasonable level or liquidate and discontinue a reserve fund that is no longer needed or whose purpose has been achieved; and
- 7) Provide the Board with regular financial reports on reserve fund activity.

POLICY

2016

5210

Non-Instructional/Business Operations

SUBJECT: REVENUES

The School Business Official has custody of all District funds in accordance with the provisions of state law. The School Business Official 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 Sections 1723(a) and 1604(a)

BOE Adopted 1/20/09

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 of Education shall authorize the School Business Official to invest such funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

Objective

The objectives of this investment policy are four-fold:

- a. Investments shall be made in a manner so as to safeguard the funds of the School District; and
- b. Bank deposits shall be made in a manner so as to safeguard the funds of the School District.
- c. Investments shall be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the School District.
- d. Funds shall 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 School Business Official. These functions shall 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 School Business Official 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 noninterest 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.
- 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.
- 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).

(continued)

SUBJECT: DISTRICT INVESTMENTS (Cont'd)**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 School 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 shall 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 School District transacts business; and
- g. Standards for qualification of investment agents which transact business with the School District including, at minimum, the Annual Report of the Trading Partner.

This policy shall be reviewed whenever new investment legislation becomes law, as staff capabilities change, or whenever external or internal issues warrant modification.

General Municipal Law Section 39
Education Law Sections 1604-a and 1723(a)
Local Finance Law Section 165

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

The Board may accept gifts, donations, grants and/or bequests of money, real or personal property, as well as other merchandise which, in the view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. Donations to the school are fully tax deductible so long as the gift is used exclusively for public purposes in accordance with USC Section 170(c). However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety. At the same time, 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 or grants 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 such maintenance for the foreseeable life of the donation.

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

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

Gifts and/or grants of money to the District shall be annually accounted for under the trust and agency account in the bank designated by the Board of Education.

All gifts, grants and/or bequests shall become School District property. A letter of appreciation, signed by the President of the Board and the Superintendent, will be sent to a donor/grantor in recognition of his/her contribution to the School 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.

Gift Giving

The Board of Education recognizes that gift giving, especially during the holiday season, may be a common practice for many District employees. While the giving or exchanging of gifts may be acceptable among staff members, the Board strongly encourages District employees and students to show appreciation through written notes or greeting cards.

Additionally, all business contacts will be informed that gifts exceeding seventy-five dollars(\$75) to District employees will be returned or donated to charity.

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

SUBJECT: ACQUISITIONS BY DONATIONS**Acceptance**

Only the Board may accept, on behalf of the District, donations of either money or merchandise, including surplus property and property given to the District by bequest or devise in a will or trust instrument, which in the view of the Board, will add to the overall welfare of the District. The Board will not consider the acceptance of a donation until the offer is made in writing.

Accounting for Donations

- 1) All donations over five hundred dollars (\$1,000) shall be entered into the personal physical inventory of the District, in the same manner as purchased personal property and consistent with the policy on fixed assets.
- 2) Donations of money shall be annually accounted for under the trust agency account in the bank designated by the District.
- 3) Any property or funds donated shall be for the use of the District and no employee shall benefit personally from such donation.
- 4) All donations shall become the sole property of the District.
- 5) All intended donations shall be immediately brought to the attention of the Principal or program director to which the contribution is made.
- 6) The Principal shall recommend the acceptance or rejection of the donation to the Superintendent/designee.
- 7) The Superintendent/designee shall make a recommendation to accept or reject such donations to the Board at a regular meeting for all donations over five hundred dollars (\$1,000) and notify the donor of such.
- 8) The Principal of the building to which the donation is made shall be responsible for ensuring that the donation is appropriately used.
- 9) Donations made that are not specific to a program shall be brought to the attention of the Superintendent/designee who will be responsible for ensuring the donation is put to use to benefit the school community.
- 10) All donors will be sent an Acknowledgement Letter, which thanks them for their generosity and recognizes that the donation is tax deductible to the extent allowed by law. All Acknowledgement Letters will be signed by the Board President and the Superintendent and kept on file in the Business Office.

Donor Recognition

The Board will develop a system of donor recognition. This may include plaques, donor walls and naming opportunities. The costs of such recognition will be kept to a minimum to maximize the use of donor funds for the intended purpose of benefiting the school community. The cost of any meal or gift given in exchange for a donation will be acknowledged in the letter to the donor.

PROCEDURE

2016

5231P

Non-Instructional/Business Operations

SUBJECT: ACCEPTING OR REFUSING THE OFFER OF A GIFT TO THE SCHOOL DISTRICT

<u>Responsibility</u>	<u>Action</u>
Donor or attorney	1) Contacts District staff member and offers gift.
Staff Member	2) Notifies appropriate Principal of offer.
Principal	3) Forwards completed <u>Information Related to the Decision to Accept or Refuse a Gift</u> (Form #5231F) with letter to Business Official.
Business Official	4) a. Determines compliance of gift with Board policy. Determines if gift needs maintenance and if District can bear the cost of such maintenance. b. If refused, notifies donor appropriately. c. If accepted, recommends to Superintendent.
Superintendent/designee	5) Recommends to Board acceptance of appropriate gifts.
Board of Education	6) Approves appropriate gift in accordance with law.
Superintendent	7) Sends letter of appreciation on behalf of District in acceptance of gift. Letters will be kept on file. a. Notifies donor of specific conditions of acceptance, such as maintenance (if required). b. Establishes, with donor, a plan for delivery. c. Monitors implementation of plan to deliver, install, and use gift (includes related training).

FORM

2016

5231F
1 of 2**Non-Instructional/Business Operations****FABIUS-POMPEY SCHOOL DISTRICT
INFORMATION RELATED TO THE DECISION
TO ACCEPT OR REFUSE A GIFT**

Date: _____

Person Completing: _____ Title: _____

1) Identity/Description of Gift: _____

2) Identity of Donor

a. Name: _____

b. Address: _____

c. Telephone: _____

d. Person to Contact: _____

e. Title: _____

3) Delivery Information

a. Date Promised: _____

b. Mode of Delivery: _____

c. Cost of Delivery: _____

d. Delivery Costs Paid for by District: _____ Donor: _____

e. Date to be used by District: _____

4) Identity of Student Recipient (if applicable):

5) Related Statistics

a. Estimated Market Value: _____

b. Estimated Useful Life: _____

c. Installation Costs: _____

d. Annual Operating Cost: _____

e. Annual Maintenance Cost: _____

f. Replacement Cost: _____

(Continued)

FORM

2016

5231F
2 of 2

Non-Instructional/Business Operations

FABIUS-POMPEY SCHOOL DISTRICT INFORMATION RELATED TO THE DECISION TO ACCEPT OR REFUSE A GIFT (Cont'd.)

This information was provided by: _____

Based on: _____

*Note: The District will not incur any cost in determining the value of a gift.

6) Recommendation:

- ☐ Accept Gift
- ☐ Reject Gift

Conditions placed on acceptance of Gift: _____

Principal's Signature: _____ Date: _____

Forward completed form to Superintendent's Office.

SUBJECT: CORPORATE SPONSORSHIPS

The Board of Education recognizes the benefits that may be obtained by entering into agreements with a "corporate sponsor." A "corporate sponsor," for the purposes of this policy, is defined in accordance with Commissioner Regulations as "the sponsorship or the underwriting of an activity on school premises which does not involve the commercial promotion of a particular product or service."

Corporate sponsorships may be recommended by the Superintendent of Schools and, depending on the dollar value of the corporate contribution, may be subject to approval by the Board of Education in accordance with the District procurement policy. Corporate sponsorships are evaluated on a case by case basis in accordance with the principles established by the Board of Education.

The Board of Education will carefully consider whether the commercial aspects of a corporate sponsorship are an acceptable influence on students. The School Board recognizes and understands its fiduciary responsibility to weigh all considerations and decide whether such arrangements are in the best interests of the children they are obligated to educate, nurture and protect.

Any agreement entered into by the District and a corporate sponsor should be in accordance with the following principles:

- a) Consistency with district academic standards and goals.
- b) Consistency with district non-discrimination policies and age-appropriateness.
- c) No corporate support or activity will be permitted in the District that:
 1. Promotes gambling, illicit drugs, alcohol, tobacco, or firearms;
 2. Promotes hostility, disorder, or violence;
 3. Attacks or demeans any ethnic, racial, religious group or sexual orientation;
 4. Is libelous;
 5. Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are excessively suggestive or sexual, or provocative images in violation of community standards;
 6. Promotes any specific religion;
 7. Promotes or opposes any political candidate or ballot proposition;
 8. Inhibits the functioning of any school; or
 9. Any other item deemed to be inappropriate for students.
- d) Students shall not be required to view commercial promotional activity as required by Commissioner Regulations.
- e) The collection of personal information from students by corporate sponsors in accordance with the Family Educational Rights and Privacy Act (FERPA) is prohibited.
- f) Sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, nor of any purposes, programs, activities, products or services of any such group.
- g) To ensure equal opportunity to participate among commercial competitors, solicitations for corporate sponsors should be done in accordance with the District procurement policy.

8 New York Code of Rules and Regulations (NYCRR) Section 23

SUBJECT: CORPORATE SPONSORSHIPS

Corporate sponsorships may be recommended by the Superintendent of Schools and, depending on the dollar value of the corporate contribution, may be subject to approval by the Board of Education in accordance with the Districts procurement policy. Corporate sponsorships are evaluated on a case-by-case basis according to the policy principles established by the Board of Education.

A "corporate sponsor" is defined in accordance with 8 NYCRR Section 23, as "the sponsorship or the underwriting of an activity on school premises which does not involve the commercial promotion of a particular product or service."

In order to obtain the best advantage for the School District and to ensure equal opportunity to participate among commercial competitors, solicitations for corporate sponsorships will be done in the manner proscribed by District procurement policy guidelines.

Any agreement proposed to the Board of Education or entered into regarding a corporate sponsor shall be in accordance with the following guidelines:

- 1) Consistency with District Academic Standards and Goals - All corporate sponsorships shall be consistent with District academic standards and goals. Corporate sponsorships must be structured to meet identified educational needs, not commercial motives.
- 2) Consistency with District Non-discrimination Policies and Age-appropriateness - All corporate sponsorships must be consistent with School District policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, handicap, age, or sexual orientation and must be age-appropriate for students.
- 3) Certain Corporate Support or Activity Prohibited - No corporate support or activity will be permitted in the District that:
 - a. Promotes gambling, illicit drugs, alcohol, tobacco, or firearms;
 - b. Promotes hostility, disorder, or violence;
 - c. Attacks or demeans any ethnic, racial, or religious group;
 - d. Is libelous;
 - e. Contains adult content, including nudity, sexual terms and/or images of people in positions or activities that are excessively suggestive or sexual, or provocative images in violation of community standards;
 - f. Promotes any specific religion;
 - g. Promotes or opposes any political candidate or ballot proposition;
 - h. Inhibits the functioning of any school; or
 - i. Any other item deemed to be inappropriate for students.
- 4) District/School Must Control the Curriculum - District/school personnel must retain the discretion on how or whether to integrate commercially sponsored or provided material or programs into the curriculum.
- 5) Students Shall not be Required to View Commercial Promotional Activity - Students shall not be required to view commercial promotional activity defined by Regents Rule 23 as "designed to induce the purchase of a particular product or service by students, or to extol the benefits of such product or service to students for the purpose of making its purchase more attractive, that is conveyed to students electronically through such media as, but not limited to, television and radio."

SUBJECT: CORPORATE SPONSORSHIPS (Cont'd.)

- 6) Prohibition on Collecting Personal Information - Neither the District nor any school shall require students to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including, but not limited to names, addresses, and telephone numbers, except as may be required by law.
- 7) Use of School Premises and Staff - It is not appropriate to use school premises and/or staff to distribute corporate sponsor products. School personnel may not participate during school hours or on school grounds in the solicitation of orders, distribution of advertising materials, or collection of charges for sale of products.
- 8) Sponsor Recognition - It is appropriate that corporate sponsors and donors receive recognition for their support. Such recognition can be in the form of the corporate name or a logo for identification purposes on the product or materials provided, or a written acknowledgment in an appropriate school publication. A nominal plaque or other form of acknowledgement of a donor's identity on property acquired through donated funds is allowed. As long as the School Board retains the right to rename school property in the future.
- 9) Logos For Identification Only - All company logos appearing on District property, including logos on materials, supplies, or equipment purchased, rented, or leased by or donated to the District, shall be for product or sponsor identification purposes only. Logos for sponsor identification purposes shall not be permitted on District property, materials, supplies, or equipment for the purpose of advertising to students. The Superintendent of Schools or his/her designee shall be the primary decision-maker regarding whether a sponsor identification logo is for identification or advertising purposes.

In determining whether a logo is for identification or advertising, the following criteria should be used: the size and location of the logo, the attention drawn to the logo compared with the intended use of the material, and the age of the students who will view it.

- 10) Non-Endorsement - Sponsorship permitted pursuant to this policy shall not be considered as an endorsement or approval by the Board of any particular group, organization or company, nor of any purposes, programs, activities, products or services of any such group.
- 11) Contracts - Contracts entered into with corporate sponsors must contain language providing the School District with the ability to terminate at will, as it is against public policy to bind a future School Board except in limited circumstances.
- 12) School Buses - Identification of corporate sponsors pursuant to New York Vehicle and Traffic Law is prohibited on school busses.

POLICY

2016

5240

Non-Instructional/Business Operations

SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION

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

Real Property Tax Law Sections 1300 -1342
Education Law Section 2130

BOE Adopted 1/6/09

SUBJECT: PROPERTY TAX EXEMPTION FOR THE ELDERLY

Real property used exclusively for residential purposes and owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife, one of whom is sixty-five years of age or over, shall be exempt from taxation to the extent of percentum of the assessed valuation determined by the Board if the owners meet the criteria established annually by the Board.

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

The following schedule was adopted by the Board of Education ~~on December 13, 2011~~ effective March 1, 2012:

<u>Annual Income</u>	<u>Exemption</u>
\$29,000 or less	50%
\$29,001 to \$30,000	45%
\$30,001 to \$31,000	40%
\$31,001 to \$32,000	35%
\$32,001 to \$32,900	30%
\$32,901 to \$33,800	25%
\$33,801 to \$34,700	20%
\$34,701 to \$35,600	15%
\$35,601 to \$36,500	10%
\$36,501 to \$37,400	5%

Real Property Tax Law Section 467

BOE Adopted 5/15/12

SUBJECT: PROPERTY TAX REPORT CARD/SIX DAY SCHOOL BUDGET NOTICE**Property Tax Report Card**

Each year, the Board of Education shall prepare a Property Tax Report Card, pursuant to Commissioner's Regulations, and shall 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 shall include:

1. 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 School District budget for the preceding school year; and
2. 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
3. The percentage increase in the Consumer Price Index, from January first of the prior school year to January first of the current school year.

~~With new legislation enacted in July 2008, the Property Tax Report Card has been expanded. Beginning with the preparation of the 2008-2009 school budget, the Property Tax Report Card must include, in addition to those listed above, the following:~~

4. Projected amount of the unappropriated fund balance.
5. Projected amount of the reserved fund balance.
6. Projected amount of the appropriated fund balance.
7. Percentage of the proposed budget that the unappropriated unreserved fund balance represents.
8. The actual unappropriated unreserved fund balance retained in the school district for the preceding school year.
9. Percentage of the school district budget for the preceding school year that the actual unappropriated unreserved fund balance represents.

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

The State Education Department shall compile such data for all school districts whose budgets are subject to a vote of the qualified voters, and shall make such compilation available electronically at least ten (10) days prior to the statewide uniform voting day.

Education Law Sections 1608(7); 1716(7); and 2601-a(3)
8 New York Code of Rules and Regulations (NYCRR) Section 170.8

Six Day School Budget Notice

The School District Clerk shall mail a School Budget Notice to all qualified voters of the School District after the date of the Budget Hearing, but no later than six (6) days prior to the Annual Meeting and Election or Special District Meeting at which a school budget will occur. The School Budget Notice shall compare the percentage increase or decrease in total spending under the proposed budget over total spending under the School 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 Notice shall 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 shall be in a form prescribed by the Commissioner of Education.

SUBJECT: TAX EXEMPTION FOR MEMBERS OF VOLUNTEER FIRE COMPANIES AND AMBULANCE SERVICES

A. Definitions - As used in this Policy, the following terms shall have the meanings indicated:

ENROLLED MEMBER – an enrolled member of a fire/ambulance company living and serving in the Fabius-Pompey Central School District means an enrolled member of a fire/ambulance company in the Fabius-Pompey Central School District who for each year of service accumulated at least fifty (50) points as provided in Section 217-c or Section 219-e of the General Municipal Law of the State of New York and as set forth in the Schedule “A” which is incorporated herein by reference.

B. Extent of Exemption

Pursuant to the provisions of Real Property Tax Law § 466-g, real property which is the primary residence of an enrolled member, or an enrolled member and such member's spouse, shall be entitled to an exemption from all School real property taxes, exclusive of special assessments, to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.

C. Qualifications for Annual Exemption

Qualifications for annual exemption:

1. The applicant must reside in the Fabius-Pompey Central School District.
2. The property is the primary residence of the applicant.
3. The property must be used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence, but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this article.
4. The applicant has been certified by the authority having jurisdiction for the fire/ambulance company serving the Fabius-Pompey Central School District as an enrolled member of such fire/ambulance company for at least five (5) years.

D. Qualifications for Lifetime Exemption

Qualifications for lifetime exemption:

1. The applicant must reside in the Fabius-Pompey Central School District.
2. The property is the primary residence of the applicant.
3. The applicant has been accepted by the assessor according to Schedule A (attached) having jurisdiction for the fire/ambulance company serving the Fabius-Pompey Central School District as an enrolled member of such fire/ambulance company for at least twenty (20) years.
4. The property must be used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence, but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this article.

This Policy shall take effect on February 8, 2006.

Adopted by Board of Education 1/20/2009

Non-Instructional/Business Operations

TAX EXEMPTION FOR MEMBERS OF VOLUNTEER FIRE COMPANIES AND AMBULANCE SERVICES

SCHEDULE "A"

(referenced in Section 217 and 219-e of the General Municipal Law)

- I. Training courses – twenty-five points maximum.
 - A. Courses under twenty hours duration – one point per hour, with a maximum of five points.
 - B. Courses of twenty to forty-five hours duration – one point per hour for each hour per initial twenty hours, with a maximum of ten points.
 - C. Courses over forty-five hours to one hundred hours duration – fifteen points per course.
 - D. Courses over one hundred hours duration – twenty-five points per course.
- II. Drills – twenty points maximum. One point per drill (minimum two-hour drill).
- III. Sleep-in or stand-by – twenty points maximum.
 - A. Sleep-in – point each full night.
 - B. Stand-by – one point each. A stand-by is defined as line-of-duty activity of the volunteer fire company or volunteer ambulance company lasting for four hours, not falling under one of the other categories.
- IV. Elected or appointed position – twenty-five points maximum.
 - A. Completion of one-year term in an elected or appointed position. If the term of office for a firefighter or ambulance worker who has been elected or appointed to a position in a fire company or fire department or ambulance company commences during the month of May, the participant shall receive credit for the full year notwithstanding the fact that the participant has not completed one year in the elected or appointed position at the end of the calendar year in which he or she was elected or appointed.
 - B. An active volunteer firefighter or ambulance worker elected to serve as a delegate to a firefighters' or ambulance workers' convention shall also be eligible to receive one point per meeting.
- V. Attendance at meetings – twenty points maximum.
 - A. Attendance at any official meetings of the volunteer fire company or ambulance company – one point per meeting.
- VI. Participation in department responses – twenty-five points for responding on the minimum number of calls, as outlined below:

A. Total number of calls volunteer fire company/ ambulance company responds to annually	0 to 500	500 to 1000	1000 to 1500	1500 and up	
Minimum number of calls volunteer firefighter or ambulance worker must run annually in order to receive twenty-five points credit	10%	7.5%	5%	2.5%	
B. Total number of calls emergency rescue and first aid squad (ambulance)	0 to	500 to 500	1000 to 1000	1500 and 1500	up
Minimum number of calls volunteer firefighter/ ambulance worker must run annually in order to receive twenty-five points credit	10%	7.5%	5%	2.5%	

Non-Instructional/Business Operations

TAX EXEMPTION FOR MEMBERS OF VOLUNTEER FIRE COMPANIES AND AMBULANCE SERVICES (continued:)

SCHEDULE A continued:

- VII. Miscellaneous activities – maximum fifteen points. Participation in inspections and other activities covered by the volunteer firefighters'/ambulance workers' benefit law and not otherwise listed – one point per activity.
- VIII. In the event that any active volunteer firefighter or ambulance worker is either totally and temporarily disabled, or partially and permanently disabled, as certified by the Workers' Compensation Board or other competent authority approved by the sponsor of the Service Award Program, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in Subdivision One of Section Five of the volunteer firefighters'/ambulance workers' benefit law, the firefighter or ambulance worker shall receive five points for each full month of such disability.
- IX. Teaching fire prevention classes – five points maximum. An active volunteer firefighter who at the direction of his company, district, or department, and for no remuneration, presents a public education class on fire prevention to a school, not-for-profit corporation, or civic organization organized and existing under the laws of this state or authorized to conduct activities in this state – one point per class.

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

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

Disposal of District Personal Property**Equipment**

School District equipment that is obsolete, surplus, or unusable by the District shall 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's determined that reasonable attempts to dispose of the equipment have been made and such attempts have not produced an adequate return, the Superintendent or his/her designee may dispose of the equipment in any manner which he/she deems appropriate.

Textbooks

Textbooks may lose their value to the educational program because of changes in the curriculum or they contain outdated material and/or are in poor condition.

If textbooks are no longer useful or usable, the procedures for disposal shall 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 School District; then
- b. Donation to charitable organizations; or
- c. Disposal as trash or recycle as applicable.

General Municipal Law Sections 51 and 800 et seq.

SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD OFFICERS

In accordance with New York State Education Law and the Commissioner's Regulations, the Board of Education directs that the Treasurer of the Board of Education, the tax collector, and the claims auditor be bonded prior to assuming their duties. Such bonds shall be in the amounts as determined and approved by the Board of Education.

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

Education Law Sections 1709(20-a); 1720; 2130(5); 2215; 2526; and 2527
Public Officers Law Section 11 (2)
Commissioner's Regulations Section 170.2(d)

POLICY

2016

5320

Non-Instructional/Business Operations

SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS

The Board of Education authorizes the Purchasing Agent to expend school funds as appropriate by approved operational and capital budgets, and by the adoption of special resolutions. He/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 shall be properly confirmed and verified before payment.

Complete records of all expenditures shall be maintained for future analysis and reporting within the time frame required by the Records Disposition

Education Law Section 1720

BOE Adopted 1/6/09

SUBJECT: EXPENSE REIMBURSEMENT

School District employees, officials, and members of the Board of Education will be reimbursed for reasonable, actual, and necessary out-of-pocket expenses that are legally authorized and incurred while traveling for school-related activities.

Only expenses necessary to the purpose of the travel shall be reimbursable. Transportation costs such as taxi cabs are allowable only for essential transportation. Mileage will be paid at the rate fixed by the federal Internal Revenue Service for business travel. Tax exemption certificates shall be issued and utilized as appropriate.

The Board, by majority vote, shall determine and approve which meetings and conferences may be attended by Board members and the Superintendent of Schools.

The Superintendent shall determine, in the first instance, whether attendance by District staff at any conference or professional meeting is in the best interest of the District and eligible for reimbursement of expenses under this policy.

To obtain reimbursement, the claimant must complete and sign an expense voucher, attach all receipts or other expense documentation, together with a copy of the approved conference attendance request form and evaluation report (if required), and submit the same to the appropriate administrator, and after such claim has been audited and allowed.

Regulations concerning expense reimbursement shall be attached to this policy and shall be reviewed annually and revised as appropriate.

Ref: Education Law §§1604(27); 1709(30); 1804; 2118; 3023; 3028 - General Municipal Law §77-b

Meal Expenses Incurred During District-Sponsored Events

The Board of Education recognizes that, occasionally, it may be appropriate to provide refreshments and/or meals at District meetings or events, which are being held for a District or educational purpose. Any expenditure on such refreshments and/or meals must be approved in advance by the appropriate Building Administrator. Meal requests may be approved when:

- officers and/or employees of the District will be prevented from taking some time off for food consumption due to a pressing need to complete the business at hand;
- the District is faced with business of an immediate nature and meetings of District employees are essential at mealtime;
- the District wishes to recognize the services provided by volunteers or other unsalaried members of the District (in such cases, however, only the meals of those being recognized may be reimbursed and the cost of the meals must be reasonable).

An example of an authorized expenditure would be refreshments and/or meals for staff assigned to participate in assessment day grading of standardized tests.

All expenses must be appropriately documented, including the date, purpose of the meeting and the group in attendance, and submitted to the District's Business Office for the purposes of audit and possible reimbursement.

Meals incurred as a part of travel, conference attendance, etc. are governed by other District policies.

Ref: NY Constitution, Art. VIII, §1 (constitutional prohibition against gifts)
Education Law §2118
Ops. St. Compt. 77-667; 79-522; 82-66; 82-213; 82-298; 83-57; 98-2

Non-Instructional/Business Operations

SUBJECT: FINANCIAL ACCOUNTABILITY: 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 conduct 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 School System is to disclose such 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 enumerated 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 Independent (External) Auditor, or the School Attorney, or the Board of Education. The Board will immediately be made aware of all allegations of financial improprieties/fraud and/or wrongful conduct. 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 such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. 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 employee, school official, or school officer 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 such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted. Rather, 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 satisfactory prior determinations by the applicable investigating officer(s).

(continued)

Non-Instructional/Business Operations

SUBJECT: FINANCIAL ACCOUNTABILITY: ALLEGATIONS OF FRAUD (continued)

Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

Any employee of the School 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, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the School District, nor employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed 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 shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and 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/fraud may also face appropriate disciplinary action.

Education Law Section 3028-d

BOE Adopted 1/6/09

POLICY

2021

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Non-Instructional/Business Operations

SUBJECT: BUDGET TRANSFERS

The Superintendent is authorized to prepare for the transfer of funds within the budget an amount not to exceed an aggregate total of Fifty Thousand (\$50,000) Dollars each month. Whenever changes are made, they are to be incorporated in the next Board agenda for approval.

Commissioner's Regulations Section 170.2
Education Law Section 1718

BOE Adopted 4/19/21

POLICY

2016

5340

Non-Instructional/Business Operations

SUBJECT: BORROWING OF FUNDS

The School District may borrow money only by means of serial bonds, bond anticipation notes, capital notes, tax anticipation notes, revenue anticipation notes and budget notes.

New York State Local Finance Law Section 20

BOE Adopted 1/6/09

SUBJECT: PURCHASING: COMPETITIVE BIDDING AND OFFERING

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

No bid or offer shall be accepted that does not conform to specifications furnished unless such 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 School District shall have an interest in any contract entered into by the School District.

Standardization

Upon the adoption of a standardization resolution by a vote of at least three-fifths (3/5) of all Board members, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand dollars (\$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. Such 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 therein;
- 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 of Education 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 Sections 162, 163 and 163-b

SUBJECT: COMPETITIVE BIDDING AND OFFERING GUIDELINES**Procedures for Determining Whether Procurements are Subject to Bidding**

Whether the procurement of goods and services is subject to competitive bidding or offering is determined by the following criteria:

- 1) The Board will award all purchase contracts for supplies, materials and equipment involving expenditures in excess of twenty thousand dollars (\$20,000) and all contracts for public works in excess of thirty-five thousand dollars (\$35,000) to the lowest responsible bidder after advertising for public sealed bids. However, the District may, in its discretion, award purchase contracts on the basis of "best value."
- 2) The Board will treat contracts for commodities, services or technology as "purchase contracts" within the meaning of the Article 5-A of the General Municipal Law. Contracts concerning items or projects involving labor or both labor and materials will generally be treated as "contracts for public works."
- 3) In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a "reasonable commodity grouping") must be considered.

Additionally, in determining whether the dollar requirements have been reached, allowances for any trade-in related to the purchase must be treated as an expenditure; the estimated gross cost of the item is controlling. Net cost is relevant only to the determination of the low bid.

Bid Opening

Sealed bids will be received, time-stamped, recorded and kept in a safe place until the appointed day and time when they are publicly opened and read.

Bids will be checked and analyzed for compliance with specifications and law. The District reserves the right to reject any and all bids for valid cause, or to waive technical defects, qualifications, irregularities and omissions if, in its judgment, such action serves the best interests of the District. Also reserved is the right to reject bids and to purchase items on State Contract if such items can be obtained on the same terms, conditions, specifications, and at a lower price.

Exceptions to Competitive Bidding or Offering**General**

When procurement is accomplished through the following sources, or through other legally permissible means, the competitive bidding or offering procedure requirements listed above are not required.

- 1) Under State Contract;
- 2) Under a County contract;
- 3) From State Correctional Institutions;
- 4) From State agencies for the blind and severely disabled;
- 5) Directly from producers or growers of eggs, livestock, fish and dairy products (other than milk), juice, grains or species of fresh fruits and vegetables;
- 6) Directly from licensed milk processors employing less than forty (40) people;
- 7) Emergencies;
- 8) Sole source, professional services, true leases and insurance;
- 9) Second-hand equipment from another government agency;
- 10) By "piggybacking" on contracts let by the United States or any agency thereof, any state, and any county, political subdivision or district of any state.

(Continued)

SUBJECT: COMPETITIVE BIDDING AND OFFERING GUIDELINES (Cont'd.)**Apparel and Sports Equipment Purchases**

In purchasing apparel and sports equipment, the Board of Education will only accept bids from "responsible bidders." A determination that a bidder on a contract for the purchase of apparel or sports equipment is not a "responsible bidder" shall be based upon either or both of the following considerations:

- 1) The labor standards applicable to the manufacture of the apparel or sports equipment including, but not limited to, employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
- 2) The bidder's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

Determining Consistency with General Municipal Law Section 103

The District is permitted to purchase certain goods and services 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, provided such contracts have been made available for use by other governmental entities and have been let to the lowest responsible bidder or on the basis of "best value" in a manner consistent with General Municipal Law Section 103. A contract will be considered let in a manner consistent with General Municipal Law Section 103 if:

- 1) There was a public solicitation for bids or offers;
- 2) Sufficient procedures, such as the submission of sealed bids or offers, were used to secure and preserve the integrity and confidentiality of the process;
- 3) Bid specifications, or similar documents providing a common standard for bidders or offerers to compete fairly, were prepared in advance of the submission of bids or offers;
- 4) The contract was awarded to the lowest responsible bidder or on the basis of "best value."

Purchase Orders

The Purchasing Agent will be authorized to issue pre-numbered purchase orders for all goods and services where a budgetary appropriation has been made. When formal bidding procedures are required, the purchase order will be issued after the Board award of the bid and will refer to the bid submitted and the bid specifications, and will bear the price or prices indicated by the bidder in the bid.

Blanket purchase orders issued yearly will be used where appropriate.

Purchase orders will indicate the address for delivery. All goods received must be accepted by an authorized Fabius-Pompey School District employee who must certify that the goods were received in good condition, before payment can be approved.

No payment for goods or services will be made unless: an itemized invoice showing the name of the person or firm to whom payment is due is present; a receiving copy of the purchase order bearing the signature of an authorized school employee is present; and the invoice was been issued in response to an approved purchase order.

Annual Review

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

The Board of Education 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.

SUBJECT: PROCUREMENT GUIDELINES

This resolution sets forth the guidelines to meet the requirements of General Municipal Law, Section 104-b.

Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, in the best interest of the taxpayers to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing Board has adopted internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or any other general, special or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and determining that competitive bidding is not required by law is as follows:

- 1) The Board is required by law to award all purchase contracts for supplies, materials and equipment involving expenditures in excess of twenty thousand dollars (\$20,000) and all contracts for public works in excess of thirty-five thousand dollars (\$35,000) to the lowest responsible bidder after advertising for public sealed bids.
- 2) When a contract involves acquisition of both goods and services, a judgment must be made as to the primary purpose of the contract. If the services are minor, incidental or customarily provided by the vendor in connection with the goods purchased, the contract should be viewed as a purchase contract. If the service component is extensive or predominant or involves special skills, the contract should be treated as one for public works.
- 3) In determining the necessity for competitive bidding, the aggregate amount to be expended during the fiscal year on an item or those of a similar nature (a "reasonable commodity grouping") must be considered. For example, office supplies or art materials would constitute an appropriate grouping for bidding purposes.

Additionally, in determining whether the dollar requirements have been reached, allowances for any trade-in related to the purchase must be treated as an expenditure; the estimated gross cost of the item is controlling. Net cost is relevant only to the determination of the low bid.

REGULATION

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Non-Instructional/Business Operations

SUBJECT: PROCUREMENT GUIDELINES (Cont'd.)

Guidelines for Purchasing Supplies and Equipment when Competitive Bidding is Not Required by Law

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
Less than \$1,000	At least two (2) catalog or price sheet comparisons.	Obtained by the originator. Can Be produced by Originator if requested prior to P.O.
\$1,001 - \$5,000	Two (2) verbal quotations, name of vendor and date of quote.	Obtained by the originator. The originator shall indicate on the purchase requisition form the basis for the determination that the suggested vendor be used.
\$5,001 - \$10,000	Three (3) verbal or written quotations, name of vendor and date of quote.	Obtained by the school business official.
\$10,001 - \$20,000	Three (3) formal written quotations.	Obtained by the school business official.
In excess of \$20,000	Public advertised bids in accordance with General Municipal Law.	Obtained by the school business official.

- NOTE:
- 1) For products available under State contract, which are below the State contract price, no further quotes are required provided the product is the same brand and model number and below the \$20,000 bid threshold.
 - 2) When procurement can be accomplished through the following sources, competitive bidding or procedure requirements listed above are not required.
 - a. Under State Contract;
 - b. Under a County contract;

(Continued)

SUBJECT: PROCUREMENT GUIDELINES (Cont'd.)

- c. From State Correctional Institutions (Corrections Law Sections 184 and 186);
- d. From State agencies for the blind and severely disabled (State Finance Law, Section 162);
- e. Emergencies (General Municipal Law, Section 103[4]);
- f. Sole source, professional services, true leases and insurance;
- g. Second-hand equipment from another government agency.

Guidelines for Public Works Projects when Competitive Bidding is Not Required by Law

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirement</u>	<u>Responsibility</u>
Less than \$2,000	No quotation required.	Originator must substantiate the need and choice of contractor.
\$2,001 - \$35,000	Three (3) formal written quotations.	Obtained by the School Business Official.
In excess of \$35,000	Public, advertised bids.	Obtained by the School Business Official.

Annual Review

Comments concerning the policies and procedures shall be solicited from employees of the Fabius-Pompey School District involved in the procurement process from time to time.

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

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b, shall not be grounds to void action taken or give rise to a cause of action against the Fabius-Pompey School District or any officer or employee thereof.

SUBJECT: COMPETITIVE PURCHASING OF GOODS AND SERVICES**General Statements**

The purchasing policy of the Fabius-Pompey School District is to secure supplies, materials, equipment and services in an efficient, economical and timely fashion to meet the District's needs.

The purchasing procedures employed shall comply with all applicable laws and regulations of the State and Commissioner of Education.

Authority/Responsibility

In accordance with law, the District must identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

The District purchasing function will be centralized in the business office under the general supervision of the Purchasing Agent designated by the Board of Education. The Board of Education has designated the School Business Official as the Purchasing Agent for the School District. The Purchasing Agent shall be responsible for developing and administering the purchasing program of the School District.

Quality

The purchasing function shall consider circumstances and use as determining factors in quality selection. The Board of Education expects the purchasing agent to make every effort to receive the maximum educational value for every dollar expended.

Items commonly used in the various schools therefore shall be standardized whenever consistent with the educational goals and in the interest of efficiency and economy.

Vendors and Contractors

One of the purposes of the purchasing function is to purchase competitively, without prejudice or favoritism. Each order shall be placed on the basis of quality, price, delivery and past service being a factor if all other considerations are equal.

No Board member, officer or employee of the Fabius-Pompey School District shall be interested financially in any contract entered into by the Board. This shall also preclude acceptance of any gratuities, financial or otherwise, by the above persons, from any supplier of materials or services to the District.

Requesting Bids and Quotations

The purpose of obtaining bids or quotations is to encourage competition in the procurement of supplies, equipment and services which will be paid for from public funds. Competitive bids or quotations shall be solicited in connection with all purchases whenever feasible and in the best interest of the Fabius-Pompey School District.

Contracts will be awarded to the lowest responsible bidder; residence or place of business of the local bidders may be a consideration only in cases where identical bids have been submitted.

All purchase contracts for materials, equipment or supplies involving an annual expenditure of over twenty thousand dollars (\$20,000) and all public works involving an expenditure of more than thirty-five thousand dollars (\$35,000) will be awarded on the basis of public advertising and competitive bidding.

(Continued)

SUBJECT: COMPETITIVE PURCHASING OF GOODS AND SERVICES

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

A statement of "General Conditions" will be included with all specifications submitted to suppliers for their bids.

Request for Proposal Process for the Independent Auditor

In accordance with law, no audit engagement shall be for a term longer than five (5) consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

Bid Opening

Sealed bids should be received, time-stamped, recorded and kept in a safe place until the appointed day and time when they are publicly opened and read. It is important to note that the law requires SEALED BIDS; therefore, "FAXED" bids MAY NOT be accepted.

Bids should be checked and analyzed for compliance with specifications and law. The right to reject all bids for valid cause is reserved to the School District. Also reserved is the right to reject, for cause, any bid in whole or in part; to waive technical defects, qualifications, irregularities and omissions if in its judgment the best interests of the District will be served. Also reserved is the right to reject bids and to purchase items on State Contract if such items can be obtained on the same terms, conditions, specifications, and at a lower price.

State Contracts

Purchases shall be made through available State contracts of the Office of General Services Division of Standards and Purchase, whenever such purchases are in the best interest of the Fabius-Pompey School District. However, whenever possible, if quotations can be obtained from suppliers locally at similar prices and equal quality to the State contract, then residence or place of business may be considered if all bidding conditions are met.

Purchase Orders

The Purchasing Agent shall be authorized to issue pre-numbered purchase orders for all goods and services where a budgetary appropriation has been made. When formal bidding procedures are required by law, the purchase order will be issued after the Board award of the bid and will refer to the bid submitted, to the specifications which will be attached as part of the contract and will bear the price or prices indicated by the bidder in the bid.

Blanket purchase orders issued yearly to local dealers shall be used only for day-to-day custodial needs or minor repairs.

Purchase orders shall also indicate the address for delivery. All goods received must be accepted by an authorized Fabius-Pompey School District employee who shall certify that the goods were received in good condition, before payment can be approved.

No payment for goods or services shall be made unless both an itemized invoice showing name of the person or firm to whom payment is due, and a receiving copy of the purchase order, bearing the signature of an authorized school employee are present. Furthermore, the invoice must have been issued in response to an approved purchase order.

SUBJECT: CRITERIA FOR AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER

The award of public contracts is of vital interest to the taxpayers and citizens. Many state laws provide for award to the lowest responsible bidder in order to avoid favoritism and its concomitant evils. It would be unfair to bidders, who have expended time and money in the preparation of bids, to be denied equal consideration.

The basis of making awards to the lowest responsible bidder has been adopted with the view of enabling a public body to enter into contracts with the same efficiency and economy that a prudent business person does in the conduct of everyday business affairs. This beneficial result cannot always be obtained when the award goes to the lowest bidder. Definite specifications must be adopted to enable all bidders to make intelligent bids. This establishes a common standard by which to measure the respective bids to determine the lowest responsible bidder.

The New York Courts define the term lowest responsible bidder as one able to respond or answer in accordance with what is expected or demanded. More specifically, the lowest responsible bidder has been interpreted as requiring the successful bidder to possess:

- 1) Financial or procuring ability to complete the contract;
- 2) Integrity and trustworthiness;
- 3) Skill;
- 4) Judgment;
- 5) Ability to perform faithful and conscientious work;
- 6) Promptness;
- 7) Experience;
- 8) Previous performance of satisfactory work;
- 9) Other essential factors which may depend upon the type and kind of contract involved. For example, for vendors of instructional materials, preferences will be given to vendors who agree to provide materials in alternative formats. For apparel or sports equipment vendors, responsible bidders will be considered to be those that comply with fair and proper labor standards including those related to child labor, employee compensation, employees' rights to form unions, and working conditions. For unprocessed agricultural products, a geographical preference may be given to assure fresh, quality products delivered close to the source.

(Continued)

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Non-Instructional/Business Operations

SUBJECT: CRITERIA FOR AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER (Cont'd.)

On opening and tabulating the bids, the public official must determine two things to make a valid award:

- 1) The responsibility of the bidder;
- 2) Which of the responsible bidders has submitted the lowest bid.

Awarding a contract to the lowest responsible bidder is mandatory. No authority, except by statute, authorizes the official to accept any other bidder.

Determination of the responsibility of a bidder by the official requires the exercise of judgment and discretion in favor of the institution for which he/she works. This discretion must be exercised honestly and fairly, not arbitrarily nor capriciously. The decision must be based on facts obtained after investigation into the responsibility of the bidders which show that the lowest bidder to whom the award was not made was not a responsible bidder. Failure to make such an investigation invalidates the contract award and such award will not be upheld.

The lowest bidder who is not the lowest responsible bidder must prove that the investigation of the responsibility of bidders was not made or that such action was not the result of the exercise of honest and fair discretion in determining the responsibility of the bidders, but was arbitrary or capricious. The ultimate facts must be recorded.

It is the policy of the District to provide equal opportunities for awarding contracts regardless of race, color, creed, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, or disability.

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 of Education. 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 shall be made by individuals or organizations in the school that involve expenditures without first securing approval for such contract from the Purchasing Agent.

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

Purchasing Process

The Board of Education 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 interest 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 shall 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 shall 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;
- 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. Such information shall be updated biennially.

Any unintentional failure to fully comply with these provisions shall 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.

Education Law Sections 1604, 1709, 1950, 2503, 2554 and 3602
General Municipal Law Articles 5-A and 18
General Municipal Law Section 119-o

BOE approved 9/6/22

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Non-Instructional/Business Operations

SUBJECT: PROCUREMENT GUIDELINES

Purpose

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public funds in the best interest of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the District has adopted internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law Section 103 or any other general, special or local law.

Responsibilities

The District's purchasing activities will be part of the responsibilities of the Business Office, under the general supervision of the Purchasing Agent who has been designated by the Board of Education.

*Guidelines for Purchasing Supplies and Equipment when Competitive Bidding is Not Required by Law

<u>Estimated Amount of Purchase</u>	<u>Procedure/Requirements</u>	<u>Responsibility</u>
Less than \$1,000	At least two (2) catalog or price sheet comparisons.	Obtained by the originator. The originator shall indicate on the purchase requisition form the basis for the determination that the suggested vendor be used.
\$1,000 < \$3,000	Three (3) informal written quotations (internal form)	Obtained by the originator. The originator shall indicate on the purchase requisition form the basis for the determination that the suggested vendor be used.
\$3,000 < \$10,000	Three (3) formal requests for quoting issued by the District	Obtained by the School Business Official.
Less than \$2,000	No quotation required.	Originator must substantiate the need and choice of contractor.
\$2,000 < \$5,000	Three (3) informal written quotations (internal form)	Obtained by the School Business Official.
\$5,000 < \$20,000	Three (3) formal requests for quoting issued by the District	Obtained by the School Business Official.

(Continued)

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Non-Instructional/Business Operations

SUBJECT: PROCUREMENT GUIDELINES (Cont'd.)

Documentation

The District will ensure that each purchase and/or procurement is adequately documented. Such documentation will include, but not be limited to, information sufficient to demonstrate that the purchase and/or procurement was made in compliance with the guidelines set forth above, and the basis for the determination that competitive bidding is not required.

In the event a contract is awarded to a vendor other than the lowest responsible dollar offer or, the District will retain documentation setting forth the reasons such an award furthers the purposes of this regulation.

Sealed Bids and Offers

In the event they are required, sealed bids and offers will be received, time-stamped, recorded and kept in a safe place until the appointed day and time when they are publicly opened and read.

Bids and offers will be checked and analyzed for compliance with specifications and law. The District reserves the right to reject any and all bids and offers for valid cause, or to waive technical defects, qualifications, irregularities and omissions if, in its judgment, such action serves the best interests of the District will be served. Also reserved is the right to reject bids and offers and to purchase items on State Contract if such items can be obtained on the same terms, conditions, specifications, and at a lower price.

Purchase Orders

The Purchasing Agent will be authorized to issue pre-numbered purchase orders for all goods and services where a budgetary appropriation has been made. Purchase orders will be issued after the award of the contract, will refer to the relevant specifications, and will bear the price or prices indicated by the vendor.

Blanket purchase orders issued yearly will be used where appropriate.

Purchase orders will indicate the address for delivery. All goods received must be accepted by an authorized Fabius-Pompey School District employee who must certify that the goods were received in good condition, before payment can be approved.

No payment for goods or services will be made unless: an itemized invoice showing the name of the person or firm to whom payment is due is present; a receiving copy of the purchase order bearing the signature of an authorized school employee is present; and the invoice was been issued in response to an approved purchase order.

Special Circumstances

State Contracts

For supplies and equipment available under State contract, which are below the State contract price, no further quotes are required provided the product is the same brand and model number and below the twenty-thousand dollars (\$20,000) bid threshold.

Requests for Proposals

The District may use a request for proposal process for securing services, supplies, or equipment when such process is permitted by law, is not inconsistent with District policy, and is in the best interest of the District. Such process will include, but not be limited to:

- 1) The development of specifications designed to ensure the successful proposer's ability to perform the proposed contract;
- 2) Appropriate advertisement or solicitation of proposals;
- 3) A review and evaluation of each proposal submitted;

(Continued)

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Non-Instructional/Business Operations

SUBJECT: PROCUREMENT GUIDELINES (Cont'd.)

- 4) Board approval of any contract or contracts awarded to one or more successful proposers; and
- 5) Any other requirement specified in state or federal law or regulation, or District policy or regulation.

Independent Auditors

In accordance with law, no engagement with an independent auditor shall be for a term longer than five (5) consecutive years. The District may, however, permit an independent auditor engaged under an existing contract for such services to submit a proposal for such services in response to a request for competitive proposals or be awarded a contract to provide such services under a request for proposal process.

*Apparel and Sports Equipment Purchases

The District will not purchase any apparel or sports equipment manufactured in a sweatshop. A decision to reject a vendor's bid or offer will be upon either or both of the following considerations:

- 1) The labor standards applicable to the manufacture of the apparel or sports equipment including, but not limited to, employee compensation, working conditions, employee rights to form unions, and the use of child labor; or
- 2) The bidder or offeror's failure to provide information sufficient for the Board of Education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

*Environmentally Sensitive Cleaning and Maintenance Products

The District will identify and procure environmentally sensitive cleaning and maintenance products available in the form, function, and utility generally used. The District will follow any and all applicable guidelines, specifications and sample lists when purchasing such products for use in its facilities. The District will notify their personnel of the availability of such guidelines, specifications and sample product lists.

Annual Review

From time to time, comments concerning the policies and procedures shall be solicited from employees of the Fabius-Pompey School District involved in the procurement process.

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

Unintentional Failure to Comply

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

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 School 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 be responsible to 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 such instructional materials are available to non-disabled students.

Such Plan will:

- a) Ensure 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 School District during the school year, the process to obtain needed materials in alternative formats for such students is initiated without delay.

20 USC Section 1474(e)(3)(B)
8 NYCRR Sections 200.2(b)(10), 200.2(c)(2) and 200.2(i)

BOE Adopted 4/28/14
BOE reviewed and approved 9/1/15

POLICY

2016

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Non-Instructional/Business Operations

SUBJECT: USE OF THE DISTRICT CREDIT CARD

The School 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 shall be as designated by the Board of Education. However, authorized personnel must submit purchase orders for those school business related expenses, such as tuition charges for attendance at conference, travel expenses, and lodging, where costs may be fairly and accurately estimated prior to the actual incurrence of expenses.

Only school employees and Board of Education members shall be authorized to use a District credit card.

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

BOE Adopted 1/6/09

SUBJECT: CONTRACTS FOR INSTRUCTION

On July 29, 2009, the State Education Department (SED) issued a memorandum on contracts for instruction that stated districts cannot contract with private entities to deliver "core educational programming/instructional services" to students. Subsequently, on June 2, 2010, SED issued a new question and answer guidance document for school districts to use as a resource for planning for the school year.

Core Instructional Services

Generally, core instructional services comprise those instructional programs which are part of the regular curriculum of the School District and to which students are entitled as part of a free public education. This would include both general and special education programs and related services which school districts are required by law to provide as part of a program of public education and for which a certification area exists and to which tenure rights apply pursuant to Education Law and/or Commissioner's Regulations.

Therefore, core instructional services include those in which students are provided classroom instruction to meet State learning standards in the seven general curriculum areas: English language arts; mathematics, science and technology; social studies; languages other than English; the arts; health, physical education and family and consumer sciences; and career development and occupational studies. Instruction in courses for which credit is awarded toward a high school diploma would also constitute "core instructional services." Core instruction includes special classes for students with disabilities.

Core instruction does not include other supplemental instructional services, such as tutoring and enrichment programs that are not offered for high school credit; advanced courses such as college courses that are beyond the regular high school curriculum; and services, such as online instructional services and distance learning, that assist teachers in providing instruction in their classrooms.

Contracts with a Non-Profit or Other Entity

The District may contract with a non-profit or other entity to provide distance or online learning provided that the distance or online learning program is used as a supplementary or additional resource to assist the District's certified teachers in delivering instruction. In these situations, the distance or online program itself would not constitute "core instruction" as described above.

The School District may contract with certain entities where specifically authorized by statute or regulation, or where contracting is necessary to carry out duties imposed on the School District by State or federal law.

Contracts for the Provision of Special Education "Related Services" for which a Certification Area Exists and to which Tenure Rights Apply Pursuant to Education Law and/or Commissioner's Regulations

The District may contract for the provision of special education "related services" for which a certification area exists and to which a tenure are applies but only in limited circumstances and with qualified individuals over whom the District has supervisory control.

SUBJECT: CONTRACTS FOR INSTRUCTION

Pursuant to the federal Individuals with Disabilities Education Act (IDEA), the School District is required to provide students with disabilities with a free appropriate public education (FAPE). The Board of Education must provide related services as part of the continuum of special services and programs available to students with disabilities to enable such students to benefit from instruction. Related services include: audiology, counseling including rehabilitation counseling services, occupational therapy, physical therapy, speech pathology, certain medical services, psychological services, school health services, school nurse services, school social work, assistive technology services, interpreting services, orientation and mobility services, parent counseling and training and other appropriate developmental, corrective or other support services and appropriate access to recreation.

However, the District also has obligations under the IDEA and Article 89 of the Education Law to deliver the services necessary to ensure that students with disabilities receive FAPE. SED recognizes that there will be situations in which school districts will not be able to deliver FAPE to students with disabilities without contracting with independent contractors. Where a School District is unable to provide the related services on a student's individualized education program (IEP) in a timely manner through its employees because of shortages of qualified staff or the need to deliver a related service that requires specialized expertise not available from School District employees, the Board of Education has authority under Education Law to enter into contracts with qualified individuals as employees or independent contractors to provide those related services. Commissioner's Regulations requires that related services be provided by individuals with appropriate certification or license in each area of related service.

In order to ensure that such arrangements are not used to circumvent New York State's teacher tenure laws, the District must document that it would retain supervisory control over the individual and that, despite reasonable efforts, it has been unable to provide such services by hiring new employees or utilizing existing employees, or through any of the contractual arrangements authorized by Education Law, including contracts with other school districts, BOCES, approved state or state-supported schools, and approved private residential and nonresidential schools both inside and outside New York State.

Finally, if the District, after exhausting the steps outlined above, finds it necessary to contract with individuals, it should do so only for a period of one school year at a time. Before any such contract can be extended, or a new contract entered, the District must again take reasonable efforts to provide such services as described above.

Other Contracts for Instruction

This policy is not intended to be an exhaustive analysis, nor is it intended to cover every possible situation and/or educational program in which contracts may be contemplated.

The District will review all contractual or informal arrangements with its school attorney(s) to ensure that it is in compliance with applicable law and/or regulations.

20 United States Code (USC) Section 1401(26)

Education Law Sections 1604(30), 1709(33), 1804(1), 1805, 1903(1), 2503(1), 2503(3), 2554(1), 2554(15)(a), 4401(2), 4401(2)(k), and 4402(2)(b)

8 New York Code of Rules and Regulations (NYCRR) Sections 100.1, 100.2, 100.3, 100.4, 100.5, 200.1(qq), and 200.6(b)(3)

Adopted by BOE 5/3/11

SUBJECT: CONTRACTS FOR INSTRUCTION

On July 29, 2009, the State Education Department (SED) issued a memorandum on contracts for instruction that stated districts cannot contract with private entities to deliver "core educational programming/instructional services" to students. Subsequently, on June 2, 2010, SED issued a new question and answer guidance document for school districts to use as a resource for planning for the school year.

Core Instructional Services

Generally, core instructional services comprise those instructional programs which are part of the regular curriculum of the School District and to which students are entitled as part of a free public education. This would include both general and special education programs and related services which school districts are required by law to provide as part of a program of public education and for which a certification area exists and to which tenure rights apply pursuant to Education Law and/or Commissioner's Regulations.

Therefore, core instructional services include those in which students are provided classroom instruction to meet State learning standards in the seven general curriculum areas: English language arts; mathematics, science and technology; social studies; languages other than English; the arts; health, physical education and family and consumer sciences; and career development and occupational studies. Instruction in courses for which credit is awarded toward a high school diploma would also constitute "core instructional services." Core instruction includes special classes for students with disabilities.

Core instruction does not include other supplemental instructional services, such as tutoring and enrichment programs that are not offered for high school credit, advanced courses such as college courses that are beyond the regular high school curriculum and services, such as online instructional services and distance learning, that assist teachers in providing instruction in their classrooms.

Contracts with Non-Profit or other Entities to Provide Distance or Online Learning Opportunities for Students

The District may contract with non-profit or other entities provided that the distance or online learning program is used as a supplementary or additional resource to assist a District's certified teachers in delivering instruction. In these situations, the distance or online program itself would not constitute "core instruction" as described above.

Contracts Authorized by Statute or Regulation, or where Contracting is Necessary to Carry Out Duties Imposed on the District by Law

The District may contract with certain entities where specifically authorized by statute or regulation, or where contracting is necessary to carry out duties imposed on the School District by State or federal law. Examples of specific statutes and regulations authorizing contracting with other entities include the following:

- 1) Education Law Section 305(33) authorizes the Commissioner of Education to approve providers of supplemental educational services (SES) pursuant to the federal No Child Left Behind Act. This provision authorizes any local educational agency that receives federal Title I funds to contract with approved SES providers, which shall include, but not be limited to, public schools, Boards of Cooperative Educational Services (BOCES), institutions of higher education and community-based organizations.

(Continued)

Non-Instructional/Business Operations

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)

- 2) Education Law Section 3202(6) requires that children cared for in a hospital or other institution for the care, custody and treatment of children, other than a school, must be provided with educational services by their School District of residence. This provision authorizes such school districts to provide these services by a tutor employed by the District, by contract with a school connected with such hospital or institution, or by contract with the local public school district in which such hospital or institution is located.
- 3) Education Law Section 3602-e authorizes school districts with approved pre-kindergarten program plans to enter into any contractual or other arrangement necessary to implement such plans. Eligible agencies that may provide pre-kindergarten services pursuant to an approved pre-kindergarten program plan include a provider of child care and early education, a day care provider, early childhood program or center, or certain community-based organizations.
- 4) Education Law Sections 4401(2) and 4402(2)(b) authorize school districts to enter into contracts for special education services or programs, including related services, with other school districts, BOCES, State-operated and State-supported schools, approved private residential and nonresidential schools both inside and outside New York State, and the State University at Binghamton for non-residential special education at the Children's Unit.
- 5) Education Law Section 4401(2)(n) authorizes school districts to enter into formalized agreements for the provision of transition services [as defined in Education Law Section 4401(9)] in programs such as vocational training programs approved by SED or by another State agency.
- 6) Section 100.2(q)(2) of the Commissioner's Regulations authorizes arrangements with institutions of higher education to provide advanced courses which convey high school credit and college credit.

Contracts with Private Entities to Provide Core Instructional Services through Employees of that Private Entity

Except in the circumstances described in the subheading immediately above (contracts specifically authorized by statute or regulation, or where contracting is necessary to carry out duties imposed on the School District by State or federal law), school districts lack the authority to contract with an independent contractor to provide core instructional services through employees of that independent contractor, such as social work services, psychological services, or to hire substitute teachers.

Special Education and Related Services

Certification Area Exists/Tenure Rights Apply

- 1) The District may contract for the provision of special education "related services" for which a certification area exists and to which tenure rights apply pursuant to Education Law and/or Commissioner's Regulations, but only in limited circumstances and with qualified individuals over whom the District has supervisory control.

(Continued)

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)

- 2) Pursuant to the federal Individuals with Disabilities Education Act (IDEA), the District is required to provide students with disabilities with a free appropriate public education (FAPE). The Board of Education must provide related services as part of the continuum of special services and programs available to students with disabilities to enable such students to benefit from instruction. Related services include: audiology, counseling including rehabilitation counseling services, occupational therapy, physical therapy, speech pathology, certain medical services, psychological services, school health services, school nurse services, school social work, assistive technology services, interpreting services, orientation and mobility services, parent counseling and training and other appropriate developmental, corrective or other support services and appropriate access to recreation.
- 3) In Appeal of Barker and Pitcher, the Commissioner held that school districts do not have general authority to contract with non-profit entities to provide related services. However, that case involved a school district that abolished a tenured school social worker position and then contracted with a for-profit corporation to provide similar services. Thus, the Barker decision was based in part on consideration of the Board of Education's need to exercise supervisory control over instructional staff and in part on the negative impact that contracting with a private entity to deliver related services would have on the tenure rights of certified School District employees. Contracting out cannot be used as a vehicle for evading the tenure laws or the requirements that teachers be duly certified.
- 4) However, the School District also has obligations under the IDEA and Article 89 of the Education Law to deliver the services necessary to ensure that students with disabilities receive FAPE. SED recognizes that there will be situations in which school districts will not be able to deliver FAPE to students with disabilities without contracting with independent contractors. Where the District is unable to provide the related services on a student's individualized education program (IEP) in a timely manner through its employees because of shortages of qualified staff or the need to deliver a related service that requires specialized expertise not available from School District employees, the Board of Education has authority under Education Law to enter into contracts with qualified individuals as employees or independent contractors to provide those related services.
- 5) Commissioner's Regulations require that related services be provided by individuals with appropriate certification or license in each area of related service. In order to ensure that such arrangements are not used to circumvent New York State's teacher tenure laws, the District must document that it would retain supervisory control over the individual and that, despite reasonable efforts, it has been unable to provide such services by hiring new employees or utilizing existing employees, or through any of the contractual arrangements authorized by Education Law, including contracts with other school districts, BOCES, approved state or state-supported schools, and approved private residential and nonresidential schools both inside and outside New York State.
- 6) Finally, if the District, after exhausting the steps outlined above, finds it necessary to contract with individuals, it should do so only for a period of one school year at a time. Before any such contract can be extended, or a new contract entered, the District must again take reasonable efforts to provide such services as described above.

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)**Certification Area Does Not Exist/Tenure Rights Do Not Apply**

School Districts may also contract for the provision of special education related services, such as occupational therapy and physical therapy (OT/PT), for which a certification area does not exist and to which tenure rights do not apply pursuant to Education Law and/or Commissioner's Regulations.

As previously noted, the restrictions on contracting apply to both general and special education programs and related services which school districts are required by law to provide as part of a program of public education and for which a certification area exists and to which tenure rights apply pursuant to Education Law and/or Commissioner's Regulations.

The related services of OT/PT, however, are not provided by certified personnel who have tenure rights under Education Law. Therefore, the considerations underlying the contracting limitations described above do not apply in the context of related services such as OT/PT and other specialized services for which certification is not required and to which the tenure provisions of Education Law do not apply and the Board of Education would have the authority to contract for such services under Education Law.

Can Districts Contract for the Provision of Applied Behavior Analysis (ABA) for Special Education Students?

ABA is an instructional methodology. While the School District may contract for a related service provider (such as a psychologist or speech and language therapist) to oversee an ABA program or to work directly with a student using ABA methodology, ABA is not a "special education program or service" in and of itself. The same circumstances and conditions that apply to the provision of related services also apply to the provision of related services using ABA methodology.

Can Districts Contract for the Provision of Transition Services for Students with Disabilities with Individualized Education Programs (IEPs)?

Yes. Pursuant to Education Law Section 4401(2)(n), special education includes "formalized agreements" for the provision of transition services in programs such as vocational training programs approved by the Department or by another State agency (See subheading above "**Contracts authorized by Statute or Regulation, or where Contracting is Necessary to Carry Out Duties Imposed on the District by Law**"). Other transition services might include job coaching.

Can Districts Enter into Contracts for the Instruction of Suspended Students?

Yes, but only in limited circumstances and with qualified individuals over whom the District has supervisory control.

Education Law Section 3214(3)(e) requires the School District to provide alternative instruction to students of compulsory school age who are suspended from school. Alternative instruction must be substantially equivalent to the student's regular classroom program. The question of whether a program offers substantially equivalent instruction must be decided on a case-by-case basis. For example, Commissioner's Decisions have found two hours of alternative instruction per day sufficient to fulfill a District's obligation under the Education Law.

- 1) Because alternative instruction is the only form of classroom instruction that suspended students will receive during the term of the suspension, this constitutes core instruction for which the District cannot contract with a private entity.
- 2) Where the District provides alternative instruction within its school building(s), such instruction must be provided by appropriate, qualified District staff.

SUBJECT: CONTRACTS FOR INSTRUCTION (Cont'd.)

- 3) However, in the limited circumstances in which alternative instruction for suspended students is either not offered within the District's school building(s) or the District lacks qualified staff or is otherwise unable to assign existing qualified staff to provide such instruction at an alternate location, such as the student's home, it may be necessary for the District to contract with a qualified individual to provide such instruction.
- 4) Because the District is required by state law to provide resident students with a free public education, the School District's authority to enter into contractual arrangements where necessary to deliver such services would be grounded in Education Law Sections 1604(30), 1709(33) and 2503(3), which authorize Boards of Education to "have all powers reasonably necessary to discharge duties imposed expressly or by implication" by statute.
- 5) Before contracting with qualified individuals to provide alternative instruction to suspended students, the District must document that it will retain supervisory control over such individuals and that, despite reasonable efforts, it has been unable to provide such services by hiring new employees or utilizing existing employees, or through contracts with other school districts or BOCES.
- 6) If the District, after exhausting such reasonable efforts, finds it necessary to contract with individuals, it should do so only for a period of one school year. Before any such contract can be extended, or a new contract entered, the District must again take reasonable efforts to provide such services as described above.

Can Districts Contract for the Provision of Instruction for Homebound Students?

Yes, but only in limited circumstances and with qualified individuals over whom the District has supervisory control.

When students are unable to participate in regular classroom instruction due to illness, injury and/or disability, they may require that instruction be provided at their home or another alternate location. In the limited circumstances in which the District lacks qualified staff or is otherwise unable to assign existing qualified staff to provide such instruction at the student's home or another location, it may be necessary for the District to contract with a qualified individual to provide such instruction.

Because districts are required by State law to provide resident students with a free public education, the School District's authority to enter into contractual arrangements where necessary to deliver such services would be grounded in Education Law, which authorize Boards of Education to "have all powers reasonably necessary...to discharge duties imposed expressly or by implication" by statute.

Other Contracts for Instruction

This regulation is not intended to be an exhaustive analysis, nor is it intended to cover every possible situation and/or educational program in which contracts may be contemplated.

The District will review all contractual or informal arrangements with its school attorney(s) to ensure that it is in compliance with applicable law and/or regulations.

Adopted by BOE 5/3/11

SUBJECT: ACCOUNTING OF FUNDS

Accounting and reporting procedures shall 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 shall be maintained in accordance with statutory requirements.

Provision shall 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 user name and password, will have the authority to process online banking transactions. The Business Office Clerk or Deputy Treasurer, with a separate established user name 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/her by the District Treasurer. Online banking will only take place on secure District computers. ~~located inside the Treasurer's or Business Office.~~

Electronic Transactions and Wire Transfers

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

The District will enter into written wire transfer security agreements for District bank accounts which will include established procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer or his/her designee. Dual approval controls will be established for non-routine wire transfer orders.

The External Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law Section 2116-a
General Municipal Law Article 2 Section 5, 5-a, 5-b, 99-b
N.Y. UCC Section 4-A-201

BOE Adopted 11/27/12
BOE Reviewed 2016

SUBJECT: ELECTRONIC BANKING

Online or electronic transactions include the transfer of money from a District account to a non-District account (wire transfers) and the transfer of money from one District account to another (intra-bank transfers). General Municipal Law Section 5-a authorizes the use of electronic or wire transfers. The Board of Education, in order to provide oversight and security with regard to sound fiscal management of electronic banking activity, authorizes the use of electronic or wire transfers dependent upon the safeguards and procedures listed here.

Banking Safeguards

The Business Official, with the assistance of the District Treasurer, shall be responsible for establishing and monitoring electronic banking transactions for School District banking and investment accounts, in accordance with the following transaction limits and security procedures:

- 1) A written wire transfer security agreement, between the bank authorized to maintain the District's account and the District, shall be signed and on file prior to the initiation of any electronic transaction with the bank. The bank shall have written instructions on file from the District, that wire transfers out of the United States are forbidden. Additionally, the bank shall have in place a security procedure such as authorized pass codes, authorized fax or other such controls to ensure the validity of the transaction.
- 2) Bank accounts that are used for electronic payments and intra-bank transfers will be established with Electronic Payment Authorization (EPA) service and appropriate security procedures, to prevent withdrawal of funds which have not received prior authorization.
- 3) The security procedure for wire transfer agreements and EPA service shall be in compliance with Uniform Commercial Code Section 4-A-201, which defines "security procedure" as a procedure established by agreement between the customer (School District) and the receiving bank for the purpose of verifying that a payment order is that of the District, and for detecting errors in the transmission or the content of the payment order.
- 4) The bank will release funds only after the District Treasurer or his/her designee provides authorization with his/her own secure password on the District's account.
- 5) The bank may verify, either by telephone or in paper/email format, the outgoing wire transfer by contacting one of the designated employees who is independent of the wire transfer process (by either the Business Official or the Superintendent). The designated employee providing the verification shall provide signed or initialed proof of verification which shall be filed with the District Treasurer's back-up paperwork.
- 6) Secondary authorization shall be required for electronic fund transfers in excess of \$1,000,000 (by either the Business Official or the Superintendent).
- 7) Only domestic wire, ACH (Automated Clearing House) and other electronic transactions shall be permitted. NO international transactions may be executed.

(Continued)

SUBJECT: ELECTRONIC BANKING (Cont'd.)**Types of Transactions**

- 1) Online payment transactions are authorized for the following purposes: investment of funds, payments to vendors, debt service payments, and payroll and fringe benefit payments to outside banks (within the U.S.) and transfers within District bank accounts (within any Board-approved District bank accounts).
- 2) The Board of Education authorizes receipt of revenue, via online transactions, for food service payments, state and federal grants, tax receipts and other such revenue sources as applicable for the efficient operation of the School District.

Segregation of Duties

The District Treasurer or his/her designee is authorized to initiate and execute electronic transactions after receiving authorization from the Business Official. The District Treasurer, if possible, should delegate the actual transmission of the transaction to another staff member, such as his/her deputy or a Business Office Clerk.

Under no circumstances shall one individual have the system rights to create and authorize an electronic transfer of funds. One or more individuals shall be assigned creation rights for electronic fund transfers, as appropriate. A second individual, or individuals, shall be assigned the rights to authorize or release a wire transfer, ACH or other electronic transfer of funds.

Reporting

- 1) The District Treasurer shall record all electronic banking transactions in conformance with NYS accounting regulations and GAAP (Generally Accepted Accounting Practices).
- 2) A report of all internal transfers shall be prepared by the District Treasurer and reviewed by the Business Official or the District employee that reviews the bank statements. Documentation of all electronic wire transfers shall be maintained by the District Treasurer and reviewed by the District employee who reviews the bank statements. Said report and documentation shall be attached to the Treasurer's Report.
- 3) All electronic fund transfers shall be reviewed by the auditor, or other appropriate individual assigned to review the bank statements.

Technology Safeguards

All online banking transactions must be made only on District-owned computers, ~~located within the Business or Treasurer's Office~~, with up-to-date virus protection and malware detection software. If possible, the Business Office and/or Treasurer should designate a specific computer for all online banking. Other uses for this designated computer should be kept to a minimum. If desired, banks can be instructed to refuse to accept transactions from other computers.

Appropriate measures shall be taken to ensure that employees with electronic access to bank accounts who leave District employment are properly and promptly removed from the accounts, effective upon termination of employment.

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

The Board of Education 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 BalanceMinimum Unassigned Fund Balance

In order to maintain financial stability and protect against cash flow shortfalls, the Board of Education will strive to maintain an unassigned fund balance of at least *2% of the current year's budgeted expenses. In the event such balance falls below the *2% 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 of Education 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 of Education 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.

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.

SUBJECT: FUND BALANCE CLASSIFICATION

The District will adhere to the standards and practices set forth in Governmental Accounting Standards Board (GASB) Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which establishes a hierarchy of fund balance classifications based primarily on the extent to which a government must observe spending constraints imposed upon how resources reported in governmental funds can be used.

GASB 54 fund balance classifications distinguish between amounts that are considered non-spendable (for example fund balance associated with inventory) and other amounts that are classified as restricted, committed, assigned, and unassigned based on the relative strength of the constraints that control how specific amounts can be spent. The fund balance categories established by GASB 54 are as follows:

- 1) *Restricted* -- includes amounts subject to externally enforceable legal purpose restrictions imposed by external resource providers or through enabling legislation.
- 2) *Committed* -- includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority.
- 3) *Assigned* -- includes amounts intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the General Fund, assigned fund balance represents the remaining amount that is not restricted or committed.
- 4) *Unassigned* -- is the residual classification for the government's General Fund and includes all spendable amounts not contained in the other classifications.

The District will ensure that funds are classified accordingly, and maintained at levels appropriate for its fiscal health and stability.

SUBJECT: USE OF THE DISTRICT CELL PHONE

District-owned cell phones that are assigned to individual employees

A School 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. The Superintendent will review all phone plans annually.

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

1. In the event an individual exceeds the time allowed on their plan, their bill will be reviewed. Personal calls that result in an individual exceeding their allotted minutes will require reimbursement to the School District.
2. The cell phone may not be used by anyone other than the School District employee.

SUBJECT: EXTRA-CLASSROOM ACTIVITIES FUND

An extra-classroom activity fund shall be established for activities conducted by students whose financial support is raised other than by taxation or through charges of the Board of Education.

All funds in the classroom activities fund shall be kept according to standards of good financial management. Proper books will be kept and all monies deposited in an appropriate account, or separate accounts, set up by the Board of Education. Any account(s) shall be subject to audit.

All transactions involving extra-classroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. Procedures for receipt and payment from the extra-classroom activities fund shall be established by the District.

Payment of Sales Tax - Student organizations, when acting as vendors to resell items, are not included in the Tax Law exemption granted to the District. Administrators will inform the central treasurer and faculty advisors of sales restrictions, vendor requirements and activities that are subject to sales tax.

Suppliers to student organizations shall not be asked to accept the District's tax exemption certificate for items to be resold at an activity.

The Superintendent of Schools or his/her designee will develop procedures for registering with the tax department, filing for resale certificates, collecting and paying sales tax.

SUBJECT: THE SAFEGUARDING, ACCOUNTING, AND AUDITING OF EXTRACLASSROOM ACTIVITY FUNDS

There are certain principles and procedures that should be followed in establishing an adequate accounting system for extra-classroom activity funds. The following basic devices are essential to the proper management of such funds:

Basic Principles

- Two (2) separate and independent sets of records of receipts and expenditures shall be maintained; one set by the class/club faculty advisor and the other by the Central Treasurer of the Student Activities Accounts (the Central Treasurer).
- The authority to expend moneys shall be distinct and separate from the custody of these moneys. The authority to expend moneys shall rest with the Faculty Advisor and the Class/Club Student Officers. The custody of these moneys shall rest with the Building Principal and the Central Treasurer.
- At least two (2) individuals shall take part in each act of disbursing money.
- The custodian of funds shall prepare a report for the Board of Education at monthly intervals during the school year.
- All Central Treasury accounts shall be audited at least annually.
- Procedures shall be established which will ensure a prompt and careful examination and check of each receipt and each payment.
- The accounting system shall be such that it will yield the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.
- A positive balance must be maintained in each extra-classroom activities account at all times.

Functions and Duties of Officers**Building Principal**

It shall be the duty of this officer to coordinate the financial planning of all projects of the various student organizations in his/her building; to consult with the Faculty Advisors; to recommend for appointment a Faculty Advisor for each activity in his/her building on a year-to-year basis; and to submit to the Board of Education for approval all new activity organizations initiated by the students requesting accounts. He/she shall investigate all problems and disputes concerning the student organizations under his/her jurisdiction and shall effect action that will enable these problems and disputes to be resolved. The Building Principal will have final approval of all expenditures from the extra-classroom activity funds.

Faculty Advisor

It shall be the duty of the faculty advisors to guide and advise the student officers in planning extra-classroom activities and in the planning of financial budgets. Faculty advisors shall assist the Student Activity Treasurers in the preparation of the student activities deposit form. The Faculty Advisor shall sign this form as acknowledgment and verification of the income received. Faculty advisors shall guide Student Treasurers in postings to the account ledgers, and from time to time shall check the balancing of the Student Activity Treasurers' accounts and the completeness of their supporting evidence. Faculty Advisors shall supervise expenditures by insuring that funds are available before approving proposed purchases and by signing all pay orders drawn on the Central Treasury for the disbursement of funds from a Central Treasury Account. Faculty Advisors are responsible for determining which of the activities of the organization are subject to sales tax and for taking steps to see that all tax information is accurately recorded and sent to the Central Treasurer. Faculty Advisors shall constantly work toward the goal of insuring the largest educational return from the activities participated in by the students.

(continued)

SUBJECT: THE SAFEGUARDING, ACCOUNTING, AND AUDITING OF EXTRACLASSROOM ACTIVITY FUNDSStudent Activity Treasurer

Together, the Student Activities Treasurers and their respective faculty advisors shall receive, count, and organize any monies received through fund raising activities. Such funds shall then be immediately deposited with the Extraclassroom Accounts Auditor. The money will be organized in accordance with the Student Activities Deposit form. The Student Activities Deposit form will be filled out by the Student Activities Treasurer and signed by both the Student Activities Treasurer and the Faculty Advisor. In addition to the Student Activities Deposit Form, the Student Activity Treasurer will complete a Bank Deposit Slip, in triplicate. One copy of the Bank Deposit Slip is to be retained by the Central Treasurer. One copy of the Bank Deposit Slip, after being signed by the Central Treasurer, is to be returned to the Student Activity Treasurer, accompanied by a Central Treasury receipt. One copy of the Bank Deposit Slip will be submitted to the Extraclassroom Accounts Auditor, along with the Student Activities Deposit Form, and the monies to be deposited.

Student Activity Treasurers shall pay all bills by issuing pay orders, signed by himself/herself and the Faculty Advisor. It is the responsibility of Student Activity Treasurers to verify, with the Central Treasurer, the balance in his/her club's account when submitting a pay order. This form is to be made in duplicate and is an order for the Central Treasurer of the Student Activities Account to issue a check for payment of the invoice, which shall be attached to the pay order. The Central Treasurer will keep one copy of the pay order and return the other copy to the Student Activity Treasurer. The Central Treasurer will disperse the check appropriately.

The Student Activity Treasurer shall keep a ledger showing all receipts and expenditures and indicating a daily running balance that shall be on a form prescribed by the Board of Education. He/she shall file all supporting data, chronologically, as evidence for the entries made in the ledger.

Central Treasurer of the Student Activities Account

It shall be the duty of the Central Treasurer of the Student Activities Account to have custody of all funds. All disbursements of funds shall be by means of pre-numbered check forms signed by the Central Treasurer of the Student Activities Account and counter signed by the building principal, upon receipt of a payment order signed by the Student Activity Treasurer and Faculty Advisor. The Central Treasurer shall have no part in the approval of payments, and shall disburse funds only on the presentation of a properly signed pay order, in duplicate, providing that there are sufficient funds available in the account. The completed check will be dispersed appropriately by the Central Treasurer.

The Central Treasurer shall keep an account listing the receipts and expenditures of each individual activity. The Central Treasurer shall post a register of all the receipts and disbursements of the combined student organizations on ledger forms prescribed the Board of Education.

Once each month, the Central Treasurer shall receive and verify the bank statements associated with the Central Treasury Accounts, and shall prepare a report for presentation to the building principal, the business administrator, the Extraclassroom Accounts Auditor, and the Board of Education. This report should show beginning balance in the Central Treasury Account after it has been reconciled with the monthly bank statement.

The Central Treasurer will meet with Faculty Advisors at the beginning of each school year to verify the accuracy of individual class/club ledgers and to ensure proper accounting procedures. The Central Treasurer will also reconcile each class/club account with Faculty Advisors at the conclusion of each school year.

Extraclassroom Accounts Auditor

The Extraclassroom Accounts Auditor shall sign a receipt for all funds placed in his/her custody, and shall arrange to deposit these funds promptly in a bank designated by the Board of Education.

*This is taken from the State Education Department's book "The Safeguarding, Accounting, and Auditing of Extraclassroom Activity Funds."

SUBJECT: THE SAFEGUARDING, ACCOUNTING, AND AUDITING OF EXTRACLASSROOM ACTIVITY FUNDS**Extracurricular Account Procedures**

Each class/club organization has an extracurricular account as a depository for class/club organization funds. The Central Treasurer of the Student Activities Account has responsibility for the extracurricular accounts of all school class/club organizations.

All funds, raised in any manner in the name of a respective class/club organization, are to be deposited in the respective extracurricular account. Both the Faculty Advisor and the Student Activity Treasurer will be responsible for completing the necessary forms in the depositing of funds.

Receipts will be issued for any monies accepted, aside from general admission events, refreshment type items, and other minimal cost items.

The expenditures and/or disbursement of all funds from any extracurricular class/club organizations must have final approval from the principal. Each Student Activity Treasurer will be responsible for working with the appropriate Faculty Advisor to complete the necessary forms in the expending and disbursing of funds. Itemized disbursement documentation is to be provided to the principal prior to approval being granted.

Prior to the close of the school year, it will be the responsibility of both the Faculty Advisor and the Student Activity Treasurer to work with the Central Treasurer to conduct account-closing procedures. Advisor responsibilities for each year are not completed until account books have officially been closed and student ledgers and meeting minutes have been handed in.

Deposit Procedures

Upon receiving money, together, the Student Activity Treasurer and Faculty Advisor will each count and organize the monies received, and complete a Student Activities Deposit Form. All monies are to be deposited daily or stored in the safe until the next school day. The Faculty Advisor and Student Activity Treasurer will sign the Student Activities Deposit Form. One copy of this form will be kept on file by the Student Activity Treasurer. A second copy will be given to the Principal's Secretary, to be kept on file in the main office. A third copy of this form is given to the Central Treasurer.

The Student Activities Treasurer, with the Faculty Advisor will also fill out a bank deposit slip for each deposit. At the top of this slip, the Student Activity Treasurer will write the name of the club/class.

Once the money has been counted and the Student Activities Deposit Form and deposit slips are filled out, the money will be placed in a bank bag by the Principal's Secretary in the presence of the Faculty Advisor and the Student Activity Treasurer. The Student Activity Treasurer will keep one copy of the deposit slip for their records and place two copies in the bank bag. The Student Activity Treasurer will give the Principal's Secretary a copy of the student activities deposit form and the Principals' Secretary will lock the bank bag. The Student Activity Treasurer/Faculty Advisor will then bring the bag to the Extraclassroom Accounts Auditor. The Extraclassroom Accounts Auditor will fill out a treasurer's receipt, with date and time, give one copy to the Student Activity Treasurer/Faculty Advisor, forward a copy to the Central Treasurer of student activities account and retain a copy for his/her records. The Extraclassroom Accounts Auditor will arrange for the deposit to be brought to the bank.

If the deposit cannot be taken to the Extraclassroom Accounts Auditor at that time or the money is received after school hours it should then be placed in the school safe until the next school day. **No Activity money should be taken home by anyone or stored anywhere other than the school safe.**

After the bank counts the money, it will return the bank bag to the Extraclassroom Accounts Auditor, who will give it to the Principal's Secretary. The Principal's Secretary will open the bag and forward all paper work inside the bank bag to the Central Treasurer of Student Activities Account.

The Central Treasurer of Student Activities Account will enter the deposit in his/her financial records and keep a file of the receipts and deposit slips.

(continued)

REGULATION

2016

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Non-Instructional/Business Operations

SUBJECT: THE SAFEGUARDING, ACCOUNTING, AND AUDITING OF EXTRACLASSROOM ACTIVITY FUNDS

The Student Activity Treasurer shall enter the amount of the deposit in the activity fund register indicating the source from which the funds were received (i.e., dance, magazine sales, etc).

The Student Activity Treasurer will file chronologically the supporting data consisting of the duplicate student activities deposit form, bank deposit slip, Treasurer's receipt and, if applicable, the statement of admissions. These forms provide the evidence for the entries made in the Student Activity Treasurer's books.

Withdrawal Procedures

Upon receiving an invoice for goods received or services rendered, the Student Activity Treasurer and the Faculty Advisor should determine that the bill is correct and all items have, in fact, been received as billed.

A payment order is prepared in duplicate and signed by the Student Activity Treasurer and Faculty Advisor.

An invoice, receipt or statement to substantiate expense MUST accompany all payment orders before the Central Treasurer can issue a check. Sufficient funds in the activity's account must be verified prior to the issuance of a check.

The payment order is sent to the Central Treasurer of the Student Activities Account for payment. The Central Treasurer of the Student Activities Account will issue a check and send the check and all supporting documents to the building principal to be counter signed.

The Central Treasurer of Student Activities Account will return a copy of the payment order to the Advisor with the date paid and check number indicated. When an address is included the Central Treasurer of Student Activities will send the check to the address listed unless otherwise advised. Where no address is given the check will be returned to the Student Activity Treasurer/Faculty Advisor for mailing.

The Student Activity Treasurer/Faculty Advisor makes the necessary entry in his/her books indicating to whom the check is made out and the reason. The carbon copy of the pay order is filed to give supporting evidence for the entry.

Reconciliation

The Student Activity Treasurers and Faculty Advisors shall reconcile their records with those of the Central Treasurer of Student Activities Account on a monthly basis. At the end of every month the Central Treasurer of Student Activities Account will send every activity an Activity Reconciliation Report that will be verified by the Student Activity Treasurer. This will list the ending balance for the month including the total available amount of interest earned by the Central Treasury Account. At the bottom of the report is the statement:

The information on this report is correct and complete to the best of my knowledge.

Signature _____ Date ____/____/____
(Please sign and return to Central Treasurer)

In addition, the Student Activity Treasurers and the Faculty Advisors will submit their books and meeting minutes to the Extraclassroom Accounts Auditor during the month of January. The Extraclassroom Accounts Auditor will then reconcile the account of each extra-classroom activity.

PROCEDURE

2016

5520P

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Non-Instructional/Business Operations

SUBJECT: COLLECTING AND ENSURING CUSTODY OF EXTRACLASSROOM ACTIVITIES FUNDS

Student Activity Treasurer	<p>Receives all monies raised by student activities.</p> <p>Deposits all monies daily or ensures that monies are stored in the school safe until the next school day.</p> <p>Signs and issues pre-numbered receipt for monies accepted aside from general admission events, refreshment type items, and other minimal cost items.</p> <p>Prepares statements of admissions whenever relevant (funds from dances, for example).</p> <p>Whenever relevant verifies amount received relative to statement of admissions.</p>
Faculty Advisor	<p>Together with the Faculty Advisor, counts and organizes monies received and completes and signs a Student Activities Deposit Form</p> <p>Together with the Student Activity Treasurer, counts and organizes monies received.</p> <p>Whenever relevant countersigns statement of admissions after verifying its accuracy.</p> <p>Verifies accuracy of amount of funds indicated in receipt</p> <p>Verifies accuracy of and signs Student Activities Deposit Form</p>
Student Activity Treasurer	<p>Prepares bank deposit slip in triplicate writing the name of the class/club on the top of the slip</p>
Student Activity Treasurer/Faculty Advisor	<p>Takes money and Student Activities Deposit Form and Bank Deposit slip to the Principal's secretary</p>
Student Activity Treasurer	<p>Gives two copies of the Student Activities Deposit Form to the Principal's secretary</p> <p>Places two copies of the bank deposit slip in the bank bag</p> <p>Keeps one copy of the bank deposit slip and one copy of the Student Activities Deposit Form</p>
Principal's Secretary	<p>Places money in bank bag and locks it after two copies of the bank deposit slip are placed in bag</p> <p>Keeps one copy of the Student Activities Deposit Form to be kept on file in the main office</p> <p>Forwards the third copy of the Student Activities Deposit form to the Central Treasurer</p>
Student Activity Treasurer/Faculty Advisor	<p>Brings locked bank bag to the Extraclassroom Accounts Auditor</p>

(continued)

PROCEDURE

2016

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Non-Instructional/Business Operations

SUBJECT: COLLECTING AND ENSURING CUSTODY OF EXTRACLASSROOM ACTIVITIES FUNDS (Cont'd.)

Extraclassroom Accounts Auditor	<p>Receives locked bank bag</p> <p>Fills out a Treasurer's Receipt with date and time in triplicate and retains one copy for his/her records</p> <p>Gives one copy of the Treasurer's Receipt to the Student Activity Treasurer/Faculty Advisor</p> <p>Forwards a copy of the Treasurer's Receipt to the Central Treasurer</p> <p>Arranges for the deposit to be brought to the bank</p> <p>Receives the bank bag when returned from the bank and gives it to the Principal's Secretary.</p>
Principal's Secretary	<p>Opens the bank bag and forwards all paper work inside the bank bag to the Central Treasurer</p>
Central Treasurer	<p>Enters the deposit in his/her financial records and keeps a file of the receipts and deposit slips</p>
Student Activity Treasurer	<p>Enters the amount of the deposit in the activity fund register indicating the source from which the funds were received (i.e., dance, magazine sales, etc)</p> <p>Files chronologically the supporting data consisting of the duplicate Student Activities Deposit Form, bank deposit slip, Treasurer's receipt and, if applicable, the statement of admissions.</p>
Student Activity Representative	<p>Identifies need to purchase goods and/or services</p>
Faculty Advisor	<p>Verifies need for goods/services</p> <p>If there is no need, informs student Activity Representative accordingly.</p> <p>If there is a need, prepares duplicate copies of purchase order in accordance with appropriate procedures.</p> <p>Reviews purchase order with Activity Treasurer to ensure that it is proper in all respects</p> <p>Checks account of student activity to ensure that sufficient funds are available for purchase</p>

(continued)

PROCEDURE

2016

5520P

3 of 3

Non-Instructional/Business Operations

SUBJECT: COLLECTING AND ENSURING CUSTODY OF EXTRACLASSROOM ACTIVITIES FUNDS

Vendor	Delivers goods; provides service
Student Activity Treasurer/Faculty Advisor	Checks goods received/evaluates service, to ensure proper compliance on part of vendor and determine that bill is correct
Faculty Advisor	Reviews sales tax regulations to ascertain whether or not sales tax should be included in payment Verifies total amount due vendor
Student Activity Treasurer/Faculty Advisor	Double-checks student activity account to ensure adequate funds are available Prepares duplicate copies of payment order Signs copies of payment order Adjusts student activity account to reflect latest transaction and to maintain accurate balance. Files copy of invoice, receipt or statement to substantiate expense. Forwards payment order and an invoice, receipt or statement to substantiate expense to the Central Treasurer
Central Treasurer	Verifies accuracy of payment order and supporting documentation. Verifies that adequate funds are available Prepares check made out to vendor Adjusts account of student activity funds to reflect latest transaction. Sends the check and all supporting documents to the building principal to be counter signed Returns a copy of the payment order to the Faculty Advisor with the date paid and check number indicated
Building Principal	Counter signs the check and returns it to the Central Treasurer of the Student Activities Fund
Central Treasurer	Sends check to the address listed unless otherwise advised; if no address is given, the check will be returned to the student activity treasurer/Faculty Advisor for mailing
Student Activity Treasurer/Faculty Advisor	Makes the necessary entry in his/her books indicating to whom the check is made out and the reason. The copy of the pay order is filed to give supporting evidence for the entry.

FORM

2016

5520F

1 of 2

Non-Instructional/Business Operations

PAYMENT ORDER TO THE CENTRAL TREASURER
FABIUS-POMPEY MIDDLE SCHOOL-HIGH SCHOOL ACTIVITY FUNDS

Date_____

You are authorized to issue a check:

PAY TO THE ORDER OF_____

IN THE AMOUNT OF _____ DOLLARS \$_____

FOR_____ AS PER ATTACHED INVOICE

AND CHARGE SAME TO _____ ACCOUNT

Name of Activity

Initial When Posted_____

Order No._____

Date of Approval_____

Check No._____

Student
Treasurer_____

Faculty Advisor_____

...

VERIFICATION OF AVAILABLE BALANCE BY FACULTY ADVISOR

Unencumbered Balance_____

Amount of this Payment Order_____

New Available Balance_____

Please check ✓

☐ Send check in envelope provided (address included)☐ Return the check to our club/activity

FORM

2016

5520F

2 of 2

Non-Instructional/Business Operations

STUDENT ACTIVITIES DEPOSIT FORM

Class/Club _____ Date _____

Treasurer's Name _____ Fundraiser or Event _____

COINS:	Pennies:	_____ Rolls	x	\$ 0.50	=	\$ _____
		_____ Loose	x	\$ 0.01	=	\$ _____
	Nickels:	_____ Rolls	x	\$ 2.00	=	\$ _____
		_____ Loose	x	\$ 0.05	=	\$ _____
	Dimes:	_____ Rolls	x	\$ 5.00	=	\$ _____
		_____ Loose	x	\$ 0.10	=	\$ _____
	Quarters:	_____ Rolls	x	\$10.00	=	\$ _____
		_____ Loose	x	\$ 0.25	=	\$ _____
	Half-Dollars:	_____	x	\$ 0.50	=	\$ _____
	Dollars:	_____	x	\$ 1.00	=	\$ _____

TOTAL COINS: \$ _____

CURRENCY AND BILLS

Ones:	_____ Bundles	x	\$50.00	=	\$ _____
	_____ Loose	x	\$ 1.00	=	\$ _____
Fives:	_____	x	\$ 5.00	=	\$ _____
Tens:	_____	x	\$10.00	=	\$ _____
Twenties:	_____	x	\$20.00	=	\$ _____
Fifties:	_____	x	\$50.00	=	\$ _____
Hundreds:	_____	x	\$100.00	=	\$ _____

TOTAL CURRENCY AND BILLS: \$ _____

CHECKS: Name of Check Issuer

_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____
_____ ABA#	_____ Check Number	Dollar Amt. = \$ _____

TOTAL CHECKS \$ _____

TOTAL DEPOSIT \$ _____

SIGNATURE _____ DATE _____

SIGNATURE _____ DATE _____

PROCEDURE

2016

5521P

Non-Instructional/Business Operations

SUBJECT: TERMINATING INACTIVE STUDENT ACTIVITY ACCOUNTS

Responsibility

Action

Principal

1) a. Reviews history of inactive student activity with past Faculty Advisors and other selected persons.

b. Transfers remaining funds to the Student Council Account in accordance with Board Policy.

Central Treasurer

2) Conducts final audit and closes account.

POLICY

2016

5521

Non-Instructional/Business Operations

SUBJECT: CLOSING OUT OF INACTIVE STUDENT ACTIVITY ACCOUNTS

Inactive student activity accounts may be closed by the principal after ninety (90) days from the last transaction. Accounts considered inactive are generally those of a student group that suffers from lack of student interest or a class that leaves an unused balance upon graduating.

The unused balance from such an account would be transferred after a minimum of ninety (90) days of inactivity to the Student Council account. The building principal and the Student Council will discuss and agree upon suitable purposes for the disbursement of funds transferred from inactive accounts.

SUBJECT: PETTY CASH FUNDS AND CASH IN SCHOOL BUILDINGS

A petty cash fund of not more than one hundred dollars (\$100) may be maintained in the District Office. 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, shall be submitted. Such accounts shall be authorized by Board resolution at their annual meeting.

The Superintendent shall develop appropriate regulations for implementation of this policy.

~~Not more than \$1,000, whether~~ District or extra-classroom funds shall be held in the vault in the main office of each District school building. Under no circumstances shall cash be left in classroom areas or desks. The District will not be responsible for funds left unprotected.

All funds, whether District or extra-classroom funds, shall be deposited daily or stored in the safe until the next school day unless authorized by the Principal. Only authorized personnel designated by the building administrator shall be allowed in the main office vault.

Education Law Section 1709(29)
Commissioner's Regulations Section 170.4

REGULATION

2016

5530R

Non-Instructional/Business Operations

SUBJECT: PETTY CASH FUND

Use of Funds

Petty cash should be used for incidental items of expense up to \$100.00. The cost of money orders or cashier checks can be included.

Disbursement of Cash

1. Petty cash expenditures must be covered by a printed voucher form. This should be completed and signed by the person receiving reimbursement from the fund.
2. All purchases reimbursed by petty cash must be evidenced by a receipt, sales slip, cancelled check or some proof of purchase.
3. Vouchers must be approved by the custodian of Petty Cash Fund, which is the School Business Administrator, principal, food service manager or Transportation Supervisor. Until the final claim is submitted, use the vendor number assigned to the custodian of petty cash.
4. Do not mingle cash collected from books, fines, fees, etc., with petty cash funds.

Replenishing of Funds

1. Petty cash funds may be replenished periodically . In order to have cash available at all times, the fund should be replenished as soon as one half of the fund has been disbursed.
2. Petty cash expense can be charged to any regular budget code.
3. A claim form and petty cash journal record is required when submitting a claim. These reports together with the signed vouchers and receipts must be forwarded to the Business Office each time the fund is to be replenished.
4. Accounts Payable verifies the coding of each Petty Cash receipt. If changes are made by the Business Office, the custodian of Petty Cash is notified.
5. After verification has taken place checks are made out to the custodian of petty cash.
6. Checks are forwarded to the custodian of petty cash each Tuesday following the Board meeting.
7. The Petty Cash Report Form must be submitted to the Business Office on the Monday before the Board meeting.

Safeguarding Funds

1. Funds should be reconciled periodically by an employee independent of the custodian.
2. All petty cash must be returned to the working fund for the District before June 30. A reminder will be forwarded during June.

POLICY

2016

5540

Non-Instructional/Business Operations

SUBJECT: PUBLICATION OF THE DISTRICT'S ANNUAL FINANCIAL STATEMENT

In compliance with Education Law, the Board of Education shall direct the District Clerk to publish annually, after the acceptance of the annual audit, a full and detailed account of all monies received by the Board or the Treasurer of the District for its account and use, and all of the money expended therefore, giving the items of expenditure in full.

The account shall be published in the official District newspaper or website once each year.

Education Law Sections 1610, 1721 and 2117
Commissioner's Regulations Section 170.2

BOE Approved 1/20/09

BOE revised 10/16/13

SUBJECT: FINANCIAL ACCOUNTABILITY

School districts must have 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 Fabius-Pompey School 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. Monthly extra-classroom activity fund reports * annually*, 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.
- 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.

(continued)

SUBJECT: FINANCIAL ACCOUNTABILITY (continued)

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. 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 (10) public places within the District. Additionally, final audit reports from the Office of the NYS Comptroller should be posted on the District website, if one is available, for a period of five (5) years.

8 NYCRR Section 170.12

General Municipal Law Section 33(2)(e) and 35(1)(2)

NY Education Law Section 2116-a

Please note that the "Audit Response" portion of this policy has been clarified to reflect the current state of the law. Initially, the language of this paragraph applied to internal audits, as well as external and Comptroller's audits. Consistent with the General Municipal Law, the policy now provides that notice and publication will be provided for external and Comptroller audits only.

BOE Adopted 2/4/14

BOE revised and approved 1/15/16

SUBJECT: SCHOOL DISTRICT REPORT CARDS

Each year the Board of Education shall prepare a School District Report Card, pursuant to the Regulations of the Commissioner of Education, and shall 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 making it available to parents/guardians.

The School District Report Card shall include, at a minimum, the following information:

- a) Measures of academic performance. The School District Report Card shall include, on a school-by-school basis, the student academic performance indicators applicable to each school as prescribed by the Commissioner for the school year. Such academic performance indicators shall include, but need not be limited to:
 - (1) The performance of students in the schools of the District on the State performance evaluation tests in reading, writing, mathematics, science and vocational courses; and
 - (2) The Regents examinations in English and languages other than English, mathematics, science and social studies, as designated by the Commissioner. The Report Card shall compare such measures of academic performance to statewide averages for all public schools and statewide averages for public school districts of comparable wealth and need, as developed and distributed by the Commissioner.
- b) Measures of fiscal performance. The Report Card shall include expenditures per student on regular education and expenditures per student on special education. The Report Card shall compare such measures of fiscal performance to statewide averages for all public school districts and statewide averages for public school districts of comparable wealth and need, as developed and distributed by the Commissioner.
- c) Special Education placements. Each year, the Report Card shall include the number and percentage of students in special education by placement, including both private and public school placements, and a comparison of such percentages to the statewide average in accordance with criteria as enumerated in Education Law and/or Commissioner's Regulations.
- d) Other measures/information to be included in the Report:
 - (1) The Report Card shall also include graduation and college-going rates; and attendance, suspension, and dropout rates.
 - (2) Any information regarding student performance and expenditure per student required to be included in the Annual Report by the Regents to the Governor and the Legislature in accordance with Education Law.
 - (3) Any other information specified by the Commissioner.

Additional information may be added to the School District Report Card as determined by the Superintendent or his/her designee, and upon approval by the Board of Education, in order to provide a more comprehensive assessment of District achievements and the school population.

All budget documents for distribution to the public shall be in plain language and organized in a manner which best promotes public comprehension of the contents.

Education Law Sections 215-a, 1608, 1716, 2554(24), 2590-e(23), 2590-g(21), and 2601-a(7)
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(bb), 170.8 and 170.9

SUBJECT: INSURANCE

The objective of the Board of Education 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 shall carry insurance to protect the District's real and personal property against loss or damage. This property shall include school buildings, the contents of such buildings, school grounds and automobiles.

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 safe-keeping and referral purposes. The Superintendent shall review the District's insurance program annually and make recommendations to the Board if more suitable coverage is required.

School Bus Insurance Program

The Board of Education shall purchase motor vehicle liability insurance for the protection and benefit of the School District and the officers, agents, and employees for the School District and the students, officers, agents, and employees thereof who are transported in or operate school buses owned by the District, and of persons while riding in or upon, entering or alighting from such vehicles.

Such insurance shall have minimum limits as follows:

- a) Property damage per accident - \$50,000.
- b) Bodily injury per person per accident - \$500,000.
- c) For 2 or more persons per accident - \$1,000,000.

Such insurance may be acquired by competitive bids or by negotiation at the discretion of the Board. In the event competitive bids are taken, the Board must first advertise, once in a newspaper having general circulation in the District.

Board of Education shall require that any private automobile used in lieu of a school bus be covered by appropriate insurance. Employees of the School District who frequently are called upon to use their own private vehicles to take children home are required to report this to the Clerk of the Board of Education so that they may be formally included in school coverage.

No personnel are to take students home or to any location in private conveyances unless directed to do so by properly constituted authority. The purpose in this regulation is to avoid the possibility of the teacher or other employee being accused of improper conduct with students.

Public Officers Law Section 18

General Municipal Law Section 6-n

Education Law Sections 1709(8), 3023, 3028, and 3811

POLICY

2016

5620

Non-Instructional/Business Operations

SUBJECT: INVENTORIES

The Superintendent or his/her designee shall be responsible for maintaining a continuous and accurate inventory of equipment owned by the District in accordance with "The Uniform System of Accounts for School Districts."

All supplies and equipment purchased and received by the School District shall be checked, logged, and stored through an established procedure.

Uniform System of Accounts for School Districts
(Fiscal Section)

PROCEDURE

2016

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1 of 2

Non-Instructional/Business Operations

SUBJECT: PLACING PURCHASES INTO THE INVENTORY SYSTEM

The District will maintain an inventory of all assets. This will include equipment, furniture, computers, supplies and more. The inventory system can be maintained on paper files or in a computerized software program. Use of either type of system should show regular updates as new items are purchased and old items are retired.

<u>Responsibility</u>	<u>Action</u>
Requisitioner (Staff Who Places Order)	1) Sends requisition to the purchasing clerk noting on requisition that purchase should be placed into the inventory system.* *The inventory system includes all items (a) costing \$1,000 or more per unit or set; (b) which are not expendable and are not consumed in use; and (c) which have a useful life expectancy of at least five (5) years.
Purchasing Clerk	2) Sends requisition's and receiving copies of purchase order to division clerk after order is typed with set of inventory tags.
Department Clerk	3) a. Assigns inventory number to purchase order. b. Enters information on inventory sheet.
Building Principal/designee	4) a. Gives requisitioner his/her copy of purchase order. b. Retains one copy of purchase order with inventory summary sheet and inventory tag pending receipt of material.
Building Custodian	5) Delivers equipment to requisitioner.
Requisitioner	6) a. Verifies accuracy of receipt and condition of goods with purchase order. b. Affixes his/her signature to purchase order showing receipt and forwards to Building Principal.

(Continued)

PROCEDURE

2016

5620P
2 of 2

Non-Instructional/Business Operations

SUBJECT: PLACING PURCHASES INTO THE INVENTORY SYSTEM (Cont'd.)

<u>Responsibility</u>	<u>Action</u>
Building Principal	7) a. Matches requisitioner's copy of purchase order with retained copy. b. Completes any pertinent information on master inventory card (date received, room number, etc.). c. Forwards inventory tag to requisitioner.
Requisitioner	8) a. Affixes inventory tag on equipment in proper location and position. b. Forwards completed Inventory sheet to Business Office.
Business Office	9) a. Receives inventory sheet. b. Transfers information from inventory sheets to inventory database.

Annual Verification of the Equipment Inventory

<u>Responsibility</u>	<u>Action</u>
Business Office	1) Sends individual inventory summary and verification form to Building Principals and department directors.
Principal and Director	2) Verifies the annual updated summary by signing verification form and returns to Business Office.
School Business Official	3) Discusses individual reports with Building Principals and department directors (if necessary).
Business Office	4) Files the verification form with the original annual inventory summary for the inspection of the Auditor.

SUBJECT: ACCOUNTING OF FIXED ASSETS

The School Business Administrator shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts. These accounts - will serve to:

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

All fixed assets carrying a minimum value established by the Board that have a useful life of one year or more and physical characteristics which are not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials.

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

- a) Date of acquisition;
- b) Description;
- c) Cost or value;
- d) Location;
- e) Responsible official;
- f) Estimated useful life;
- g) Date and method of disposition.

The School Business Administrator shall arrange for the annual inventory and appraisal of School District property, equipment and material. Any discrepancies between an inventory and the District's property records on file should be traced and explained.

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

The Superintendent is charged with the responsibility for administering plant operations in the most efficient and economical manner possible, while placing high priority on health and safety of students and conservation of natural resources.

The Board, through the Superintendent and his/her staff, has the responsibility of protecting the District investment in plant and facilities through a systematic maintenance program.

It is expected that the program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. It is further expected that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

Inspections

The administration of the school system shall cooperate with officials conducting health, fire, asbestos, bus, and boiler inspections. The administration shall keep the Board of Education informed of the results of such inspections in a timely fashion.

The Board should conduct an annual buildings and grounds inspection as part of the inspections program.

Fire Inspection: Commissioner's Regulations Section 155.4 and Education Law Section 807-a

Health Inspection: Education Law Section 906

Asbestos Inspection: Education Law, Article 9-A

40 Code of Federal Regulations (CFR) Part 763, Subpart E

BOE Adopted 1/6/09

SUBJECT: OPERATION AND MAINTENANCE OF FACILITIES**Statement:**

1. Job requests to be completed by District maintenance personnel will be expedited through the Office of the Supervisor of Buildings and Grounds. Upon receipt of an approved requisition (5630F), one signed by the building principal, a job card will be issued to the appropriate personnel.
2. Maintenance and/or repair jobs requiring outside contractors/vendors/firms on a bid/consignment/contract basis will be expedited through the Business Office. Upon receipt of an approved requisition, signed by the Supervisor of Buildings and Grounds or the School Business Administrator, a bid/purchase order will be issued to the appropriate contractor/vendor/firm.
3. Job assignments normally defined as duties of building custodians will be assigned as the need arises by the building principal and/or the Supervisor of Buildings and Grounds.

Guidelines:

1. In order for maintenance/repairs within the District, a requisition must be submitted and approved by:
 - a. The building principal/designee.
2. To issue a bid/consignment/contract to contractors/vendors/firms for maintenance or repairs requiring a purchase order, a requisition may be submitted and approved by:
 - a. The building principal; and/or
 - b. Supervisor of Buildings and Grounds; and must be approved by the
 - c. Superintendent of Schools or his/her designee.
3. Copies of the requisition, job confirmation, and job assignment sheets will be sent as follows:
 - a. One copy retained in the Business Office as a permanent record; and additional copies to building principal and head custodian.

Original copy returned to the individual/building requesting maintenance/repairs.

- a. Job Assignment Sheet - maintained on a weekly basis; reviews all requested job assignments.
- b. Job Confirmation Form - A (copy) of the requisition form, explaining action taken regarding the request will be forwarded to the person initiating the request. A copy of all these confirmations will be kept by the Supervisor of Buildings and Grounds.
- c. Custodial Personnel Assignment Sheet - the Supervisor of Buildings and
- d. Grounds will submit a monthly report to the Superintendent of Schools. This report may include and not be limited to the status of maintenance and custodial personnel within the District; allocation of job assignments; other facts pertinent to sound maintenance and care of buildings, grounds and sites.

SUBJECT: HAZARDOUS WASTE AND HANDLING OF TOXIC SUBSTANCES BY EMPLOYEES

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to insure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

The Superintendent/designee shall maintain a current record of the social security numbers of every employee who handles toxic substances.

Environmental Protection Agency (40 CFR 261 & 262)
New York State Codes, Rules & Regulations (6 NYCRR Part 371)

REGULATION

2016

5631R

Non-Instructional/Business Operations

SUBJECT: HAZWOPER SPILL RESPONSE GUIDELINES (Hazardous Waste Operations Emergency Response)

Purpose

To establish a uniform and understandable response to Hazardous Waste Spills within the Fabius-Pompey School District buildings and the surrounding grounds. To coordinate the in-house response as well as working with any emergency services or outside spill control agencies to provide safety for all of the students and employees of the District who may be impacted by a spill.

Scope

The function of this team will be to assess and address any Hazardous Waste Spills on the District grounds. It will be of the utmost importance to reduce risk to students and personnel and the environment as rapidly as possible.

Procedure for Implementing the Hazwoper Team

IN THE EVENT OF A SPILL requiring the response of the HAZWOPER Team, contact the main office of the building you are in and the nearest team member.

Give the Following Information

- 1) Your name
- 2) Location
- 3) Situation
- 4) Identify the spilled product, if known
- 5) What personnel may be needed

The nearest HAZWOPER Team member, a list of which is kept on file in the main office of each building, will be notified by phone or intercom to immediately assess the situation. The Hazardous Materials Control Officer should also be notified as soon as possible. Additional members should be called in as needed.

Under no circumstances shall anyone's life be jeopardized by a dangerous situation. If a spill is not controllable or students and untrained staff are in the area, evacuate the area at once.

Reporting Procedures

The building principal/designee should be notified of any situation and kept apprised of the current status. That person in turn can notify the Superintendent as needed.

The first Team member on the scene will be responsible for all appropriate paperwork to be submitted to the Hazardous Materials Control Officer.

Evacuation

In the event that an evacuation of the building is required, use the Emergency Evacuation procedure which is in place.

In the event of a large spill resulting in a clean-up effort beyond our in-house capability, it is suggested that an outside company for spill clean-up be contacted for assistance. Two suggestions are:

Environmental Products and Services, Inc.
532 State Fair Blvd.
Syracuse, NY 13204
(315) 451-6666

Clean Harbors
Environmental Services Companies.
6057 Corporate Circle
East Syracuse, NY 13057(315) 463-9901

It is suggested that the art rooms and tech rooms develop a storage code and material listing similar to that developed by the Science Department. The Science Department is willing to provide assistance for this effort.

It is also suggested that any maintenance materials be classified accordingly to keep uniformity within the system.

It would be necessary to provide the members of the HAZWOPER Team with the necessary training to adequately respond to any emergency as needed.

Procedural manual for assessing and addressing situations to follow.

POLICY

2016

5632

Non-Instructional/Business Operations

SUBJECT: STRUCTURAL SAFETY INSPECTIONS

It shall be the duty of the Board of Education to ensure that each facility owned by the District which is used for instructional purposes shall be inspected annually for structural deficiencies.

Every annual structural safety inspection shall be a visual inspection which will examine the structural elements of each building, and may also include inspection of building systems such as heating, plumbing and electrical systems.

If a visual inspection results in a determination that a building may have a structural deficiency, then the building shall be inspected by a licensed architect or a licensed professional engineer.

The annual structural safety inspection shall be made prior to June 30 of every school year, and reports of the inspections shall be made available to the public.

SUBJECT: CONSTRUCTION AND REMODELING OF SCHOOL FACILITIES

Plans and specifications for the erection, enlargement, repair or remodeling of facilities of the School District shall be submitted to the Commissioner when the contemplated construction costs of such work are \$10,000.00 or more, and for all projects affecting the health and safety of pupils.

Plans and specifications submitted to the Commissioner shall 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 shall also certify that the plans and specifications conform to the standards set forth in the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and the State Energy Conservation Construction Code (9 NYCRR Parts 7810 through 7816).

For remodeling or construction projects costing \$5,000 or more, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR 600 through 1250) and Part 155 of the Commissioner's Regulations, and shall retain the services of an architect or engineer licensed to practice in New York State.

For remodeling or construction projects costing less than \$5,000, the Districts shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (9 NYCRR Parts 600 through 1250) and Part 155 of the Commissioner's Regulations.

Plans and Specifications: Education Law Sections 408, 408-a and 409 8
New York Code of Rules and Regulations (NYCRR) Sections 155.1 and 155.2.

BOE Adopted 1/6/09

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE

The Board of Education 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 School 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.
- 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 of schools. The Coordinator will be responsible for implementing the IPM policy and plan. The coordinator's responsibilities will include 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) Assuring that all of the expert's recommendations on maintenance and sanitation are carried out where feasible.
- e) Assuring 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 seventy-two (72) hours, or as required by the pesticide being used.
- f) Evaluating the school's progress in the IPM plan.
- g) Notifying parents, staff and neighbors of any applications of pesticides forty-eight (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.

(Continued)

Non-Instructional/Business Operations

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

An exception may be made for emergency applications of pesticide only when approved in advance by the School 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. It can be found at:

http://www.dec.ny.gov/docs/materials_minerals_pdf/guidanceech85.pdf

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

New requirements and restrictions regarding the use of phosphorus fertilizers on school grounds have been developed. Chapter 205 of the Laws of 2010 dictates the requirements which must be adhered to regarding grounds maintenance starting on January 1, 2012.

- a) Fertilizer use is prohibited between December 1 and April 1 annually.
- b) The use of fertilizers is prohibited within twenty (20) feet of any surface water except:
 1. Where a continuous natural vegetation buffer, at least ten (10) 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.
- c) The use of phosphorus fertilizers are prohibited on lawns or other non-agricultural turf with the following exceptions:
 1. The use of phosphorus fertilizers are 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 such 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 forty-eight (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.

Sample forms for forty-eight (48) hour prior notification can be obtained at:

http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools_091001.pdf

(Continued)

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

The District must also provide additional written notification to all parents and staff three (3) times per year to inform them of any pesticide applications that have occurred: within ten (10) days of the end of the school year, within two (2) school days of the end of winter recess and within two (2) days of the end of spring recess.

Recordkeeping

Records of pesticide use will be maintained on site for three (3) years. Records 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 Sections 409-k, 409-h
Environmental Conservation Law Sections 17-2103, 33-0303
40 Code of Federal Regulations (CFR) Part 152.25
7 United States Code Section 136(mm), 136q(h)(2) (FIFRA)
NYCRR Part 155.4(d)(2)

SUBJECT: PEST MANAGEMENT AND PESTICIDE USE

Pesticide alternatives will be used on school grounds and in areas where children play whenever possible. School districts shall not apply pesticide to any playgrounds, turf, athletic or playing fields. These types of pesticides and alternatives are allowable on playing fields and playgrounds, per federal regulations:

- 1) Anti-microbial pesticides and products;
- 2) Aerosol products with a directed spray in containers of eighteen (18) fluid ounces or less when used to protect individuals from an imminent threat from stinging and biting insects, including venous spiders, bees, wasps and hornets;
- 3) Non-volatile insect or rodent bait in tamper resistant containers;
- 4) Boric acid and disodium octaborate tetrahydrate;
- 5) Pesticides classified as exempt materials by the Environmental Protection Agency under forty (40) CFR Part 152.25. These products are also known as minimum risk pesticides and may be labeled as such. Their ingredients have been shown to be demonstrably safe;
- 6) Horticultural soaps and oils that do not contain synthetic pesticides or synergists.

Emergency Applications

An exception may be made for emergency applications of pesticide only when approved in advance by the School Board. For advice on determining an emergency situation, the board may consult with the local Health Department, on public health situations and the Department of Environmental Conservation (DEC) for environmental situations. Emergency determinations should be sought and granted only for a one time pesticide application for a specific situation which presents a true emergency. To further clarify, the following are not considered to warrant an emergency application:

- 1) When the problem can be managed with allowed products and/or alternative pest management methods, even when it takes time for district staff to learn and fully practice pesticide alternatives;
- 2) For routine or repetitive pest problems. Pest problems can occur on a regular or seasonal basis, but they do not usually rise to the level of a public health or environmental threat that constitutes an emergency;
- 3) When the application is for purely aesthetic reasons.

Pesticide Storage and Purchase

Pesticide purchases will be limited to the amount authorized for use during the year. Pesticides will be stored and disposed of in accordance with the EPA-registered label directions and state or local regulations. Pesticides must be stored in a secure site, not accessible to students or unauthorized personnel. A cabinet in a non-student area with a locked and labeled door is advised. The door label should include a skull and crossbones, Mr. Ugh or other visual signals for non-English reading adults or children. Pesticide alternatives and those deemed safe by federal regulations will be stored in the same cabinet or one similarly marked and secured.

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

Any person applying pesticides on school grounds must be certified, licensed, trained and knowledgeable in the principles and practices of Integrated Pest Management (IPM). Any use of pesticides must be approved by the IPM Coordinator and Superintendent of Schools. Applicators must follow state regulations and label precautions along with the School IPM policy and Pest/Pesticide Management Plan.

Pesticide Labeling and Usage

Law requires that precautionary statements and signal words be included on all pesticide labels. The signal words indicate the level of acute or immediate toxicity to humans. If none of the signal words or warnings listed below are provided, do not use the pesticide.

- 1) DANGER: a taste to a teaspoon taken by mouth could kill an average size adult.
- 2) WARNING: a teaspoon to an ounce taken by mouth could kill an average size adult.
- 3) CAUTION: an ounce to a pint taken by mouth could kill an average size adult.

Note that these warnings are expressed as amounts taken by mouth. However, most actual exposure is through skin and lungs. Thus, this system is not sufficient to guarantee safety - it is only an indicator. Materials with the DANGER label should NEVER be used near children. Those labeled WARNING should only be used rarely on pests for which no CAUTION materials are available. These pesticides should only be used in areas on school grounds where students do not play, therefore their use is rather limited. Their usage on common areas where children gather and play is restricted to emergency applications approved in advance by the local Health Department, Department of Environmental Conservation or the School Board in rare situations when no healthy or acceptable alternatives are available.

Pesticide alternatives and those listed above as deemed safe by federal regulation are the only substances to be used on playgrounds, turf, athletic and playing fields.

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 such notice. The District will also annually notify parents, students and staff of periodic pesticide applications. Written notification will be provided to parents, guardians and staff three (3) times each year to inform them of any pesticide applications that have occurred. Notification must take place:

- 1) Within ten (10) days of the end of the school year;
- 2) Within two (2) school days of the end of winter recess; and
- 1) Within two (2) school days of the end of spring recess.

(Continued)

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

Notifications must include the following information for the period since the previous notice:

- 1) Dates and locations of pesticide applications;
- 2) The products used for each application which required prior notification;
- 3) Information on emergency applications; and
- 4) A reminder that persons may add their names to the forty-eight (48) hour notification registry.

The District will also post a notice at the entrance to all school buildings to inform those not in the forty-eight (48) hour registry.

The District will maintain a list of those people who wish to receive forty-eight (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.

Sample forms for forty-eight (48) hour prior notification can be obtained at:

http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelineforSchools_091001.pdf

Recordkeeping

Records of pesticide use will be maintained on site for three (3) years. Records 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.

Fertilizer Use

The use of phosphorus-containing lawn fertilizer is prohibited on school grounds. Exceptions can be made for its use if tests show the lawn is lacking phosphorus or there a new lawn is being established. Other fertilizer restrictions will:

- 1) Prohibit the application of any lawn fertilizer between December 1 and April 1;
- 2) Prohibit the application of fertilizer on impervious surfaces and require the pick-up of any fertilizer applied or spilled onto impervious surfaces; and
- 3) Prohibit the application of fertilizer within twenty (20) feet of any surface water, except where there is a vegetative buffer of at least ten (10) feet, or where the fertilizer is applied by a device with a spreader guard, deflector shield or drop spreader at least three (3) feet from the surface water.

POLICY

2021

5635

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 #7550 – Dignity for All Students Act

BOE Adopted 4/6/21

POLICY

2016

5650

Non-Instructional/Business Operations

SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE

The Board of Education recognizes the importance of energy and water conservation and, is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

Recycling

The Superintendent or his/her designee will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a. A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b. A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c. Separation of waste into appropriate categories for the purpose of recycling;
- d. A cooperative effort with community recycling programs.

General Municipal Law Section 120-aa

BOE Adopted 1/6/09

SUBJECT: ENERGY CONSERVATION IN THE SCHOOLS

The Board of Education 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.

Energy Manager

The Director of Facilities and Operations is designated as the Energy Manager of the District and he/she shall report directly to the Board of Education and the Superintendent, or their designee, on matters pertaining to energy conservation.

Energy Conservation Task Force

The Board of Education further directs the Superintendent to establish an energy conservation task force consisting of at least two Board members, the Superintendent, the School Business Official, the Director of Facilities and Operations, and such other individual(s) as may be deemed necessary. The duties of this task force will include, but are not limited to, the following:

- a) Analyzing the District's energy consumption patterns and cost data;
- b) Selecting and recommending to the Board an energy audit or technical assistance study to determine where the District can save;
- c) Consider financing energy improvements with an energy performance contract. A technical assistance study can evaluate a proposed performance contract before the District enters into an agreement;
- d) Consider cost savings from cooperative purchasing arrangements with other municipalities and school districts.

Progress reports on the implementation of energy conservation measures will be made to the Board at least annually.

(continued)

SUBJECT: ENERGY CONSERVATION IN THE SCHOOLS (Cont'd.)**Minimum Indoor Air Temperature**

The District will comply with the Property Maintenance Code of New York State, part of the New York State Uniform Fire Prevention and Building Code, which requires that indoor occupiable work spaces be maintained at a minimum temperature of sixty five (65) degrees from September 14 to May 31 during the period the spaces are occupied. There are exceptions for areas of vigorous physical activities such as gymnasiums as well as processing spaces such as coolers or freezers. However, by law, code or regulation there is no maximum temperature specified. Ventilation requirements only require fresh air, not cool air-conditioning.

Long-Range Considerations

The energy conservation program is an important factor to be considered in planning effective use of school facilities, new construction, remodeling or rehabilitation programs, and modernization projects.

Environmental Conservation Law Sections 27-2101- 27-2117

General Municipal Law Section 120-aa

19 New York State Code of Rules and Regulations (NYCRR) Sections 1221-1228 and Section 1240

Energy Conservation Code of New York State 2007

Adopted by Board of Education October 19, 2010

Non-Instructional/Business Operations

SUBJECT: ENERGY CONSERVATION IN THE SCHOOLS

The Board of Education 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. 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.

Energy Manager

The Director of Facilities and Operations is designated as the Energy Manager of the District and he/she shall report directly to the Board of Education and Superintendent, or their designee, on matters pertaining to energy conservation.

Role and Responsibilities

The Energy Manager must understand the basic concepts of energy-using systems and energy accounting. An Energy Manager's main tasks must include compiling energy consumption and cost data, and, together with maintenance and other departmental personnel, develop energy efficiency practices and procedures. The Energy Manager should make energy cost savings recommendations on capital improvements/projects. The Manager must also establish a monitoring system to analyze energy consumption and costs, and measure performance and the cost-effectiveness of adopted energy conservation measures.

Energy Conservation Task Force

An energy conservation task force will be established by the Superintendent and consist of at least two Board members, the Superintendent, the School Business Official, the Director of Facilities and Operations, and such other individual(s) as may be deemed necessary. The duties of this task force will include, but are not limited to, the following:

- 1) Analyzing the District's energy consumption patterns;
- 2) Selecting and recommending to the Board an energy audit or technical assistance study to determine where the District can save;
- 3) Consider financing energy improvements with an energy performance contract. A technical assistance study can evaluate a proposed performance contract before the District enters into an agreement;
- 4) Consider cost savings from cooperative purchasing arrangements with other municipalities and school districts.

There is no general statutory authority for school districts to enter into cooperative purchasing arrangements with private corporations.

Progress reports on the implementation of energy conservation measures will be made to the Board at least annually.

(Continued)

SUBJECT: ENERGY CONSERVATION IN THE SCHOOLS (Cont'd.)

Energy Conservation Practices and Procedures

The District will prepare specific written energy conservation practices and procedures for use by employees and students. These will be based upon a properly developed operating manual that defines standardized building management practices and guidelines. These provisions will address energy usage in areas such as heating/cooling temperatures, illumination levels and lighting control, control of copiers and computers, and operation of vending machines. They will also include organized checklists for procedures to be used for upcoming extended shutdowns (weekends, holidays, and summer recesses) and schedules for routine operations and maintenance to help reduce energy consumption.

District officials will perform regular "walk-through surveys" so they can document how their system operates and where energy efficiency measures can be adopted or improved.

Energy Consumption/Cost Monitoring System

District officials have established an energy consumption/cost monitoring system that will:

- 1) Determine if there are additional or alternate opportunities for energy conservation;
- 2) Compare energy consumption and related costs to performance standards or benchmarks to see if goals are being achieved; and
- 3) Help ensure that energy conservation measures that have been implemented continue to reduce energy consumption.

An adequate monitoring system can help to identify where school officials can reduce energy consumption and costs, and ensure that the District's energy conservation plan is being followed. District officials should also keep current on conservation innovations and approaches, and identify "best practices" and products that will help them adjust to the ever-changing energy market. School officials should network with other school districts to obtain energy conservation ideas, and utilize outside resources, such as local utilities, to provide assistance in reducing energy consumption and costs.

Recommended Practices and Procedures (Examples Only, Not an Exhaustive List)

Regular School and Work Days

- 1) Decrease "peak demand" electric charges by staggering the start-up time of heaters, lighting and large motors;
- 2) Switch off lights when classrooms are unoccupied or install occupancy controls (motion sensors which turn lights on and off);
- 3) Power off computers and monitors when they are not being used;
- 4) Turn on power saver features in office equipment such as copiers and printers;
- 5) Perform manufacturer recommended routine maintenance of all equipment, including HVAC systems, to ensure optimal operation;
- 6) Tighten up windows and door frames; install weather stripping.

After Hours and Weekends

- 1) An approved "Application for Use of School Facilities" is required for community groups and organizations wishing to use school facilities after hours.
- 2) Lights are to be turned on only as needed for cleaning or building usage.

Summer Months

- 1) Summer activities should be centralized in one area of the building as much as practicable, and unused areas should not be air conditioned.
- 2) Areas being cleaned or repaired should not be air conditioned.

Long-Range Considerations

The energy conservation program is an important factor to be considered in planning effective use of school facilities, new construction, remodeling, and modernization projects.

Adopted by Board of Education October 19, 2011

SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST)**School Food Service Program (Lunch and Breakfast)**

The ~~Board has entered into an agreement with the New York State Education Department (SED) to~~ **District** participate **s** in the National School Lunch Program, School Breakfast Program **, ** and ~~for~~ Special Milk Program, to receive commodities **and subsidies from** ~~donated by~~ the **U.S.** Department of Agriculture. **In return, the District** ~~and to accept responsibility for~~ provide **es** ~~ing~~ free and reduced-price meals to elementary and secondary students in ~~the~~ **its** schools **and serves meals that meet federal requirements** ~~of the District.~~

The Superintendent or designee will ~~have the responsibility to~~ carry out the rules of the School Lunch and Breakfast Programs. **The District's Reviewing Official and Verification Official or the Department of Social Services Office of Temporary and Disability Assistance (OTDA) will determine student eligibility.** ~~The determination of which students are eligible is the responsibility of the Reviewing Official and Verification Official or the Office of Temporary and Disability Assistance of the Department of Social Services.~~ Appeals regarding eligibility should be submitted to the **District's** Hearing Official ~~of the District.~~

The District may allow f Free or reduced-price meals ~~may be allowed~~ for qualifying **District** students **after receiving** ~~attending District schools upon receipt of~~ a written application from the student's parent or guardian or a ~~"D*d*irect C*c*ertification"~~ letter from ~~the New York State Office of Temporary and Disability Assistance (OTDA).~~ Applications will be provided by the District to all families.

School officials must also determine eligibility for free or reduced-price meals and milk by using the Direct Certification Matching Process, ~~a dataset supplied by the Office of Temporary and Disability Assistance, and made available by the SED.~~ Any student **residing in a household** receiving federal assistance through **the** Supplemental Nutrition Assistance Program (SNAP) **, ** ~~or~~ Temporary Assistance to Needy Families (TANF) **, or Medicaid** is automatically eligible for free meals and milk **, eligible families will not have*.* ~~There is no need for families to complete further applications.~~ The District will notify parents or guardians of eligibility, giving them the opportunity to decline free meals and milk ~~if they so choose.~~

~~Procedures for the administration of the free and reduced-price meal program of this District will be the same as those prescribed in current state and federal laws and regulations.~~

Child Nutrition Program **Authorization**

Since the District participates in ~~the~~ **one or more** Child Nutrition Program, ~~the Board approves the establishment of a system to allow a student to charge a meal. The Board authorizes~~ the Superintendent **has** ~~to~~ develop **ed** rules which address:

- a) What can be charged;
- b) The limit on the number of charges per student;
- c) The system used for identifying and recording charged meals;

(Continued)

SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)

- d) The system used for collection of repayments; and
- e) Ongoing communication of this policy to parents and students. The District's meal charge policy and procedures will be distributed to all households and applicable staff in writing at the start of each school year and to new households that transfer into the District during the school year. These policy and procedures may vary by grade. *The District will also provide details regarding payment methods on its website.*

Charging Meals

- a) Students may charge up to five ~~dollars~~ reimbursable meals (that are available to all students), and will not be permitted to exceed ~~that~~ this limit until the outstanding charges are paid in full;
- *b) If a student's prepaid meal card or account has been exhausted, he or she will be given a grace period where no more than five reimbursable meals (that are available to all students) may be charged, to allow time for the meal card or account to be replenished.*
- *c)*~~b)~~ The only item(s) permitted to be charged are a complete meal or milk. A la carte items such as snacks or ice cream may not be charged;
- *d)*~~e)~~ The District's point-of-sale system will track all charges and payments;
- *e)*~~d)~~ ~~Once the charge limit has been reached, and if the~~ a student comes to school without a lunch, ~~and has exceeded the maximum reimbursable-meal limit, the District may provide~~ a sandwich, fruit and milk reimbursable meal (that is available to all students) ~~will be provided to the student~~ so that he or she does not go hungry that day;
- *f)*~~e)~~ ~~If, after exceeding the allowable meal charge limit, a student continues to come to school without a meal,~~ As appropriate, District administration may contact Social Services ~~to report a student's consistent failure to arrive at school with a meal~~.

Unpaid meal charges will be addressed directly with the ~~child's~~ student's parent or guardian who is responsible for providing funds for meal purchases; discreet notifications of low, exhausted, or deficit balances will be sent at appropriate intervals during the school year. The notification may include a repayment schedule, but will not charge any interest or fees related to meals charged during the grace period. District administration will further consider the benefits of attempted collections and the costs that would be expended in collection attempts.

Restriction of Sweetened Foods in School

The sale of sweetened foods will be prohibited from the beginning of the school day until the end of the last scheduled meal period.

Sweetened foods consist of sweetened soda water; chewing gum; and candy, including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, candy coated popcorn, and water ices, except those which contain fruit or fruit juices.

Restrictions on Sale of Milk Prohibited

~~Schools that participate in the National School Lunch Program may~~ The District will not directly or indirectly restrict the sale or marketing of fluid milk products at any time or in any place on school premises or at school-sponsored events.

(Continued)

SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)Food Substitutions for Children with Disabilities

Federal regulations governing the operation of Child Nutrition Programs, Part B of the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act of 1973 require that children with disabilities be offered the opportunity to participate in all academic and nonacademic activities including ~~the~~ school nutrition programs. The District will make reasonable accommodations to those children ~~with disabilities~~ whose disabilities restrict their diets, such as providing substitutions ~~and/or~~ modifications in the regular meal patterns. These meal substitutions ~~for students with disabilities~~ will be offered at no extra charge. A student with a disability must be provided substitutions in food when that need is supported by a statement signed by a physician attesting to the need for the substitutions and recommending alternate foods.

However, the school food service is not required to provide meal services (for example, School Breakfast Program) to students with disabilities when the meal service is not normally available to the general student body, unless a meal service is required under the student's individualized education program (IEP) or Section 504 Accommodation Plan as mandated by a physician's written instructions.

*Food Substitutions for Nondisabled Children

Though not required, the District will also allow substitutions for non-disabled children who are unable to consume the regular meal because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority.

The District may also allow substitutions for fluid milk with a non-dairy beverage that is nutritionally equivalent (as established by the Secretary of Agriculture) to fluid milk and meets nutritional standards for students who are unable to consume fluid milk because of medical or other special dietary needs if the request is supported by a statement signed by a recognized medical authority or by the student's parent/legal guardian.

Prohibition Against Adults Charging Meals

Adults ~~should~~*must* pay for their meals at the time of service or set up pre-paid accounts.

HACCP-Based Food Safety Program

Schools participating in the National School Lunch ~~and/or~~ School Breakfast programs are required to implement a food safety program based on Hazard Analysis and Critical Control Point (HACCP) principles. The District must develop a written food safety program for each of its food preparation and service facilities that is based on either traditional HACCP principles or the **"Process Approach"** to HACCP. (The **"Process Approach"** simplifies traditional HACCP by grouping foods according to preparation process and applying the same control measures to all menu items within the group, rather than developing an HACCP plan for each item.)

***District Option**

(Continued)

SUBJECT: SCHOOL FOOD SERVICE PROGRAM (LUNCH AND BREAKFAST) (Cont'd.)

Regardless of the implementation option ~~that is~~ selected, the District's written food safety program must also include:

- a) Critical control points and critical limits;
- b) Monitoring procedures;
- c) Corrective actions;
- d) Verification procedures;
- e) Recordkeeping requirements; and
- f) Periodic review and food safety program revision.

Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265

Child Nutrition Act 1966, 42 USC § 1771 et seq.

Richard B. Russell National School Lunch Act 1946, 42 USC § 1751 et seq.

§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.

Individuals with Disabilities Education Act (IDEA), 20 USC §§ 1400-1485

7 CFR Parts 15B, 210 and 220

Education Law §§ 902(b), 915, 918, 1604(28), 1709(22), 1709(23) and 2503(9)(a)

8 NYCRR §§ 200.2(b)(1) and 200.2(b)(2)

Social Services Law § 95

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Non-Instructional/Business Operations

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM

In fulfilling its responsibilities under the National School Lunch and Breakfast Programs, the Fabius-Pompey Central School District agrees to:

- 1) Serve meals free to any student who has submitted an approved application and is a member of a family which has an annual income below the applicable family size income level adopted by the School District, as prescribed by the New York State Education Department or to any student who has been identified using the electronic direct certification matching of students receiving SNAP/TANF on the NYS Education Department Child Nutrition Knowledge Center website.
- 2) Prohibit the physical segregation of, or any other discrimination against, any student because of his/her inability to pay the full price of meals.
- 3) Follow the hearing procedure outlined in District regulations for the appeal of decisions regarding eligibility.

The Fabius-Pompey Central School District assures the New York State Education Department Child Nutrition Program Administration that the School District will uniformly implement the following regulation with respect to determining the eligibility of students for free meals in all National School Lunch and Breakfast Program participating schools under its jurisdiction.

Designated Officials

The District will designate a Reviewing Official, Hearing Official and Verification Official for the Child Nutrition Program as specified in the Certification of Acceptance submitted to the New York State Education Department. The Reviewing Official will be the School Lunch Director who will determine which students are eligible for free/reduced meals or milk. The Hearing Officer may not be the same person as the Reviewing and/or Verification Officer.

Criteria for Determining Eligibility

The Fabius-Pompey Central School District will use the Federal Income Eligibility Guidelines for determining eligibility for free and/or reduced price meals. The criteria to be used will be gross family income and the number of individuals in the family, and will be uniformly applied by all National School Lunch and Breakfast Program participating schools under the jurisdiction of the School District. Criteria also includes families enrolled in the Food Stamp program and Temporary Assistance to Needy Families (TANF). The scale based on the above criteria may be changed from year to year by the New York State Education Department in accordance with the annual United States Secretary of Agriculture's guidelines. Any change in the scales will be submitted to each School District by the New York State Education Department for their adoption. Districts may request changes in the prototype letter prior to printing through their regional office, if necessary.

Once approved for free/reduced price benefits, a household will remain eligible through 30 operating days of the next school year or when a new eligibility determination is made in the new school year, whichever comes first.

(Continued)

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)**Eligibility Process**

The online Direct Certification Matching Process (DCMP) offered by NYSED must be used by school officials to determine eligibility for free/reduced meals and milk. DCMP is a dataset of those children and families already enrolled in the Food Stamp program and Temporary Assistance to Needy Families (TANF). Students enrolled in these programs are automatically qualified for free/reduced meals and milk.

- 1) The online dataset provides confidential information to approved District officials, which includes: case name, student's full name, date of birth, age, and address (street, city, state and zip).
- 2) The online process allows users to search by a number of variables to insure that as many students as possible are enrolled. School staff are advised to keep a record of the zip codes within their school district to use during the certification process.
- 3) Schools will need to carefully review the data to ensure they capture children whose names are spelled differently, have moved, use nicknames, or have siblings with different last names.
- 4) District users must certify that this direct certification data will remain confidential, in compliance with federal disclosure requirements. Districts that use software to assist in the match or as part of their meal charge program must insure that the student data is not available to vendors, IT staff or any others not authorized to view the confidential records.
- 5) The DCMP process must be completed three (3) times per school year in August, November and February.
- 6) Schools must send a letter to households of directly certified students, notifying them of their children's free eligibility status. Parents can opt out of the free lunch program if they choose, by responding to the notification letter. Parents can also use the letter to notify the District of other children in the family who may have been missed in the certification process.
- 7) Once a student is certified, they retain their eligibility for the school year.

Public AnnouncementLetter to Parents/Guardians

The Fabius-Pompey Central School District will announce this policy on or about the beginning of each school year, and during the school year if there is a change in the policy, by transmitting the reduced price income scale, parent letter, and application to all parents/guardians. Any parent/guardian enrolling a student in a school for the first time at any time during the school year shall be supplied with such documents. This letter and subsequent information provided to parents will be clear and understandable, and to the maximum extent practicable, provided in a language the parents can understand.

(Continued)

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

Public Release

On or about the beginning of each school year, and during the school year if there is a change in the policy, a public release containing the same information supplied to parents/guardians as well as the free eligibility criteria will be made available to the local news media, the local unemployment office, and any major employers contemplating large layoffs in the areas from which the school draws its attendance. Documentation must be kept with the policy booklet for three years plus the current year identifying where the public release was sent. Copies of this policy may be obtained by any interested party at the District Office.

Application Procedure

- 1) At the beginning of each school year the Fabius-Pompey Central School District will send a letter to the parents/guardians of each student, together with a Family Income Scale and a form on which to make application for consideration of eligibility of their children for free/reduced price meals.
- 2) Parents/guardians will be required to complete the application and return the form for review. Only one "household" application is required for all children in the household attending schools in the District. Families may instead provide a "Direct Certification" letter from the New York State Office of Temporary and Disability Assistance (OTDA). Such applications and records of action taken will be maintained by the School District. Upon approval or disapproval, notification will be given to the parent/guardian or student.
- 3) In certain circumstances where households obviously at an economic disadvantage have failed to apply for free/reduced price meals for their students, the District will use the administrative prerogative to complete the application for the student. This judgmental option acknowledges that families may fail to apply due to lack of understanding, fear of authority, alien status, substance abuse, etc. The application will be completed based upon the best information available regarding family size and income and will be excluded from the verification process. However, exhaustive prior efforts to obtain a completed application from the parent/guardian must be made and documented.

This option will be used judiciously on an individual basis and not to provide eligibility determinations for large numbers of students. Refer to questions and answers on Administrative Prerogative in the NYS Education Department Free and Reduced Price Income Eligibility and Policy Information Booklet.

(Continued)

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Non-Instructional/Business Operations

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

- 4) For homeless children for whom an application is not filed nor anticipated to be filed:
- a. The director of the homeless shelter at which the child resides can complete and submit the application;
 - b. The District's homeless liaison may complete the application and approve the child for free meals based solely on his/her knowledge that the child is homeless; or
 - c. If large numbers of homeless children make it impractical to complete individual applications, the District may establish a list of eligible students based upon knowledge of the family's residence (shelter, car, etc.) with at minimum the following information:
 - (1) Child's name;
 - (2) Effective date of eligibility determination;
 - (3) Name of shelter, etc. where child resides;
 - (4) Signature of determining official; and
 - (5) Date of withdrawal from the shelter, school or program.

Adopted 1/7/20

SUBJECT: NON-DISCRIMINATION AND HEARING PROCEDURE ASSURANCES

- 1) The School District and its designated officials will take action necessary to insure that the names of children eligible to receive free lunches shall not be published, posted, or announced in any manner and that there shall be no overt identification of any such children by use of special tokens or tickets, or by any other means. Further assurance is given that children eligible for a free lunch shall not be required to:
 - a. Work for their lunches.
 - b. Use a separate lunchroom.
 - c. Go through a separate serving line.
 - d. Enter the lunchroom through a separate entrance.
 - e. Eat lunch at a different time.
 - f. Eat a different lunch from the lunch sold to children paying the full price of such a lunch.
- 2) The School District will use the hearing procedure in cases of appeal by parents of the school's decision on applications. If a challenge to correctness of information contained in an application or to the continued eligibility of any child for a free meal is made on the part of the School District, the children shall be provided a free lunch until a final determination is made.

Collection Procedure

In making collections from children who pay for their lunches, and in accounting for the number of free lunches served the methods used will be such that no other child in the school will be made aware, by the procedure, of the identity of the children receiving free or reduced meals.

Provisions for Transfer

If a child transfers from one school building to another within the School District, his/her eligibility for a free lunch will be transferred to and honored by the receiving school.

Records

- 1) The school will keep on file all records, including any record of appeals and hearing transcripts.
- 2) Free lunch applications must be available for audit.

(continued)

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Non-Instructional/Business Operations

SUBJECT: NON-DISCRIMINATION AND HEARING PROCEDURE ASSURANCES (Cont'd.)

Complaints

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Adopted 1/7/20

PROCEDURE

2018

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Non-Instructional/Business Operations

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM

<u>Responsibility</u>	<u>Action</u>
Board of Education	1) a. Authorizes participation in National School Lunch and Breakfast Programs. b. Designates Program Officer.
Program Officer	2) a. Registers with Direct Certification Matching Process (DCMP) through NYSED's Child Nutrition Management System (CNMS). b. Searches for eligible students and certifies their eligibility. c. Notifies parents of their child's eligibility for free/reduced meals and milk. d. Prepares and distributes to all parents/guardians in the District communication of the reduced price eligibility scale and application. e. Makes a public release containing the same information supplied to parents/guardians as well as the free eligibility criteria.
Parent/Guardian	3) a. Receives and reviews notification of their child's eligibility. Parents can opt out of free/reduced meals and milk if they choose; or b. Completes an application and returns to the Building Principal.

(Continued)

PROCEDURE

2018

5659P

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Non-Instructional/Business Operations

SUBJECT: FREE AND REDUCED PRICE MEAL PROGRAM (Cont'd.)

<u>Responsibility</u>	<u>Action</u>
Program Officer	4) a. Determines eligibility and notifies parents/guardians within ten (10) school days. b. Files a copy of application in the office of the Building Principal/designee. c. Attaches letter of denial to applications not approved.
Parent/Guardian or Program Officer	5) May request a conference to discuss the situation, present information, and/or obtain an explanation of the data submitted in the application or the decisions rendered.
Parent/Guardian	6) If not satisfied with the determination made in regards to eligibility, asks for a hearing.
Hearing Official	7) a. Holds a hearing and reviews the material submitted at that time. b. Makes a determination and advises the Program Officer and a parent/guardian of the findings.

SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING

[Districts participating in the National School Lunch Program and/or School Breakfast Program must adopt a policy addressing meal charging and prohibiting meal shaming. The policy is not needed where there is district-wide participation in the Community Eligibility Provision (CEP) or Provision 2, but is needed if only some, but not all schools within a district participate in CEP or Provision 2.]

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 no cost and lunch of their choice for no cost each day. A student will be allowed to charge a maximum of meals to their account after the balance reaches zero. 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. A student will be allowed to charge a maximum of 5 meals to their account after the balance reaches zero. 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.

(Continued)

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

- a) Parents/guardians will be notified that a student's meal card or account balance is exhausted within 5 days and then every 2 weeks thereafter.
- b) Parents/guardians will be notified that a student has accrued unpaid meal charges within 5 days of the charge and then every 2 weeks thereafter.

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.

(Continued)

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

- 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.
- 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 Fabius-Pompey Cafeteria. Further details are available on the District's webpage at www.fabiuspompey.org/teacherpage.cfm?teacher=181. 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 may be carried over to the next school year.

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

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

Adopted 1/7/20

SUBJECT: WELLNESS*

***[Districts which participate in the National School Lunch Program and/or School Breakfast Program are required to have a wellness policy. It is recommended that all districts adopt a wellness policy. This wellness policy must be customized by your District; sample language has been provided where appropriate.]**

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

Definitions

For the purpose of this wellness policy:

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

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;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- b) Students;
- c) Physical Education teachers;
- d) School health professionals;
- e) District food service program representatives;
- f) School Board;
- g) School administrators;
- h) General Education teachers;
- i) Supplemental Nutrition Assistance Program Education (SNAP–ED) coordinators; and
- j) Members of the public.

District Wellness Leadership

The following District official(s) is/are responsible for the implementation and oversight of this district-level wellness policy: Coordinator of Pupil and Personnel Services.

The contact information for this/these individual(s) is anardozzi@fabiuspompey.org.

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

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

(Continued)

SUBJECT: WELLNESS (Cont'd.)**Wellness Policy Implementation, Monitoring, Accountability, and Community Engagement**

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

Annual Notification of Policy

The District will inform families and the general public each year, via the District website and/or District-wide communications, of information about this wellness policy, including, but not limited to: its implementation status, its content, and any updates to the policy. The District will endeavor to share as much information as possible about its schools' nutrition environment, including a summary of school events or activities relative to this wellness policy implementation. Each year, the District will also publicize the name and contact information of the District official(s) leading and coordinating the District Wellness Committee, as well as information on how the community may get involved with the District Wellness Committee.

Triennial Assessments

At least once every three years, the District will assess its compliance with this wellness policy. The triennial assessment will measure the implementation of this wellness policy, and include an assessment of:

- a) The extent to which schools in the District are in compliance with this wellness policy;
- b) The extent to which this wellness policy compares to model local school wellness policies;
and
- c) A description of the progress made in attaining the goals of this wellness policy.

The following District official(s) is/are responsible for managing the District's triennial assessment:
Coordinator of Pupil and Personnel Services.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

The contact information for this individual is anardozzi@fabiuspompey.org.

The District will actively notify the public of the availability of the triennial assessment results.

Revisions and Updating the Policy

This wellness policy will be assessed and updated, at a minimum, every three years based on the results of the triennial assessment. This wellness policy may also be updated as District priorities change, community needs change, wellness goals are met, new health science, information and technology emerge, and/or new Federal or State guidance or standards are issued.

Evaluation and feedback from interested parties are welcomed as an essential part of revising and updating this wellness policy.

Community Involvement, Outreach, and Communications

The District is committed to being responsive to community input, which begins with 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 on how to become involved with and support this wellness policy, as well as about the results of the triennial assessment.

Recordkeeping

The District will retain records to document compliance with the requirements of this wellness policy in the District Office and/or on the District's central computer network. Documentation maintained at this location includes, but is not limited to:

- a) The written wellness policy;
- b) Documentation demonstrating that this wellness policy has been made available to the public;

(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.

Nutrition

The District seeks to ensure all of its students obtain the knowledge and skills necessary to make nutritious food selections and enjoy life-long physical activity. To this end, the District sets forth the following goals relating to nutrition.

School Meals

The District is committed to promoting student health and reducing childhood obesity by:

- a) Serving meals that meet or exceed nutrition requirements established by local, state, and Federal statutes and regulations;
- b) Ensuring all students have a scheduled lunch period;
- c) Providing all students with adequate time to consume meals;
- d) Promoting healthy food and beverage choices;
- e) Preparing meals that are appealing and attractive to students;
- f) Serving meals in clean and pleasant settings;
- g) Having lunch follow the recess period to better support learning and healthy eating; and
- h) Encouraging student participation in federal Child Nutrition Programs.

Child Nutrition Programs aim to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

(Continued)

SUBJECT: WELLNESS (Cont'd.)

All schools within the District participate in the following federal Child Nutrition Programs: **[District to list any applicable federal CNP that it participates in. Examples of applicable programs are: National School Lunch Program; School Breakfast Program; Child and Adult Care Food Program; Summer Food Service Program; Fresh Fruit and Vegetable Program; Special Milk Program.]*

**[The District also operates additional nutrition-related programs and activities, including: District to list any other nutrition programs that it participates in. Examples of applicable programs are: Farm to Schools; Breakfast After the Bell.]*

District food service staff will meet with students in grades 4 through 12 twice annually to solicit feedback on the school breakfast and/or school lunch program(s).

Staff Qualifications and Professional Development

All school nutrition program directors, managers, and staff will meet or exceed hiring and annual continuing education and training requirements as specified in the USDA Professional Standards for School Nutrition Professionals. In order to locate the training that best fits their learning needs, school nutrition personnel will refer to the USDA's Professional Standards for School Nutrition Standards website.

Water

To promote hydration, free, safe, unflavored drinking water will be available to all students and staff throughout the school day and throughout every school campus. The District will make drinking water available where school meals are served during meal times.

Competitive Foods and Beverages

All competitive foods will meet, at a minimum, the USDA Smart Snacks in School nutrition standards. The Smart Snacks in School nutrition standards aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits.

Competitive foods include all food and beverages available for sale to students on the school campus during the school day other than meals reimbursed through programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966. This includes, but is not limited to, a la carte options in cafeterias, vending machines, school stores, and snack or food carts.

(Continued)

SUBJECT: WELLNESS (Cont'd.)Foods and Beverages Provided, But Not Sold, to Students During the School Day

The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages provided, but not sold, to students on the school campus during the school day (e.g. classroom parties, classroom snacks brought by parents, or other foods given as incentives) will **[District to customize with standard specific to District practice. Examples of applicable standards: meet or exceed the USDA Smart Snack in School nutrition standards; be low in saturated fat, and have zero grams of trans-fat per serving.]*

Fundraising

All foods and beverages available for sale to students through fundraisers on the school campus during the school day will meet, at a minimum, the USDA Smart Snacks in School nutrition standards.

**[District should further customize with standard for school-sponsored fundraisers conducted outside of the school day. An example of an applicable standard would be: School-sponsored fundraisers conducted outside of the school day will be encouraged to support the goals of this wellness policy by promoting the sale of healthy food items (fresh fruit and produce) and/or non-food items, such as water bottles, plants, etc., and by promoting events involving physical activity.]*

Foods and Beverages Available for Sale at Events Outside of the School Day

The District is committed to ensuring that all foods and beverages available to students support healthy eating. The foods and beverages that are available for sale at school sponsored events outside of the school day will **[District to customize with standard specific to District practice. Examples of applicable standards: meet or exceed the USDA Smart Snack in School nutrition standards; be low in saturated fat, and have zero grams of trans-fat per serving.]*

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 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.

(Continued)

SUBJECT: WELLNESS (Cont'd.)***Nutrition Promotion and Education**

Nutrition promotion and education positively influences lifelong eating behaviors. The District will model and encourage healthy eating by:

- a) Promoting healthy food and beverage choices for all students by using Smarter Lunchroom techniques which guide students toward healthful choices, as well as by ensuring that 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School nutrition standards;
- b) Promoting nutrition education activities that involve parents, students, and the community;
- c) Promoting school and community awareness of this wellness policy through various means, such as publication on the District website;
- d) Encouraging and promoting wellness through social media, newsletters, and an annual family wellness event;
- e) Encouraging participation in federal Child Nutrition Programs;
- f) Ensuring that the marketing and advertising of foods and beverages on school campuses during the school day is consistent with nutrition education and health promotion;
- g) Integrating nutrition education within the comprehensive health education curriculum and other instructional areas, as appropriate, and taught at every grade level, K through 12. Nutrition education follows applicable New York State Standards and is designed to help students acquire:
 - 1. Nutrition knowledge, including, but not limited to: the benefits of healthy eating; essential nutrients; nutritional deficiencies; principles of healthy weight management; the use and misuse of dietary supplements; and safe food storage, handling, and preparation;
 - 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;
- h) Providing families and teachers with a list of healthy party ideas, including non-food celebration ideas;

**District to customize section on Nutrition Promotion and Education to reflect actual District practices. Sample language has been provided for your District's review.*

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- i) Providing families with a list of classroom snacks and beverages that meet USDA Smart Snacks in School nutrition standards;
- j) Discouraging staff from using food as a reward or withholding food as punishment under any circumstance – teachers and other appropriate school staff will be provided with a list of alternative ways to reward students; and
- k) Encouraging District staff to model healthy eating, drinking, and physical activity behaviors for students.

***Physical Activity and Education**Physical Activity

Since physical activity affects students' emotional and physical well-being, as well as their cognitive development, the District is committed to ensuring that all students, including students with disabilities requiring adaptations or modifications, are provided the opportunity to participate in physical activity before, during, and after school. Physical activity opportunities will be in addition to, not in lieu of, physical education.

Recess, physical education, or other physical activity time will not be cancelled for instructional make-up time, nor will it be withheld for disciplinary action unless the student is a danger to him or herself or others. This does not include participation on sport teams that may have specific academic requirements. Classroom teachers will be provided with a list of ideas for alternative ways to discipline students.

The District is committed to encouraging physical activity through the following:

a) Classroom Physical Activity Breaks (Elementary and Secondary)

All classroom teachers, and particularly those engaged in the instruction of K through 5 students, are strongly encouraged to incorporate into the school day short breaks for students that include physical activity, especially after long periods of inactivity.

b) Recess (Elementary)

All elementary students will be offered one daily period of recess for a minimum of 20 minutes. This requirement will not apply on days where students arrive late, leave early, or are otherwise on campus for less than a full day. Outdoor recess will be offered when weather permits. In the event that indoor recess is necessary, it will be offered in a place that accommodates moderate to vigorous physical activity.

**District to customize section on Physical Activity and Education to reflect actual District practices. Sample language has been provided for your District's review.*

(Continued)

SUBJECT: WELLNESS (Cont'd.)

c) Active Academics

Teachers are encouraged to incorporate kinesthetic learning approaches into core learning subjects when possible to limit sedentary behavior during the school day.

d) Before and After School Activities

The District will offer opportunities for all students to participate in physical activity before and/or after the school day through various methods, such as physical activity clubs, intramurals, and interscholastic sports.

e) Active Transport

The District supports active transport to and from school, i.e. walking or biking. The District will encourage this behavior by securing storage facilities for bicycles and equipment and instructing students on walking and bicycling safety. The District strongly encourages the use of appropriate protective wear, such as helmets.

Physical Education

The District will have a Board-approved Physical Education Plan on file with the New York State Education Department that meets or exceeds the requirements set forth in the Commissioner's regulations. All students will be required to fulfill the physical education requirements set forth in the Commissioner's regulations as a condition of graduating from the District's schools.

The District recognizes the importance of physical education classes in providing students with meaningful opportunities for physical exercise and development. Consequently, the District will ensure that:

- a) All physical education classes are taught or supervised by a certified physical education teacher;
- b) All physical education staff receive professional development relevant to physical education on a yearly basis;
- c) Interscholastic sports, intramural sports, and recess do not serve as substitutes for a quality physical education program;
- d) Students are afforded the opportunity to participate in moderate to vigorous activity for at least 50% of physical education class time;

(Continued)

SUBJECT: WELLNESS (Cont'd.)

- e) It provides adequate space and equipment for physical education and conforms to all applicable safety standards;
- f) An age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education is implemented, with a focus on students' development of motor skills, movement forms, and health-related fitness;
- g) A physical and social environment is provided that encourages safe and enjoyable activity for all students; and
- h) Activities or equipment are adapted or modified to meet the needs of students who are temporarily or permanently unable to participate in the regular program of physical education. In doing so, the District will abide by specific provisions in 504 Plans and/or individualized education programs (IEP). To that end, the Committee on Special Education (CSE) will ensure that a certified physical education teacher participates in the development of a student's IEP, if the student may be eligible for adapted physical education.

***Other School-Based Activities that Promote Student Wellness**

The District is committed to establishing a school environment that is conducive to healthy eating and physical activity for all. The District will, therefore, pursue the following:

Community Partnerships

The District will develop, enhance, and continue relationships with community partners in support of the implementation of this wellness policy. Existing and new community partnerships will be evaluated to ensure they are consistent with this wellness policy and its goals. The District will provide all community partners with a copy of this wellness policy so that they are aware of the District's requirements and goals.

Community Access to District Facilities for Physical Activities

School grounds and facilities will be available to students, staff, community members and organizations, and agencies offering physical activity and nutrition programs consistent with District policy, including provisions regarding conduct on school grounds and administrative approval of use by outside organizations.

**District to customize section on Other School-Based Activities that Promote Student Wellness to reflect actual District practices. Sample language has been provided for your District's review.*

(Continued)

SUBJECT: WELLNESS (Cont'd.)Professional Learning

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.

42 USC. §§ 1758, 1758b

7 CFR. §§ 210.10, 210.11, 210.18, 210.31, and 220.8

USDA, SP 24-2017, Local School Wellness Policy: Guidance and Q&As (Apr. 6, 2017)

81 Fed. Reg. 50,151 (July 29, 2016) (codified at 7 C.F.R. pts. 210 & 220)

Education Law § 915

8 NYCRR § 135.4

Memorandum from N.Y. St. Educ. Department on Smart Snacks Standards and Fundraisers (Sept. 16, 2014)

NOTE: Refer also to Policy # 5660 -- School Food Service Program (Lunch and Breakfast)

SUBJECT: DISTRICT WELLNESS POLICY

The District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity. The District has established a Wellness Committee which includes, but is not limited to, representatives from each of the following groups:

- a) Parents;
- b) Students;
- c) The District's food service program;
- d) The School Board;
- e) School administrators;
- f) Faculty and staff; and
- g) Members of the public.

The District Wellness Committee will continue to assess current activities, programs and policies available in the District; identify specific areas of need within the District; and provide mechanisms for implementation, evaluation, revision and updating of this policy.

Goals to Promote Student Wellness

Taking into account the parameters of the School District (academic programs, annual budget, staffing issues, and available facilities) as well as the community in which the District is located (the general economy; socioeconomic status; local tax bases; social cultural and religious influences; geography; and legal, political and social institutions) the Wellness Committee recommends the following District goals relating to nutrition education, physical activity, and other school-based activities:

Nutrition Education

The District will provide nutrition education to facilitate the voluntary adoption of healthy eating habits and other nutrition-related behaviors conducive to health and well-being by establishing the following standards for:

- a) Classroom teaching:
Nutrition education is offered at each grade level as part of a sequential, comprehensive, standards based program designed to provide students with the knowledge and skills necessary to promote and protect their health. Nutrition education is integrated across the curriculum in subjects such as math, science, language arts, social sciences, physical education and elective subjects. Instruction is based on the New York State Health Education Learning Standards, Family and Consumer Science Education Standards, the National Health Standards, the Dietary Guidelines for Americans and the Food Guide Pyramid.

Key messages are moderation and variety, caloric balance between food intake and energy expenditure (physical activity) with promotion of fruits, vegetables, whole grain products, low-fat and fat free dairy products, healthy food preparation methods, food safety and health enhancing nutrition practices. The desired outcome of nutrition education is the development of attitudes and the behavioral and decision making skills necessary for students to eat well and to cope with potential obstacles to eating well. Instruction on healthy body image, weight management, and eating disorders is included in the Health, Family and Consumer Sciences, and Physical Education curriculum as well as the Elementary School enrichment programs.
- b) Education, marketing, and promotion links outside the classroom:
Nutrition education within the classroom will link with cafeteria based nutrition programs and interscholastic athletic programs.
- c) Fundraising activities:
All fundraising activities must be approved by the building principal. Fundraising groups are encouraged to refrain from selling products which do not meet the nutrition standards set forth in this policy. A list of recommended fundraising activities will be provided to Fundraising groups. Emphasis will be on providing services, activities that promote physical activity, and sale of healthy or useful products.

(continued)

SUBJECT: DISTRICT WELLNESS POLICY (continued)**d) Teacher training:**

Initial teacher training will consist of reviewing the standards used to teach nutrition in the classroom and the key messages that have been developed. Future professional development will concentrate on integrating nutrition education across the curriculum and enhancing the personal nutrition awareness of staff.

Physical Activity

The District provides opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in physical activity, and to understand the short-term and long-term benefits of a physically active and healthy lifestyle.

The Wellness Committee has determined that the following standards are necessary to achieve this goal:

a) Physical education graduation requirements:

In accordance to the State of New York Standards set for physical education students, the graduation requirements the District puts forth are as follows: students demonstrate proficiency in a few select physical activities, maintain movement skill levels that can contribute to daily living tasks, know the importance of physical activity for quality of life, personal wellness (nutrition, safety, stress management, etc.), and the ability to self-assess and create their own wellness plan. District policy states that students in grades 9-12 must meet the New York State requirements of two units of physical education by taking one-half unit per academic year.

b) Physical education class requirements:

The School District meets state mandates for physical activity while requiring Middle School-High School students to take part in physical education in an alternate day setting for 42 minutes a class. Each class, students receive moderate to vigorous physical activity. The Elementary School has physical education twice a week for 45 minutes per class. The teacher-to-student ratio in these classes is within the guidelines set forth for all other subject areas in the District. The curriculum follows the New York State Standards which are in line with the National Standards.

Appropriate physical activities are provided for special populations. According to individual student's IEP's there are Adapted Physical Education classes in conjunction with physical and occupational therapy. These classes address student's needs and coincide with their regularly scheduled physical education classes.

c) Staff training/certification for physical education:

All members of the District physical education staff must meet state requirements as certified teachers in their field of education. Ongoing professional development for classroom teachers, physical education teachers, and coaches will be planned and implemented through the District's Professional Development Plan. Professional development will focus on the importance of physical activity in developing a healthy lifestyle.

d) Physical activity outside physical education classes:

At the Middle School-High School, there are opportunities four days a week for 45 minutes each day that students can take part in intramural sports/activities that include team and individual sports, along with personal training. In grades K-5, recess is scheduled for 30 minutes five days per week with moderate to vigorous physical activity encouraged. Also, the elementary program offers Enrichment Clusters that include physical activity. The School District also makes facilities such as the track, fields, and courts available to the community outside of school day hours, seven days a week.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (continued)Other School-based Activities

The District wishes to establish a school environment that presents consistent wellness messages and is conducive to healthy eating and physical activity for all. In order to present a coordinated school approach where District decision-making related to nutrition and physical activity encompasses all aspects of the school, the Wellness Committee has determined that the following standards are necessary to achieve this goal:

a) Federal School Meal Programs:

The District will participate to the maximum extent practicable in available federal school meal programs [School Breakfast Program, National School Lunch Program (including after-school snacks), Summer Food Service Program, Fruit and Vegetable Snack Program, and the Child and Adult Care Food Program (including suppers)].

b) Access to school nutrition programs:

The School District promotes the availability of school meals to all students. Every effort is made to eliminate any social stigma attached to, and prevent the overt identification of, Students who are eligible for free and reduced-price school meals. Meal options are offered to address special dietary needs as specified by a physician or the student's IEP.

c) Meal environment:

The cafeteria environment is safe, comfortable, pleasing, and allows ample time and space for eating meals. Meal timing and scheduling will encourage student participation in the school nutrition programs. Students are provided with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch. The lunch period is scheduled between 11:00 a.m. and 1:00 p.m. All students have access to hand washing or hand sanitizing before they eat meals. Food service employees are friendly and attentive to student needs.

d) Community access to District facilities for physical activities:

All students, families, staff, and community members are provided access to all outdoor recreation areas when school is not in session. The School District provides limited access to indoor facilities based on the availability of personnel and building space.

The School District values the health and well-being of every staff member and will plan and implement activities and policies that support personal efforts by staff to maintain a healthy lifestyle. Staff wellness activities are supported through access to recreation facilities, access to healthy food and beverages during the school day and staff development programs.

Other staff wellness initiatives are supported as resources permit.

e) Community involvement:

The District Wellness Policy is publicized in the District Newsletter and on the District web site. Community volunteers are encouraged to plan and participate in District wellness activities. A written notice of the existence of the School District Nutrition Advisory Committee is included in the District Newsletter sent to community members and the parents/guardians enrolled students prior to the start of school in the fall. Information is supplied as to how interested individuals may participate on the Committee. Scheduled dates of all meetings of the Advisory Committee are published in the District Newsletter.

f) Sustainable food practices:

Locally grown and seasonal foods will be used whenever possible. Environmentally-friendly practices will be encouraged such as recycling, decreasing waste, and minimal packaging.

(Continued)

SUBJECT: DISTRICT WELLNESS POLICY (continued)**Nutrition Guidelines**

The District Wellness Committee will recommend which nutrition standards will be established for **all** foods available on school campus during the school day based upon the unique needs of the student body and the community. The goal is to encourage healthy lifelong eating habits by providing foods that are high in nutrients, low in fat and added sugars, and of moderate portion size.

Nutritional Values of Foods and Beverages

- a) Reimbursable school meals served at school will minimally meet the program requirements and nutrition standards of the National School Lunch Program.
- b) Food of minimal nutritional value on the school campus will be replaced with more nutritional options by adhering to the following standards for nutritional value of foods and beverages:
 1. Calories from total fat --- 30% or less of its total calories from fat or 7 grams or less (excluding nuts, seeds, peanut butter, and other nut butters)
 2. Calories from saturated fat – 10% or less of its total fat calories from saturated plus trans fat or 2 grams or less
 3. Total sugar - 35% or less of its weight from sugars, excluding sugars occurring naturally in fruits, vegetables, and dairy products (or 15 grams)
 4. Sodium – no more than 230 mg of sodium per serving for chips, cereals, crackers, French fries, baked goods, and other snack items; will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg of sodium for pizza, sandwiches, and main dishes.
 5. Whole grain - at least 50 % of grain products should be whole grain
 6. Portion size – Portion sizes of foods and beverages sold individually will be limited to a maximum of those listed below:
 - One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit or jerky;
 - One ounce for cookies;
 - Two ounces for cereal bars, granola bars, pastries, muffins, bagels and other bakery items;
 - Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;
 - Eight ounces for non-frozen yogurt;
 - Twelve fluid ounces for beverages, excluding water;
 - The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.
 7. Fruits and vegetables -- a choice of at least two fruits and non-fried vegetables will be offered for sale at any location where foods are sold on campus. Such items could include, but are not limited to: fresh fruits and vegetables; 100% fruit and vegetable juices and fruit-based drinks that contain at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup) and cooked, dried or canned vegetables (that meet the above fat and sodium guidelines).
 8. Beverages
 - Allowed: water or seltzer water without added caloric sweeteners; 100% fruit and vegetable juices and fruit-based drinks that contain at least 50% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free milk and nutritionally-equivalent nondairy beverages (to be defined by USDA); sports drinks that contain less than 42 grams of added sweetener per 20 ounce serving (less than 35% of its weight from sugar).

(Continued)

Non-Instructional/Business Operations

SUBJECT: DISTRICT WELLNESS POLICY (continued)

Not allowed: soft drinks containing caloric sweeteners; sports drinks containing more than 42 grams of added sweetener per 20 ounce serving (more than 35% or its weight from sugar); iced teas; fruit-based drinks that contain less than 50% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

- c) Nutrition information for products sold on campus will be readily available near the point of purchase.

Ala carte, vending machines, student stores, snack bars, concession stands, parties, celebrations, food-related fundraising, and food rewards/punishments

The standards established in subheading a) of Nutritional Values of Foods and Beverages will apply to Ala carte, vending machines, student stores, parties, celebrations, and food rewards. Celebrations that involve food during the school day are limited to no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually. The District disseminates a list of healthy party ideas to parents and teachers.

The School District discourages the use of foods and beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually, as rewards for academic performance or good behavior, and will not withhold food or beverages as a punishment.

Food or beverage contracts

The standards established in subheading a) of Nutritional Values of Foods and Beverages apply to any food or vending company contracts.

Vending machines, snack bars, school stores, concession stands, and other food outlets

With the exception of approved foods and beverages, access to vending machines and other food outlets on school property will be limited to 30 minutes after the school day ends.

Assurance

Guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools.

Implementation and Evaluation of the Wellness Policy

The District will ensure school and community awareness of this policy through various means such as publication in District newsletters, the District web site and/or the District calendar. Further, professional development activities for staff and student awareness training are provided, as appropriate, on the goals of the District's wellness program, including activities/programs for the development of healthy eating habits and the incorporation of physical activity as part of a comprehensive healthy lifestyle.

The District shall establish an implementation and evaluation plan for the wellness policy in order to monitor the effectiveness of the policy and the possible need for further modification over time. Accordingly, the Superintendent shall designate one or more staff members within the District or at each school as appropriate to have operational responsibility for ensuring that the District meets the goals and mandates of its local wellness policy. Designated staff members may include, but are not limited to, the following personnel:

- a) Administrators;
- b) School health personnel including the school nurse, Family & Consumer Sciences teacher, and the health and/or physical education teacher; and
- c) School Food Service Director.

(Continued)

Non-Instructional/Business Operations

SUBJECT: DISTRICT WELLNESS POLICY (continued)

These designated staff members shall periodically report to the Superintendent on the District's compliance with the wellness policy (or, if done at the building level, to the School Principal) and the Superintendent shall inform the Board of such findings. The Superintendent/designee shall prepare a summary report on District-wide compliance with the District's wellness policy based on input from schools within the District. That report will be provided to the School Board and also distributed to the Wellness Committee, parent-teacher organizations, Building Principals, and school health services personnel within the District. The report shall also be available to community residents upon request.

These designated school officials will also serve as a liaison with community agencies in providing outside resources to help in the development of nutrition education programs and physical activities

Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, is essential to the District's evaluation program. Further, the District shall document the financial impact, if any, to the school food service program, school stores, or vending machine revenues based on the implementation of the wellness policy.

District schools will provide nutrition education and physical education, with an emphasis on establishing lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services. Communication with and training for teachers, parents, students, and food service personnel will be an integral part of the District's implementation plan.

To the extent practicable, students and parents shall be involved in the development of strategies designed to promote healthy food choices in the school environment; and the school cafeteria will provide a variety of nutritionally sound meal and beverage choices. The school will encourage students' active, age appropriate participation in decisions regarding healthy lifestyles and choices. Positive reinforcement such as letters of recognition and acknowledgment will be utilized as a means to encourage healthy eating patterns among the student population. In addition, the school will share information about the nutritional content of meals with parents and students; such information may be made available on menus, a web site, or such other "point-of-purchase" materials.

Assessments of the District's wellness policy and implementation efforts may be repeated on an annual basis, but it is recommended that such assessment occur no later than every three (3) years, to help review policy compliance, assess progress, and determine areas in need of improvement. The District, and individual schools within the District, will, as necessary, revise the wellness policy and develop work plans to facilitate its implementation.

Child Nutrition and WIC Reauthorization Act of 2004
Public Law Section 108-265 Section 204
Richard B. Russell National School Lunch Act
42 United States Code (USC) Section 1751 et seq.
Child Nutrition Act of 1966
42 United States Code (USC) Section 1771 et seq.
7 Code of Federal Regulations (CFR) Section 210.10

SUBJECT: RECORDS MANAGEMENT

A Records Management Officer shall be designated by the Superintendent, subject to the approval of and appointment by the Board of Education. The Records Management Officer shall coordinate the development of and oversee a program for the orderly and efficient management of records, including the legal disposition or destruction of obsolete records, and shall be given the authority and responsibility to work with other local officials at all levels in the development and maintenance of the records management program.

In addition, a Records Advisory Board may be created to assist in establishing and supporting the records management program. The District's legal counsel, the fiscal officer, and the Superintendent/designee may comprise the Advisory Board.

Retention and Disposition of Records

The Superintendent shall retain records for such a period and dispose of them in the manner described in Records Retention and Disposition Schedule ED-1, established pursuant to Part 185, Title VIII of the Official Compilation of Codes, Rules and Regulations of the State of New York and Article 57-A of the Arts and Cultural Affairs Law.

Special Approvals for Disposition of Records Not Included in Schedule/Records Damaged by Natural or Manmade Disasters

Records not listed on a records retention and disposition schedule shall not be disposed of without the approval of the Commissioner of Education.

Records that have been damaged by natural or manmade disaster and constitute a human health or safety risk also require the Commissioner's prior approval before disposition.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the School District shall follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

The District shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records.

Arts and Cultural Affairs Law Article 57-A
8 New York Code of Rules and Regulations (NYCRR) Part 185

Adopted by BOE 1/20/09

SUBJECT: RECORDS MANAGEMENT**Initial Designation of Records Management Officer**

- 1) The School District shall designate one (1) local officer to be Records Management Officer, subject to the approval of and appointment by the Board of Education.
- 2) Within one (1) month of such designation, the Board of Education shall notify the Commissioner of Education of the Records Management Officer's name, title or position in the School District and contact information.

Vacancy in the Position of Records Management Officer

- 1) Whenever a vacancy shall occur in the position of Records Management Officer, a replacement shall be designated within sixty (60) days.
- 2) Within one (1) month of such designation, the Board of Education shall notify the Commissioner of Education of the Records Management Officer's name, title or position in the School District, and contact information.

Records Management Officer

The Records Management Officer's job is varied and often complex. Commissioner's Regulations state that part of the duties of the Records Management Officer is to "initiate, coordinate and promote the systematic management of the local government's (i.e., the School District's) records in consultation and cooperation with other local officers."

Special Approvals for Disposition of Records Not Included in Schedule

Records not listed on a records retention and disposition schedule shall not be disposed of without the Commissioner of Education's approval. The Commissioner will determine the minimum length of time the record needs to be retained and, if necessary, amend the schedule to include this item for future reference.

Records that have been damaged by natural or manmade disaster and constitute a human health or safety risk also require the Commissioner's prior approval before disposition.

Replacing Original Records with Microforms or Electronic Images

Digital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. To ensure accessibility and intelligibility for the life of these records, the School District shall follow the procedures prescribed by the Commissioner of Education.

Retention and Preservation of Electronic Records

- 1) The District shall ensure that records retention requirements are incorporated into any plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records.
- 2) The District shall ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met. In the case of archival electronic records, the District, in consultation with the State Archives, must determine that the records will remain usable and accessible by ensuring that the records are retained in currently available file formats and by creating adequate documentation of the records and their systems as defined in subdivision (3) of this section.

SUBJECT: RECORDS MANAGEMENT (continued)

- 3) The District shall develop and maintain up-to-date documentation about all permanent or archival electronic records sufficient to:
 - a. Specify all technical characteristics necessary for reading and processing the records;
 - b. Identify all defined inputs and outputs from the system;
 - c. Define the contents of the files and records;
 - d. Determine restrictions on access and use;
 - d. Understand the purposes and functions of the system;
 - e. Describe update cycles and/or conditions and rules for adding information to the system, changing information in the system, or deleting information; and
 - f. Ensure the ongoing retention of records by the District.
- 4) The District shall prepare and store in a secure off-site facility copies of archival electronic records in order to safeguard against loss.
- 5) For electronic media that contain permanent or archival electronic records, the District shall institute maintenance procedures to:
 - a. Verify that the media are free of permanent potentially damaging errors;
 - b. Rewind under constant tension all tapes at least every two (2) years;
 - c. Annually test a three percent (3%) statistical sample of all units of media to identify any loss of data and to discover and correct the causes of data loss;
 - d. Copy immediately onto new media any permanent or archival electronic records stored on media containing a significant number of errors or showing signs of physical degradation;
 - e. Copy all permanent or archival electronic records onto new media before the media are expected to fail and always before the media are ten (10) years old; and
 - f. Prepare external labels to identify each media unit, the name of the organizational unit responsible for the records, and the records title.

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION

The School District values the protection of private information of individuals in accordance with applicable laws and regulations. Further, 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) "*Private information*" shall mean ****personal information** in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

1. Social security number;
2. Driver's license number or non-driver identification card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial 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.

****"***Personal information***"** shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

- b) "*Breach of the security of the system*," shall mean 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 and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b) Indications that the information has been downloaded or copied; or
- 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 School District that includes private information, the District shall 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, acquired by a person without valid authorization. The disclosure to affected individuals shall 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 reasonable integrity of the data system. The District shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.

(Continued)

Non-Instructional/Business Operations

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

- b) For any computerized data maintained by the District that includes private information which the District does not own, the District shall 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, acquired by a person without valid authorization.

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

Methods of Notification

The required notice shall 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 such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such 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 such notification is kept by the District when notifying affected persons by phone; or
- d) Substitute notice, if the District demonstrates to the 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 shall 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 shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, 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, so acquired.

In the event that any New York State residents are to be notified, the District shall notify the New York State Attorney General (AG), the New York State Department of Consumer Protection Board (CPB), and the New York State Office of Cyber Security (OCS) as to the timing, content and distribution of the notices and approximate number of affected persons.

In the event that more than five thousand (5,000) New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with State Technology Law Section 208(2), regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

SUBJECT: INFORMATION SECURITY BREACH GUIDELINES

The District values the protection of private information of individuals, in accordance with law, regulations, and best practices. The District will work to train staff to prevent breaches, identify breaches and to take action to rectify the situation should such a breach occur. The District is required to notify affected individuals when there has been or is reasonably believed to have been a compromise of the person's private information, in compliance with the Information Security Breach and Notification Act (State Technology Law Section 208) and Board policy.

Definitions

"*Private information*" shall mean "*personal information*" in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- 1) Social security number;
- 2) Driver's license number or non-driver identification card number; or
- 3) Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial 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.

"*Personal information*" shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

"*Breach of the security of the system*," shall mean 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.

All private information stored electronically should be on secure, District approved information management systems. Employees having access to private information should understand their personal responsibility for protecting student and employee information.

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:

- 1) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- 2) Indications that the information has been downloaded or copied; or
- 3) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported; or
- 4) System failures.

SUBJECT: INFORMATION SECURITY BREACH GUIDELINES (Cont'd.)Recognizing Additional Signs of a Breach

Signs that a computer or system may have been compromised or breached may include the following:

- 1) Abnormal response time or non-responsiveness;
- 2) Unexplained account lockouts;
- 3) Inoperable passwords;
- 4) Inability to open website homepage or unexplained changes/content to website;
- 5) Programs not running properly;
- 6) Lack of disk space or memory;
- 7) Bounced back emails;
- 8) Inability to connect to the network;
- 9) Continuous or increasing crashes;
- 10) Abnormal hard drive activity;
- 11) Connecting to unfamiliar sites;
- 12) Changes in browser settings;
- 13) Extra or unfamiliar toolbars that cannot be deleted.

Employees should report a suspected data breach to the Principal and/or designee and to the Technology Coordinator immediately.

Investigation of Breaches

Breach investigations will be conducted by the District's Technology Coordinator or a designee of the Superintendent. If necessary, law enforcement should be contacted when a breach is detected. Steps to be taken in a breach investigation may include:

- 1) Determine exactly what information was compromised (i.e., names, addresses, contact information, social security numbers, student or employee ID numbers, credit/debit card numbers, grades, birth dates, passwords);
- 2) Take steps immediately to retrieve data and prevent any further disclosures;
- 3) Identify all affected records and students and/or employees;
- 4) Determine how the incident occurred, including which school officials had control of and responsibility for the information that was compromised;
- 5) Determine whether institutional policies and procedures were breached, including organizational requirements governing access (user names, passwords, PINs, etc.); storage; encryption; transmission; and destruction of information from education records;
- 6) Determine whether the incident occurred because of a lack of monitoring and oversight;
- 7) Conduct a risk assessment and identify appropriate physical, technological, and administrative measures to prevent similar incidents in the future;
- 8) Determine when the breach occurred;
- 9) Determine which computers or networks were involved;

(Continued)

SUBJECT: INFORMATION SECURITY BREACH GUIDELINES (Cont'd.)

- 10) Determine if the data encryption key was compromised;
- 11) Clarify the scope of the breach and the individuals involved (i.e., did it affect a specific, identifiable group of individuals on the District's network or was it random);
- 12) Determine if the breach also involved additional cyber incidents such as denial of service, scans or malicious code.

The District should utilize a back-up system to ensure continuity of operations.

Notification

The District will notify the New York State Attorney General (AG), the New York State Department Consumer Protection Board (CPB) and the New York State Office of Cyber Security (OCS), as required by law. All affected individuals must be notified of the breach if their compromised data meets the classifications described in law. The District may delay notification of affected individuals if law enforcement determines that notification may impede a criminal investigation.

The required notice shall be directly provided to the affected persons by one of the following methods:

- 1) Written notice;
- 2) 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 such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- 3) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or
- 4) Substitute notice, if the District demonstrates to the 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 shall consist of **all** of the following:
 - a. Email notice when the District has an email address for the subject persons;
 - b. Conspicuous posting of the notice on the District's website page, if the District maintains one; and
 - c. Notification to major statewide media.

Regardless of the method of which notice is provided, a notification must include:

- 1) Contact information for the District official handling the notification;
- 2) A description of the categories of information that were, or are reasonably believed to have been, acquired without authorization; and
- 3) Details on which elements of personal and private information were, or are reasonably believed to have been, so acquired.

The New York State Office of Cyber Security will be informed as to the timing, content and distribution of the notices and the approximate number of affected persons. The Attorney General and the Division of Consumer Protection should also be informed of these notices to affected persons. Refer to Form #5672 -- New York State Security Breach Reporting Form for contact information, addresses and notification guidelines.

FORM

2016

5672F
1 of 2**Non-Instructional/Business Operations**

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
NEW YORK STATE SECURITY BREACH REPORTING FORM
Pursuant to the Information Security Breach and Notification Act
(General Business Law Section 899-aa; State Technology Law Section 208)**

Name and address of Entity that owns or licenses the computerized data that was subject to the breach:

Street Address: _____
City: _____ State: _____ Zip Code: _____

Submitted by: _____ Title: _____ Dated: _____
Firm Name (if other than entity): _____
Telephone: _____ Email: _____
Relationship to Entity whose information was compromised: _____

Type of Organization (please select one): ☐ Governmental Entity in New York State; ☐ Other Governmental Entity;
☐ Educational; ☐ Health Care; ☐ Financial Services; ☐ Other Commercial; ☐ Not-for-profit

Number of Persons Affected:

Total (Including NYS residents): _____ NYS Residents: _____
If the number of NYS residents exceeds 5,000, have the consumer reporting agencies been notified? ☐ Yes; ☐ No.

Dates: Breach Occurred: _____ Breach Discovered: _____ Consumer Notification: _____

Description of Breach (please select all that apply):

☐ Loss or theft of device or media (e.g., computer, laptop, external hard drive, thumb drive, CD, tape);
☐ Internal system breach; ☐ Insider wrongdoing; ☐ External system breach (e.g., hacking); ☐ Inadvertent disclosure;
☐ Other
(specify): _____

Information Acquired: Name or other personal identifier in combination with (please select all that apply):

☐ Social Security Number
☐ Driver's license number or non-driver identification card number
☐ Financial account number or credit or debit card number, in combination with the security code, access code, password, or PIN for the account

Manner of Notification to Affected Persons - ATTACH A COPY OF THE TEMPLATE OF THE NOTICE TO AFFECTED NYS RESIDENTS:

☐ Written; ☐ Electronic; ☐ Telephone; ☐ Substitute notice.
List dates of any previous (within 12 months) breach notifications: _____

Identify Theft Protection Service Offered: ☐ Yes; ☐ No.

Duration: _____ Provider: _____
Brief Description of Service: _____

(Continued)

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
NEW YORK STATE SECURITY BREACH REPORTING FORM (Cont'd.)
Pursuant to the Information Security Breach and Notification Act
(General Business Law Section 899-aa; State Technology Law Section 208)**

Please complete and submit this form to each of the three state agencies listed below:

Fax or E-mail this form to:

New York State Attorney General's Office

SECURITY BREACH NOTIFICATION
Consumer Frauds and Protection Bureau
120 Broadway - 3rd Floor
New York, NY 10271
Fax: 212-416-6003
E-mail: breach.security@ag.ny.gov

New York State Office of Cyber Security

SECURITY BREACH NOTIFICATION
1220 Washington Avenue
State Office Campus
Building 7A, 4th Floor
Albany, NY 12242
Fax: 518-322-4976
E-mail: OCS.Info@dhses.ny.gov

New York State Department of State Division of Consumer Protection

Attention: Director of the Division of Consumer Protection
SECURITY BREACH NOTIFICATION
99 Washington Avenue, Suite 650
Albany, New York 12231
Fax: (518) 473-9055
E-mail: security_breach_notification@dos.ny.gov

To access the most recent online version of the NYS Security Breach Reporting Form:

<http://www.dhses.ny.gov/ocs/breach-notification/documents/nys-security-breach-reporting-form-11-29-11.pdf>

NYS Security Breach Reporting Form used with permission from the New York State Office of Cyber Security.

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 School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to 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" shall include 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 such 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

The FTC has not included a rigid definition of the kinds of information that would be considered to identify particular individuals. In accordance with FTC guidance, 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 e-mail address. Depending upon the circumstances, data elements that are not inherently identifying can, in combination, identify particular individuals.

"Proper" Disposal

The FTC Disposal Rule defines "dispose," "disposing," or "disposal," as:

- a. "The discarding or abandonment of consumer information," or
- b. "The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored."

(Continued)

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS (Cont'd.)

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. These examples are not exclusive or exhaustive methods for complying with the Disposal Rule.

- 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.
- 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; or 5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company.
- 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 such information in accordance with examples a) and b) above.

Implementation of Practices and Procedures

The Board delegates to the Superintendent/designee(s) 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 United States Code (USC) Section 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 Code of Federal Regulations (CFR) Part 682

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS

Pursuant to Board of Education Policy and the Federal Trade Commission's (FTC) "Disposal Rule" 16 Code of Federal Regulations Part 682) 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 School District will take appropriate measures to properly dispose of sensitive information (i.e., personal identifiers) contained in or derived from consumer reports and records. Any employer who uses or possesses consumer information for a business purpose is subject to the Disposal Rule. According to the FTC, the standard for proper disposal of information derived from a consumer report is flexible, and allows the District to determine what measures are reasonable based on the sensitivity of the information, the costs and benefits of different disposal methods, and changes in technology.

Definitions (in accordance with the FTC's Disposal Rule and the Fair Credit Reporting Act. 15 United States Code Section 1681 et seq)

- 1) The term "person" means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.
 - 2) The term "consumer" means an individual.
 - 3) The term "consumer" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit, employment, or insurance, among other purposes. Examples of consumer reports include credit reports, credit scores, reports businesses or individuals receive with information relating to employment background, check writing history, insurance claims, residential or tenant history, or medical history.
 - 4) 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.
 - 5) The term "consumer information" means 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 such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data.
1. The terms "dispose," "disposing," or "disposal" mean:
 - a. The discarding or abandonment of consumer information, or
 - b. The sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored.
 - c. Requiring that the disposal company be certified by a recognized trade association or similar third party;
 - d. Reviewing and evaluating the disposal company's information security policies or procedures; or
 - e. Taking other appropriate measures to determine the competency and integrity of the potential disposal company.

(Continued)

SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS (Cont'd.)

4. Identifying consumer information when providing it to service providers or to ensure that the information will be disposed of properly in accordance with the Disposal Rule.
5. For persons 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 such information in accordance with examples 1) and 2) above.
6. The service providers, along with the record owner, bear responsibility for the proper disposal of consumer information that they maintain or otherwise possess. In evaluating a service provider's compliance with the FTC Disposal Rule, however, a record owner's failure to provide notice or contract for disposal in accordance with requirements of the Disposal Rule will be strongly considered by the FTC.
7. The District will provide employee training on proper disposal of consumer information, and mechanisms to update its information security program on a periodic basis.

Failure to Comply

Willful and/or negligent failure to comply with the FTC Disposal Rule could -subject the District to civil liability and monetary damages, as well State action for violations.

Relation to Other Laws and Regulations

The FTC Disposal Rule shall not be interpreted:

1. To require the District to maintain or destroy any record pertaining to a consumer that is not imposed under other law; or
2. To alter or affect any requirement imposed under any other provision of law to maintain or destroy such a record.

Policy adopted by Board of Education 1/17/06

SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

Definitions

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA
(Cont'd.)**

- h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.
- s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA
(Cont'd.)**

agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

- t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the District will:

- a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
- b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

Except as required by law or in the case of educational enrollment data, the District will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the District.

(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 for the District is Chantal M. Corbin.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA
(Cont'd.)**

District Data Privacy and Security Standards

The District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;
- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The District will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:
 - 1. Improve academic achievement;
 - 2. Empower parents and students with information; and/or
 - 3. Advance efficient and effective school operations.
- b) Not including PII in public reports or other public documents.

The District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA
(Cont'd.)**

Third-Party Contractors

District Responsibilities

The District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law, regulation, and District policy.

In addition, the District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the District.

The third-party contractor's data privacy and security plan must, at a minimum:

- a) Outline how the third-party contractor will implement all state, federal, and local data privacy and security contract requirements over the life of the contract, consistent with District policy;
- b) Specify the administrative, operational, and technical safeguards and practices the third-party contractor has in place to protect PII that it will receive under the contract;
- c) Demonstrate that the third-party contractor complies with the requirements of 8 NYCRR Section 121.3(c);
- d) Specify how officers or employees of the third-party contractor and its assignees who have access to student data or teacher or principal data receive or will receive training on the laws governing confidentiality of this data prior to receiving access;
- e) Specify if the third-party contractor will utilize subcontractors and how it will manage those relationships and contracts to ensure PII is protected;
- f) Specify how the third-party contractor will manage data privacy and security incidents that implicate PII including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the District;
- g) Describe whether, how, and when data will be returned to the District, transitioned to a successor contractor, at the District's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires; and
- h) Include a signed copy of the Parents' Bill of Rights for Data Privacy and Security.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA
(Cont'd.)**

Third-Party Contractor Responsibilities

Each third-party contractor, that enters into a contract or other written agreement with the District under which the third-party contractor will receive student data or teacher or principal data from the District, is required to:

- a) Adopt technologies, safeguards, and practices that align with the NIST Cybersecurity Framework;
- b) Comply with District policy and Education Law Section 2-d and its implementing regulations;
- c) Limit internal access to PII to only those employees or subcontractors that have legitimate educational interests (i.e., they need access to provide the contracted services);
- d) Not use the PII for any purpose not explicitly authorized in its contract;
- e) Not disclose any PII to any other party without the prior written consent of the parent or eligible student:
 - 1. Except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with law, regulation, and its contract with the District; or
 - 2. Unless required by law or court order and the third-party contractor provides a notice of the disclosure to NYSED, the Board, or the institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by law or court order;
- f) Maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of PII in its custody;
- g) Use encryption to protect PII in its custody while in motion or at rest; and
- h) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

Where a third-party contractor engages a subcontractor to perform its contractual obligations, the data protection obligations imposed on the third-party contractor by law and contract apply to the subcontractor.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA
(Cont'd.)**

Cooperative Educational Services through a BOCES

The District may not be required to enter into a separate contract or data sharing and confidentiality agreement with a third-party contractor that will receive student data or teacher or principal data from the District under all circumstances.

For example, the District may not need its own contract or agreement where:

- a) It has entered into a cooperative educational service agreement (CoSer) with a BOCES that includes use of a third-party contractor's product or service; and
- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;
- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA
(Cont'd.)**

District staff are prohibited from using software, applications, or other technologies pursuant to a click-wrap agreement in which the third-party contractor receives student data or teacher or principal data from the District unless they have received prior approval from the District's Data Privacy Officer or designee.

The District will develop and implement procedures requiring prior review and approval for staff use of any software, applications, or other technologies pursuant to click-wrap agreements.

Parents' Bill of Rights for Data Privacy and Security

The District will publish its Parents' Bill of Rights for Data Privacy and Security (Bill of Rights) on its website. Additionally, the District will include the Bill of Rights with every contract or other written agreement it enters into with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the District.

The Bill of Rights will contain all required elements including supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and

(Continued)

**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA
(Cont'd.)**

- f) Address how the data will be protected using encryption while in motion and at rest.

The District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the District's data and/or technology infrastructure.

Right of Parents and Eligible Students to Inspect and Review Students' Education Records

Consistent with the obligations of the District under FERPA, parents and eligible students have the right to inspect and review a student's education record by making a request directly to the District in a manner prescribed by the District.

The District will ensure that only authorized individuals are able to inspect and review student data. To that end, the District will take steps to verify the identity of parents or eligible students who submit requests to inspect and review an education record and verify the individual's authority to do so.

Requests by a parent or eligible student for access to a student's education records must be directed to the District and not to a third-party contractor. The District may require that requests to inspect and review education records be made in writing.

The District will notify parents annually of their right to request to inspect and review their child's education record including any student data stored or maintained by the District through its annual FERPA notice. A notice separate from the District's annual FERPA notice is not required.

The District will comply with a request for access to records within a reasonable period, but not more than 45 calendar days after receipt of a request.

The District may provide the records to a parent or eligible student electronically, if the parent consents. The District must transmit the PII in a way that complies with laws and regulations. Safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, must be in place when education records requested by a parent or eligible student are electronically transmitted.

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)

POLICY

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Non-Instructional/Business Operations

**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

BOE Adopted 11/17/20

REGULATION

2020

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Non-Instructional/Business Operations

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

The Fabius-Pompey School District is committed to ensuring student privacy in accordance with local, state and federal regulations and district policies. To this end and pursuant to U.S. Department of Education regulations, the district is providing the following Parents' Bill of Rights for Data Privacy and Security:

- A student's personally identifiable information (PII) cannot be sold or released for any commercial purposes.
- Parents have the right to inspect and review the complete contents of their child's education record including any student data stored or maintained by the District. This right of inspection is consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA).
- State and federal laws protect the confidentiality of personally identifiable information and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls and password protection, must be in place when data is stored or transferred.
- A complete list of all student data elements collected by the state is available for public review at <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx>, or you may obtain a copy of this list by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, New York 12234.
- Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to:

Chantal M Corbin, Data Protection Officer
Fabius-Pompey CSD
1211 Mill St.
Fabius, NY
(315) 683-5301
ccorbin@fabiuspompey.org

Or to the State Education Department at:

Chief Privacy Officer
New York State Education Department
89 Washington Avenue
Albany, NY 12234
cpo@mail.nysed.gov

Complaints may also be submitted using the form available at the following website: <http://www.nysed.gov/data-privacy-security/report-improper-disclosure>.

BOE Adopted 11/17/20

FORM

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(SAMPLE)

**SCHOOL DISTRICT REPORTING FORM FOR A
"BREACH OF THE SECURITY OF THE SYSTEM"
PURSUANT TO THE INFORMATION SECURITY BREACH AND NOTIFICATION ACT
(STATE TECHNOLOGY LAW SECTION 208)**

Name of School District: _____

Date of Discovery of Breach: _____

Estimated Number of Affected Individuals: _____

Date of Notification to Affected Individuals: _____

Manner of Notification: ☐ written notice
☐ electronic notice (e-mail)
☐ telephone noticeAre you requesting substitute notice? ☐ Yes ☐ No (If yes, attach justification)

Content of Notification to Affected Individuals: Describe what happened in general terms and what kind of information was involved. Please attach copy of Notice.

Name of School District: _____

Contact Person/Title: _____

Telephone number: _____

E-mail: _____

Dated: _____

Submitted by: _____

Title: _____

Address: _____

Email: _____

Telephone: _____ Fax: _____

(Continued)

FORM

2016

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Non-Instructional/Business Operations

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(SAMPLE)

**SCHOOL DISTRICT REPORTING FORM FOR A
“BREACH OF THE SECURITY OF THE SYSTEM”
PURSUANT TO THE INFORMATION SECURITY BREACH AND NOTIFICATION ACT
(STATE TECHNOLOGY LAW SECTION 208) (Cont’d.)**

PLEASE SUBMIT THIS FORM TO ALL THREE (3) STATE AGENCIES as follows:

Fax this form to the Consumer Protection Board (CPB):

CPB:

Security Breach Notification –
Fax: 518-474-2474

And also **Fax & Mail** this form to:

NYS Office of Cyber Security and Critical Infrastructure Coordination (CSCIC):

30 South Pearl St.
Floor P2
Albany, NY 12207
Fax: 518-474-9090

Attorney General:

Asst. Attorney General in Charge
Bureau of Consumer Frauds
120 Broadway – 3rd Floor
New York, NY 10271
Fax: 212-416-6003

*** Required Policy****SUBJECT: *INFORMATION SECURITY BREACH AND NOTIFICATION**

The School District values the protection of private information of individuals in accordance with applicable law and regulations. Further, 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. "Private information" shall mean **personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
 1. Social security number;
 2. Driver's license number or non-driver identification card number; or
 3. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial 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.

***"Personal information" shall mean any information concerning a person which, because of name, number, symbol, mark or other identifier, can be used to identify that person.

- b. "Breach of the security of the system," shall mean 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 closure.

Examples of Determining Factors

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 and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- b. Indications that the information has been downloaded or copied; or
- c. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

Notification Requirements

- a. For any computerized data owned or licensed by the School District that includes private information, the District shall 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, acquired by a person without valid authorization. The disclosure to affected individuals shall 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 reasonable integrity of the data system. The District shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures.
- b. For any computerized data maintained by the District that includes private information which the District does not own, the District shall 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, acquired by a person without valid authorization.

(Continued)

Non-Instructional/Business Operations

SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)

The notification requirement may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The required notification shall be made after the law enforcement agency determines that such notification does not compromise the investigation.

Methods of Notification

The required notice shall 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 such notification is kept by the District when notifying affected persons in electronic form. However, in no case shall the District require a person to consent to accepting such 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 such notification is kept by the District when notifying affected persons by phone; or
- d. Substitute notice, if the District demonstrates to the 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 shall consist of **all** of the following:
 1. E-mail notice when the District has an e-mail 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 shall include contact information for the notifying District and a description of the categories of information that were, or are reasonably believed to have been, 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, so acquired. In the event that any New York State residents are to be notified, the District shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall 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 shall also notify consumer reporting agencies, as defined pursuant to State Technology Law Section 208, as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York State residents. A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to school districts required to make a notification in accordance with Section 208(2) of the State Technology Law, regarding notification of breach of security of the system for any computerized data owned or licensed by the District that includes private information.

State Technology Law Sections 202 and 208

POLICY

2016

5680

Non-Instructional/Business Operations

SUBJECT: SAFETY AND SECURITY

The Board of Education of the Fabius-Pompey Central School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations which will:

- a. Identify those staff members who will be responsible for the effective administration of the regulations;
- b. Provide staff time and other necessary resources for the effective administration of the regulations;
- c. Establish periodic written review of the activities of the staff to insure compliance with applicable laws and regulations;
- d. Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e. Provide for periodic reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-A

BOE Adopted 1/6/09

REGULATION

2016

5680R

Non-Instructional/Business Operations

SUBJECT: BUILDING SECURITY

In order to provide uniform procedures for administering and maintaining a security system on a District- wide basis, and in order to help avoid incidents of breaking and entering, theft and vandalism, the following regulations shall govern all buildings and facilities.

Guidelines:

1. No change shall be made on or to any locks/locking devices in any building without the expressed authorization of the Supervisor of Buildings and Grounds.
2. No faculty/staff member shall possess at any time an exterior entrance master key; with the exception of (1) the building administrator(s), (2) the building custodian(s), and (3) such other persons who possess expressed written authority from the Superintendent of Schools.
3. No faculty/staff member shall possess at any time an area key to facilities which are not within the scope of his/her primary assignment.
4. No student or non-district employed person shall possess or be given a key for temporary use.
5. All ~~classroom~~ *district keys provided for faculty/staff members use shall be returned upon request.*
~~issued annually in September, and returned the following June as part of the final year-end audit.~~
6. All unoccupied areas, including classrooms, laboratories, custodial closets, storage rooms etc. shall be locked at all times.
7. Although the building administrator(s) is held responsible for the affairs of his/her facilities, after school hours the Supervisor of Buildings and Grounds shall have primary responsibility for District security and building security during the absence of the building administrator.

POLICY

2016

5681

Non-Instructional/Business Operations

SUBJECT: HAZARD COMMUNICATION STANDARD

The Board of Education recognizes the rights of all personnel to work in a healthy and safe environment that is as free as practicable from recognized hazards and risks to their safety.

Therefore, all personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

The Board directs the Superintendent or his/her designee to develop rules and regulations to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

NYS Labor Law 12 NYCRR Part 820 Article 28
OSHA 29 CFR 1910.1200

BOE Adopted 1/6/09

SUBJECT: HAZARD COMMUNICATION PROGRAM

The Hazard Communication Program is written to inform employees that the hazards of all chemicals and/or chemical products present, entering and used in the Fabius-Pompey Central School District have been evaluated and that information concerning the hazards has been transmitted to employees who may be exposed to such chemicals.

This program is written to fulfill the requirements of the Occupational Safety and Health Administration, CFR 1910.1200 and to fulfill the requirements of the New York State Official Compilations of Codes, Part 820 of Title 12.

All work units of the School District are included within this program. The written program will be available in the Office of the Risk Management Coordinator for review by any interested employee.

Container Labeling

The Risk Management Coordinator will verify that all containers received for use will:

1. Be clearly labeled as to the contents;
2. Note the appropriate hazard warning;
3. List the name and address of the manufacturer.

All secondary containers will be labeled with either an extra copy of the original manufacturer's label or with the generic labels which have a block for identity and blocks for the hazard warning. If written alternatives to labeling of temporary containers are used, a description of the system used will be added. The Risk Management Coordinator will periodically review the District labeling system and update as required.

Material Safety Data Sheets (MSDS)

The Risk Management Coordinator will be responsible for obtaining and maintaining the data sheet system for the School District. Such person will review incoming data sheets for new and significant health/safety information. He/she will see that any new information is passed on to the affected employees. (If alternatives to actual data sheets are used, a description of the system will be provided.) Copies of MSDS's for all hazardous chemicals to which employees of this District may be exposed will be kept in the Office of the Risk Management Coordinator. MSDS's will be available to all employee's in their work area for review during each work shift. If MSDS's are not available or new chemicals in use do not have MSDS's, the Risk Management Coordinator should be immediately contacted.

(Continued)

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SUBJECT: HAZARD COMMUNICATION PROGRAM (continued)

Employee Training and Information

The Risk Management Coordinator is responsible for the employee training program. He/she will ensure that all elements specified below are carried out. Prior to starting work, each new employee will attend a health and safety orientation and will receive information and training.

After such training, each employee will sign a form to verify that he/she attended the training, received our written materials, and understood the District's regulations on Hazard

Communication. Prior to a new chemical hazard being introduced into any section of the District, each employee of that section will be given the necessary information.

List of Hazardous Chemicals

The hazards associated with chemicals used by Fabius-Pompey Central School District will be identified from the Material Safety Data Sheets obtained from the chemical supplier. Information on each noted chemical can be obtained by reviewing the Material Safety Data Sheets located in the Office of the Risk Management Coordinator.

Hazardous Non-Routine Tasks

Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each effected employee will be given information by their immediate supervisor about hazardous chemicals to which he/she may be exposed during such activity.

Informing Contractors

It is the responsibility of the Risk Management Coordinator to provide contractors performing work in the District the following information:

1. Hazardous chemicals to which they may be exposed while on the job site;
2. Precautions the employees may take to lessen the possibility of exposure by usage of appropriate protective measures.

The Risk Management Coordinator will be responsible for contacting each contractor before work is started in the District to gather and disseminate any information concerning chemical hazards that the contractor is bringing into the District.

SUBJECT: HAZARDOUS MATERIALS**Purchase of Hazardous Materials**

All materials (plants, animals, chemicals, solvents, solutions, and cleansers) should be presumed hazardous until they are declared not hazardous.

A material declared not hazardous will be approved for purchase without restriction.

A material declared hazardous will be approved for purchase with appropriate restrictions or will be prohibited.

A qualified science teacher, a qualified unified arts teacher, and a qualified person from buildings and grounds will be appointed to screen materials. They will either prohibit the purchase of specified materials or approve such purchase stating the restrictions which apply.

The list of prohibited and approved materials will be available to all appropriate employees. *Those employees will certify on all purchase orders that the materials ordered are approved for the conditions under which they are ordered. If the materials to be ordered are not on the list, the department head shall submit the materials to one of the persons designated for approval. The individual initiating the purchase must request the Material Safety Data Sheet, (OSHA-20 form). The information on this form must be disseminated to all who use the material and the form must be kept on file within the department.

The list of materials will state whether each material is prohibited or approved. If approved, it will state who may use the material (cleaners, teachers, students) and the maximum quantity permitted for purchase.

*Appropriate employee is the person who would be presumed to be the head of that department, organization, or activity.

Storage of Hazardous Materials

Chemicals or hazardous materials should be kept in a central location as per individual department or organization. This will insure that the proper facilities and requirements for their storage, i.e. ventilation or flammability, will be available in a secure facility.

These materials should be grouped according to chemical compatibility and stored on proper shelving or in approved cabinets.

Quantities of a hazardous material or of any chemical should be limited to an as-needed basis or to be used up within one year. This will prevent excess accumulation and insure that fresh material is available.

Use of Hazardous Materials

Each department or organization must establish specific guidelines for dispensing, use and disposal of hazardous materials. These guidelines must be posted or otherwise available to people using the materials.

SUBJECT: HAZARDOUS MATERIALS (continued)

All employees using hazardous materials must be made aware of the hazards of the material, the proper use of these materials, and first aid measures to be taken in the event of accidents and emergencies. This information should be provided by the employee's supervisor as obtained from the "Material Safety Data Sheet."

All hazardous materials which are used will be approved for use subject to the conditions specified concerning:

- 1) The people who handle the materials.
- 2) The location and conditions where these materials are used.
- 3) The quantity to be used.
- 4) The quantity available from the dispenser.
- 5) The maximum allowed concentration of solutions.
- 6) The method of disposal to be used.
- 7) Other restrictions such as aprons, glasses, masks, ventilation, etc.

Disposal of Hazardous Materials

In order to be responsible in the use of hazardous substances, we must also be concerned with the safe disposal of dangerous, unwanted, or unlabeled materials.

While some materials may be disposed of easily through ordinary means, others require foresight, planning, and a safe method. Each department or organization will maintain a list of proper disposal methods for any hazardous materials it uses.

The disposal of any material denoted as hazardous must be planned before its use and/or purchase. The Supervisor of Buildings and Grounds is to be contacted for removal of these substances for which there is no ordinary means of disposal.

SUBJECT: EMERGENCY MANAGEMENT PLAN

To be prepared for an emergency or crisis in the District and to insure a prompt, thoughtful response, the Superintendent will prepare guidelines for the development of a District Emergency Management Plan. The plan shall make provision for:

- a) Shelter,
- b) Evacuation,
- c) Early dismissal,
- d) Annual written notification to students and staff,
- e) An annual drill, and
- f) Coordination with local and county emergency preparedness administrators.

The Emergency Management Plan will be the official guide for the District in case of fire, civil emergencies, and natural disasters. Policies and procedures set forth in the plan will be followed by all personnel and students.

An Emergency Planning Committee may be established to supervise the plan, and an Emergency Management Plan Coordinator may be appointed with responsibility for overall coordination and decision-making should an emergency occur.

The Board of Education may create and sustain a control center in anticipation of an emergency. Further, a survey shall indicate the location of potential emergency sites on School District property as well as within the community itself.

SUBJECT: DISTRICT EMERGENCY MANAGEMENT PLAN

The following guidelines were contained in the State Education Department communication "School Notification and Emergency Planning for Severe Weather and Tornadoes," February 1990:

- 1) The building principal and non-instructional supervisor shall develop a school emergency management plan to be incorporated in to the District Emergency Plan.
- 2) The Superintendent shall establish an Emergency Planning Committee to include representatives from various areas of the District such as:
 - a) Emergency Coordinator;
 - b) Superintendent of Schools;
 - c) Board of Education Member;
 - d) Building Principal;
 - e) Faculty Representatives;
and may include,
 - f) Transportation Supervisor;
 - g) Superintendent of Building and Grounds;
 - h) Health Services;
 - i) Food Services;
 - j) Student Representatives;
 - k) Private School Representative.
- 3) A Command Post shall be established, identified and maintained for coordination of emergency response efforts.
- 4) By October 1 of each school year, instructions on emergency procedures shall be given to students and staff. These instructions shall include:
 - a. Identification of alarm warning system;
 - b. Various required response actions;
 - c. Names of District Emergency Coordinator and Emergency Planning Committee members;
 - d. Emergency information methods;
 - e. Additional information sources.
- 5) Annual emergency drills for sheltering or dismissing students and staff shall be held, and parents shall be notified in writing of the drill and early dismissal.

For additional information, please refer to the Emergency Management Plan.

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Non-Instructional/Business Operations

SUBJECT: CRISIS RESPONSE

When a crisis arises, no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District's integrity and credibility.

Therefore, the District shall develop and maintain a unified position by:

- a. Identifying a crisis response team to develop a plan and maintain a strong, ongoing communications program in each school. This is the foundation for long-range success.
- b. Identifying a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent or his/her designee. Only this spokesperson shall talk to and maintain a timely flow of information to the media.

The Superintendent/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

SUBJECT: CRISIS MANAGEMENT PLAN

The Crisis Management Plan will maintain a strong, ongoing communications program developed and implemented by a crisis response team. This team shall consist of the guidance counselor, selected teachers, administrators, etc. who can respond to a student in crisis, who are relatively calm under fire, and who can establish the guidelines for the crisis plan. The team shall be appointed by the Superintendent or his/her designee.

Goals to be Accomplished:

- 1) Emergency (but not disaster) situations:
 - a) To assure relatives and friends that the District is well able to cope with the situation and that measures have been taken to restore order.
 - b) To provide principals and staff members with an organized plan to follow.
- 2) Sudden, genuine catastrophes:
 - a) To assure the orderly handling of communications with families, friends and the media.
 - b) To get facts to families, friends, the general public and the authorities as soon as they are known: possible cause, immediate results, extent of loss, what measures are presently being taken.
 - c) To identify appropriate resources (literature, community agencies, etc.) for each target group (student, parent, staff) and compile a comprehensive listing of these resources, indicating where each is located.

Guidelines for Crisis Plan:

1. Notify appropriate agencies such as police, fire, ambulance service, hospital or health authorities.
2. Initiate responsible measures to insure the safety of students and staff including keeping them well-informed.
3. Notify the Superintendent and the media spokesperson. A press release should be prepared to serve as a basis for talking with the media.
4. Refer all news and media representatives to the media spokesperson. All students and staff should be instructed to refer any phone or personal contact to this person whose phone number should be readily available and who should receive instructions on what information to release from the crisis response team.
5. Enact measures, outlined in the plan, in case of major catastrophe involving dead and/or injured.
6. Notify the school attorney and insurance agents.
7. Organize a staff/telephone network. Such network should ensure that each school staff member is called as soon as possible after crisis to briefly explain the situation.
8. Identify community response people such as counselors, clergymen and/or psychologists whose names shall be clearly posted after the crisis.
9. Develop suggestions for classroom discussions, to reduce rumors and assure students that help is available if they need it.
10. Formulate regulations and procedures on wakes, funerals, etc.
11. Plan a crisis meeting of all school personnel to be handled by the school principal and a member of the crisis response team as soon as possible following the crisis.
12. Evaluate the crisis plan, within a few weeks after the occurrence, to ascertain what modifications might be appropriate.

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Non-Instructional/Business Operations

SUBJECT: STUDENT SAFETY

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

BOE Adopted 1/6/09

SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The School District shall 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 such facility shall have sufficient automated external defibrillator 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 enumerated in Commissioner's Regulations. *An instructional school facility means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.*

Whenever an *instructional School District 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 such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such 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 means events or activities of the School 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 Section 135.4.*

Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided on-site by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such 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 Section 135.4.*

School District facilities and District staff responsible for carrying out the duties enumerated in Education Law Section 917 are deemed a "public access defibrillation provider" as defined pursuant to Public Health Law Section 3000-b and subject to the Public Health Law requirements and limitations.

Therefore, it is the policy of our School District to provide proper training requirements for District AED users, to ensure the immediate calling of 911 and/or the community equivalent ambulance dispatch entity whenever the AED is used, to ensure ready identification of the location of the AED units as enumerated in the District's Public Access Defibrillation Collaborative Agreement.

The District will provide for regular maintenance and check-out 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.

Pursuant to Public Health Law Sections 3000-a and 3000-b, the School District (as a public access defibrillation provider), or any employee or other agent of the School 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, shall not be liable for damages for injury or death unless caused by gross negligence.

Education Law Section 917

Public Health Law Sections 3000-a and 3000-b

8 New York Code of Rules and Regulations (NYCRR) Section 136.4

SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES

The School District is required to provide and maintain on-site in each instructional school facility, at school-sponsored or school-approved curricular or extracurricular events or activities, and at school-sponsored athletic contests and competitive athletic events, at least one functional cardiac automated external defibrillator (AED) for use during emergencies. Public school facilities and staff who will operate the AED equipment pursuant to Education Law Section 917 are deemed "a public access defibrillation (PAD) provider" as defined in Public Health Law Section 3000-b and subject to its provisions.

Definitions

1. "Automated external defibrillator" means a device as defined in Public Health Law Section 3000-b(l)(a).
2. "Instructional school facilities" means a building or other facility maintained by the School District where instruction is provided to students pursuant to its curriculum.
3. "School-sponsored or school-approved curricular or extracurricular events or activities" means events or activities of the School District that are, respectively, associated with its instructional curriculum or otherwise offered to its students.
4. "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 Section 135.4.
5. "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 Section 135.4.

On-Site Cardiac Automated External Defibrillators

The School District shall provide and maintain on-site in each instructional school facility sufficient functional cardiac automated external defibrillator equipment to ensure ready and appropriate access for use during emergencies. In determining the quantity and placement of automated external defibrillators, consideration shall be given to:

1. The number of students, staff and other individuals that are customarily or reasonably anticipated to be within such facility; and
2. The physical layout of the facility, including but not limited to:
 - a. Locations of stairways and elevators;
 - b. Number of floors in the facility;
 - c. Location of classrooms and other areas of the facility where large congregations of individuals may occur; and
 - d. Any other unique design features of the facility.
3. Whenever an *instructional School District 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 such school facility or athletic contest shall ensure that AED equipment is provided on-site and that there is present during such 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.

(continued)

SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN PUBLIC SCHOOL FACILITIES (continued)

4. Where a *school-sponsored competitive athletic event* is held at a site other than a School District facility, School District officials shall assure that AED equipment is provided onsite by the sponsoring or host district and that at least one staff person who is trained, in accordance with Public Health Law, in the operation and use of the AED is present during such athletic event.

Each AED device shall be approved by the Food and Drug Administration for adult use and/or for pediatric use, as appropriate for the population reasonably anticipated to be served by such device, and shall be used according to the manufacturer's instructions with due attention provided to operating procedures, maintenance and expiration date.

Limitation on Liability

The School District (as a public access defibrillation provider), 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, shall not be liable for damages for injury or death unless caused by gross negligence.

Key Elements of a School-Based PAD Program*

*excerpted from Public Access Defibrillation (PAD) in Schools (2000), NYS Education Department

The following elements have been identified as essential in the planning and support of the District's public access defibrillation (PAD) program:

1. A core emergency response team of trained personnel, including the school nurse, and a method to activate this team.
2. A well-defined emergency plan that clearly states all policies and procedures relative to the use of an AED.
3. Strategic placement and availability of the AED unit(s).
4. A rapid and effective communication system, especially with regard to events held at remote locations.
5. Initial training, periodic refresher sessions, and systematic retraining of appropriate staff in CPR, including the use of AEDs.
6. Regular maintenance of the AED unit(s) according to the manufacturer's specifications.
7. Periodic testing and repair/replacement of non-functioning AED units.
8. Reporting the use of an AED to the collaborating emergency health care provider, who in turn is required to report to the Regional Emergency Medical Services Council.

Physician oversight.

SUBJECT: SCHOOL BUILDING ACCESS CONTROL

Schools cannot always control the crises/safety issues that may impact them. However, through the development and implementation of school safety plans, the District Code of Conduct, and various policies that address school security issues, the District is continually taking steps to improve the safety and culture of the school community.

All school safety plans shall be implemented, reviewed and/or revised as necessary in accordance with applicable law and Commissioner's Regulations. Appropriate school safety training for staff and students, the conduct of drills and other exercises to test components of the emergency a response plan, as well as procedures for review, will be provided as mandated by law and regulation.

Additionally, school officials will encourage all staff and students to be more aware of their school surroundings by conducting awareness training relating to the school environment that includes awareness of signs of terrorism. Any suspicious activity is to be reported to the building Principal/designee who will contact law enforcement authorities. Such suspicious activity may include, but is not limited to, unexplained presence of unauthorized persons in places where they should not be; discreet use of still cameras or video recorders; note-taking or the use of binoculars or maps near school locations; observation of security reaction drills or procedures; mobile surveillance from unauthorized vehicles on or around school grounds; the parking of a suspicious vehicle in the school's parking lot or in proximity to the school building, particularly for an extended period of time; and the discovery of an unattended package or object inside or around the premises of the school.

Visitors shall be directed to the Main Office for specific instructions regarding that building's procedures for visitors to the school.

Possession and Use of Cell Phones/Camera Phones

The Board recognizes that while carrying cell phones can be a safety measure for staff and students alike, problems arise when the inappropriate use of cell phones and/or camera phones interfere with the school's ability to maintain control in the school environment, giving rise to security as well as educational concerns. For example, the use of camera phones poses a danger to school security; risks educational integrity, particularly during testing/examinations; and creates the potential for violations of privacy. The use of camera phones by visitors to the schools can also present a potential security concern.

Inappropriate or unauthorized use of cell phones can undermine (if not render inoperable due to system overload) the communication system in place per the school safety plans, impede evacuation plans if parents or other individuals are summoned to the school by non-designated persons, and potentially restrict the access of community emergency service providers to the site.

Therefore, the use and/or restriction of cell phones/camera phones shall be reviewed by designated personnel, including those individuals who are members of the school safety team(s) and team members involved in the annual review of the District Code of Conduct. As deemed necessary, school safety plans and the District Code of Conduct shall be modified to address the use of and/or restriction of cell phones/camera phones during designated times or events, particularly by students and visitors to the schools.

Policy Implementation

The Board directs that administration implement and review on a periodic basis building access control procedures, and provide IDS for staff, students and visitors as appropriate. Parents and students shall be informed of the school's access procedures; and visitors shall be required to follow the specific visitor procedures prescribed by that particular building.

This policy is intended to highlight our commitment to and planning for heightened security access to our schools. The policy shall be considered an adjunct to, not a replacement of, our school safety plans and the District Code of Conduct.

SUBJECT: SCHOOL BUILDING ACCESS CONTROL

In an effort to maintain security in and around school buildings while not interfering with the educational environment, stringent safety measures and building access procedures must be developed and put into practical effect.

Accordingly, all school safety plans shall be implemented, reviewed and/or revised as necessary in accordance with applicable law and Commissioner's Regulations. Appropriate school safety training for staff and students, the conduct of drills and other exercises to test components of the emergency response plan, as well as procedures for review, will be provided as mandated by law and regulation.

Additionally, school officials will encourage all staff and students to be more aware of their school surroundings by conducting awareness training relating to the school environment that includes awareness of signs of terrorism. Any suspicious activity is to be reported to the building principal/designee who will contact law enforcement authorities.

Security Recommendations

The following are general indicators of potential terrorist planning or activities and/or short-term and long-term protective measures to safeguard school facilities, staff, students, and third parties while in the school setting. The following general indicators of a potential terrorist threat, and protective measures which may be implemented to help secure safety of the school environment, are primarily based upon information provided by the New York State Office of Homeland Security and the United States Department of Education, respectively.

New York State Office of Homeland Security/United States Department of Education

Please note that general indicators of potential terrorist planning or activity can result from legitimate recreational or commercial activities or criminal activity not related to terrorism; however, multiple indicators combined with other information can possibly suggest terrorist threat. The first list below is based upon and includes indicators provided by the New York State Office of Homeland Security and the United States Department of Education.

1. Physical surveillance that may include note-taking or the use of binoculars, cameras or maps near school locations.
2. Unusual interest in security (including observation of security reaction drills or procedures), entry points, and access controls or barriers such as fences or walls.
3. Attempts to penetrate or test physical security and response procedures at school locations.
4. Attempts to gain information of school populations, individual students, attendance lists, dismissal times, the school calendar, security personnel or strategies, site plans for schools, school bus routes, or school bus information through personal contact, by telephone, mail or e-mail.
5. Unusual behavior such as staring at or quickly looking away from personnel or vehicles entering or leaving designated facilities or parking areas.
6. Suspicious or improper attempts to acquire official vehicles, access cards or identification.
7. The presence of individuals who do not appear to belong in the workplace, business establishment or school locations; or the unexplained presence of unauthorized persons in places where they should not be.
8. Behavior that appears to denote planning for terrorist activity, such as mapping out routes; playing out scenarios; or monitoring school locations, dismissal times and protocols or school bus routes.

(continued)

SUBJECT: SCHOOL BUILDING ACCESS CONTROL (continued)

9. Increase in anonymous telephone or e-mail threats to facilities in conjunction with suspected surveillance incidents.
10. Foot surveillance involving individuals working together.
11. Mobile surveillance using bicycles, scooters, motorcycles, cars, trucks, sport utility vehicles, limousines, boats or small aircraft.
12. Prolonged static surveillance using people disguised as panhandlers; shoe shiners; food, newspaper or flower vendors; or street sweepers not previously seen in the area.
13. Discreet use of still cameras, video recorders, or note-taking at non-tourist locations.
14. Use of multiple sets of clothing and identification or the use of sketching materials (paper, pencils, etc.).
15. Questioning of security or facility personnel.

New York State Office of Homeland Security

As noted by the New York State Office of Homeland Security, the following examples of activity relating to elementary, middle and high schools, though not fully inclusive, may be of **possible** concern to law enforcement:

1. Unusual inquiries from strangers regarding school hours (i.e., arrival and dismissal times), pupil attendance or population (i.e., ethnic or religious composition of the student body), the presence of security measures and place (or lack thereof), etc. Also, inappropriate queries made by individuals who do not appear to be interested in registering their children.
2. Reports of individual(s) video recording or photographing the school building or making observations of the activity relating to school functions.
3. Individuals found in areas restricted to employees only or not open to the general public.
4. Suspicious behavior by an individual attempting to enter your school while wearing bulky clothing that appears inappropriate. May be compounded by the subject being alone, acting excessively nervous and/or perspiring.
5. Alarming or unusual statements made by a student regarding an approaching date.
6. The parking of a suspicious vehicle in the school's parking lot or in proximity to the school building, particularly for an extended period of time.
7. The loss or theft of any chemicals or hazardous substances located in school laboratories.
8. The discovery of an unattended package or object inside or around school premises.
9. The discovery of new marks on a school bus, noticeable force of entry onto a school bus, or unusual foreign item(s) attached to the bus.
10. Registration of children into schools without necessary documentation (i.e. birth certificates or immunization records) or with documentation that does not match the individual or does not appear authentic or has been altered. (Please note, however, that homeless children and youth who seek to enroll in our School District may be lacking required documentation and should be admitted in accordance with applicable law and regulation.)

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SUBJECT: SCHOOL BUILDING ACCESS CONTROL (Cont'd.)**Approaching/Questioning a Suspicious Person**

Both administration and staff are advised to approach or question a suspicious person only if comfortable doing so. If the administrator/staff member feels uncomfortable or threatened, they are to seek assistance immediately. If questioning the individual, ask the person questions such as:

1. May I help you with anything?
2. May I see some identification?
3. Who are you visiting?
4. What is the purpose of your visit?

If the person refuses to respond or does not satisfactorily answer the questions, attempt to escort the person to a public area and notify the principal/supervisor. Avoid detaining or getting physical with the suspect. Make sure to note the individual's original location. Focus on their behavior and physical characteristics and keep them in sight (if possible) until law enforcement arrives.

Remember that the conduct itself does not have to be criminal per se in order to report it to the New York State Toll-Free Tips line. It may be contacted 24-hours a day, seven days a week, by calling: **1-866-SAFE-NYS**.

United States Department of Education

The United States Department of Education has issued a document that shares with schools some specific protective measures to help ensure school security. Many of these protective measures would be applicable to a variety of potential emergency situations, including natural disasters. This document reflects the combined work of the Department of Education, the Department of Homeland Security and the Federal Bureau of Investigation.

Short-Term Protective Measures

Short-term protective measures include reviewing procedures to safeguard school facilities and students and others within them. They include:

1. Review all school emergency and crisis management plans.
2. Raise awareness among local law enforcement officers and school officials by conducting exercises relating to school emergency and crisis management plans.
3. Raise awareness among school officials and students by conducting awareness training relating to the school environment that includes awareness of signs of terrorism.
4. Raise community awareness of any potential threats as well as vulnerabilities.
5. Prepare the school staff to act in a crisis situation.
6. Consider a closed-campus approach to limit visitors.
7. Consider a single entry point for all attendees, staff and visitors.
8. Focus patrols by law enforcement officers on and around school grounds.
9. Ensure that school officials will always be able to contact school buses.
10. Ensure that emergency communications from and to schools are working.
11. Report any suspicious activity to law enforcement authorities.

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Non-Instructional/Business Operations

SUBJECT: SCHOOL BUILDING ACCESS CONTROL (Cont'd.)

Long-Term Protective Measures

Long-term protective measures should include physical enhancements to school buildings.

Measures to be considered include the following:

1. Install secure locks for all external and internal doors and windows.
2. Install window and external door protections with quick-release capability.
3. Consider establishing a safe area (or safe areas) within the school for assembly and shelter during emergencies,
4. Apply protective coating on windows in facilities that face traffic.

Additional Building Access Control Guidelines

1. Administration shall implement and review on a periodic basis building access control procedures.
2. IDS shall be provided for staff, students and visitors as appropriate.
3. Signs shall be posted as appropriate directing all visitors to report to the Main Office of the school building.
4. At the Main Office, visitors shall be given specific instructions regarding that building's procedures for visitors to the school.

This regulation is intended to highlight the District's commitment to and planning for heightened security access to our schools. The regulation shall be considered an adjunct to, not a replacement of, our school safety plans and the District Code of Conduct.

Non-Instructional/Business Operations

SUBJECT: PANDEMIC PREPAREDNESS IN THE WORKPLACE AND THE AMERICANS WITH DISABILITIES ACT

The District, in conjunction with its District-wide and building-level school safety plans and team, will identify a pandemic coordinator and/or team with defined roles and responsibilities for preparedness and response planning. This team should include staff with expertise in all equal employment opportunity laws. Employees with disabilities should be included in planning discussions and employer communications concerning pandemic preparedness should be accessible to employees with disabilities.

Before an influenza pandemic occurs, the School District may make inquiries that are not disability-related. An inquiry is not disability-related if it is designed to identify potential non-medical reasons for absence during a pandemic (e.g., curtailed public transportation) on an equal footing with medical reasons (e.g., chronic illnesses that increase the risk of complications). The inquiry should be structured so that the employee gives one answer of "yes" or "no" to the whole question without specifying the factor(s) that apply to him or her. The answer need not be given anonymously.

If an influenza pandemic becomes more severe or serious, according to the assessment of local, state or federal public health officials, the District may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic influenza. Only in this circumstance, may the District make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications.

The District may also encourage employees to telecommute (i.e., whereby the daily commute to a central workplace is replaced by telecommunication links, allowing employees to work from other locations such as their homes, etc.) as an infection-control strategy during a pandemic. Similarly, telecommute may be requested as a reasonable accommodation by employees with disabilities to reduce their chances of infection during an influenza pandemic.

School Safety Plans

The School District has developed comprehensive District-wide and building-level school safety plans that address prevention and intervention strategies, emergency response and management at both the District and building level, and have the contents as prescribed in Education Law and Commissioner's Regulations.

Both safety plans address pandemic preparedness and will be reviewed to ensure continuity with the Board policy and administrative regulations.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325
Education Law Section 2801-a
8 New York Code of Rules and Regulations (NYCRR) Section 155.17

Adopted by BOE 9/6/22

SUBJECT: PANDEMIC PREPAREDNESS IN THE WORKPLACE AND THE AMERICANS WITH DISABILITIES ACT

The District, in conjunction with its District-wide and building-level school safety plans and team, will identify a pandemic coordinator and/or team with defined roles and responsibilities for preparedness and response planning. This team should include staff with expertise in all equal employment opportunity laws. Employees with disabilities should be included in planning discussions and employer communications concerning pandemic preparedness should be accessible to employees with disabilities.

ADA-Compliant Employer Practices for Pandemic Preparedness**Before a Pandemic**

- 1) Before an influenza pandemic occurs, the School District may make inquiries that are not disability-related. An inquiry is not disability-related if it is designed to identify potential non-medical reasons for absence during a pandemic (e.g., curtailed public transportation) on an equal footing with medical reasons (e.g., chronic illnesses that increase the risk of complications). The inquiry should be structured so that the employee gives one answer of "yes" or "no" to the whole question without specifying the factor(s) that apply to him or her. The answer need not be given anonymously.
- 2) The District has prepared an **ADA-Compliant Pre-Pandemic Employee Survey** (see attached Form 5000F) that can be given to employees to anticipate absenteeism.
- 3) The District may require all new entering employees to have a post-offer medical examination to determine their general health status if all entering employees in the same job category are required to undergo the medical examination and if the information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record.
- 4) The District may not rescind a job offer made to an applicant based on the results of a post-offer medical examination if it reveals that the applicant has a medical condition that puts him/her at increased risk of complications from influenza unless the applicant would pose a "direct threat" within the meaning of the ADA. A finding of "direct threat" must be based on reasonable medical judgment that relies on the most current medical knowledge and/or the best available evidence such as objective information from the Centers for Disease Control and Prevention (CDC) or state or local health authorities. The finding must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job, after considering, among other things, the imminence of the risk; the severity of the harm; and the availability of reasonable accommodations to reduce the risk. Before concluding that an individual poses a direct threat, the District must determine whether a reasonable accommodation could reduce the risk below the direct threat level.

During an Influenza Pandemic

- 1) If an influenza pandemic becomes more severe or serious, according to the assessment of local, state or federal public health officials, the District may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic influenza. Only in this circumstance may the District make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications.
- 2) During an influenza pandemic, the District may ask employees who report feeling ill at work or who call in sick if they are experiencing influenza-like symptoms, such as fever or chills and a cough or sore throat. The District must maintain all information about employee illness as a confidential medical record in compliance with the ADA.

(continued)

**SUBJECT: PANDEMIC PREPAREDNESS IN THE WORKPLACE AND THE
AMERICANS WITH DISABILITIES ACT (continued)**

- 3) If pandemic influenza is like seasonal influenza or spring/summer 2009 H1N1, these inquiries are not disability-related. If pandemic influenza becomes severe, the inquiries, even if disability-related, are justified by a reasonable belief based on objective evidence that the severe form of pandemic influenza poses a direct threat.
- 4) If pandemic influenza is like seasonal influenza or the H1N1 virus in the spring/summer of 2009, making disability-related inquiries or requiring medical examinations of employees *without* influenza symptoms is prohibited by the ADA.

If an employee voluntarily discloses (without a disability-related inquiry) that he/she has a specific medical condition or disability that puts him/her at increased risk of influenza complications, the District must keep this information confidential. The District may ask him/her to describe the type of assistance he/she thinks will be needed (e.g., telecommute or leave for medical appointment).

If an influenza pandemic becomes more severe or serious, according to the assessment of local, state or federal public health officials, the District may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic influenza. Only in this circumstance may the District make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications.

- 5) The District may also encourage employees to telecommute (i.e., whereby the daily commute to a central workplace is replaced by telecommunication links, allowing employees to work from other locations such as their homes, etc.) as an infection-control strategy during a pandemic. Similarly, telecommute may be requested as a reasonable accommodation by employees with disabilities to reduce their chances of infection during an influenza pandemic.

If an employee with a disability needs the same reasonable accommodation at a telecommute site that he/she had at the workplace, the District will provide that accommodation, absent undue hardship. In the event of undue hardship, the District and the employee will cooperate to identify an alternative reasonable accommodation.

After a Pandemic

The District may require employees who have been away from the workplace during a pandemic to provide a doctor's note certifying fitness to return to work.

Such inquiries are permitted under the ADA either because they would not be disability-related or, if the pandemic influenza were truly severe, they would be justified under the ADA standards for disability-related inquiries of employees.

As a practical matter, however, recognizing that doctors and other health care professionals may be too busy during and immediately after a pandemic outbreak to provide fitness-for-duty documentation, new approaches may be necessary, such as reliance on local clinics to provide a form, a stamp, or an e-mail to certify that an individual does not have the pandemic virus.

SUBJECT: EXPOSURE CONTROL PROGRAM

The District shall establish an exposure control program designed to prevent and control exposure to-infectious disease. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall 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/body fluid clean-up.
- c. Appropriate staff education/training.
- d. Evaluation of training objectives.
- e. Documentation of training and any incident of exposure to blood/body fluids.
- f. A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g. Written procedures for the disposal of medical waste.
- 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.

U.S. Department of Labor
OSHA Instructional CPL2-244B

SUBJECT: EXPOSURE CONTROL PROGRAM: RESPONSIBILITIES OF THE SCHOOL ADMINISTRATOR

Administrative Guidelines

It is the responsibility of the Superintendent to:

1. Have a written Exposure Control Program as based on New York State Department of Health (DOH), New York State Education Department (SED), and Occupational Safety and Health Administration (OSHA) or (PESH) guidelines;
2. Determine which employees regularly perform tasks with the potential for occupational exposure as a requirement of employment. (See Federal Guide-lines);
3. Have written Standard Operating Procedures (SOPS) for all employee job descriptions, giving specific attention to those tasks that require protective equipment to be worn (see Exposure Categories);
4. Provide all materials and protective equipment necessary to implement job descriptions, giving specific attention to those tasks that require protective equipment to be worn (see Exposure Categories);
5. Designate a qualified person to coordinate, implement and provide education and training for employees. In many situations that person would be the School Nurse/School Nurse Teacher;
6. Support on-going continuing education for the designated individual that is responsible for employee education/training;
7. Provide education/training for all school staff and for new employees before potential exposure to blood/body fluids;
 - (a) Training must include all necessary elements as described in the Federal Register.
 - (b) Each employee must receive annual training updates.
8. Have a written procedure of accountability for compliance to the Exposure Control Program;
9. Review the program, training, implementation, etc. on an annual basis;
10. Maintain employee education/training records that include date of training, summary of content, names and social security number of all persons in attendance. Maintain for three (3) years;
11. Provide copies of SOPS to all employees; specifically to employees with the potential for occupational exposure;
12. Post Standard Operating Procedures pertinent to each department invisible area;
13. Store, package, label and transport regulated medical waste according to regulations;
14. Provide medical counseling information to anyone involved in a blood/body fluid exposure incident;
15. Document each incident of mucous membrane or parental exposure to blood/body fluids with follow-up measures taken. Maintain for duration of employment plus 30 years.
16. If an exposure takes place, and if the source consents to blood screening, results may only be disclosed if consent has been given on official State Health Department Authorization forms.
17. Make available free, voluntary HBV vaccination to those employees whose job descriptions require them to perform tasks with the potential for occupational exposure.

POLICY

2016

5691

Non-Instructional/Business Operations

SUBJECT: COMMUNICABLE DISEASES

The Board of Education directs the Superintendent or his/her designee to establish regulations and procedures for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

SUBJECT: COMMUNICABLE DISEASES**Definitions:**

1. Communicable Disease - A disease caused by an infectious agent (bacterial, viral, parasitic, other) which can be spread from one individual to others. Although HIV is not legally classified as a communicable disease the basic premise applies to it with the exception of confidentiality.
2. Agent - Pathogenic bacteria, viruses, parasites or toxins which cause disease.
3. Host - Individual either infected with pathogenic agent or susceptible to infection.
4. Environment - All factors external to the agent and host which must be present to facilitate spread of agent.
5. School Health Service Personnel - School Physician, School Nurse Practitioner, School Nurse and other professional persons employed to render health care and services.

Delegation of Authority:

The Superintendent of Schools is authorized to implement this regulation in accordance with the New York State Education Law, Public Health Law, and Sanitary Code.

Primary responsibility for implementation of this regulation lies with the Building Principal and School Nurse, with advice from the School Nurse Practitioner and/or School Physician as necessary. All School Health Service Personnel are charged with the responsibility to inform and advise Administration about current scientific knowledge concerning communicable disease control.

Basic Assumptions:

The spread of communicable disease is halted by any one of the following:

1. Decreasing the pathogenicity of the agent;
2. Decreasing the susceptibility of the host;
3. Changing the environment which makes the spread of disease possible.

The focus of communicable disease control is prevention through:

1. Immunization;
2. Cleanliness and Sanitation;
3. Health Education;
4. Case finding by School Personnel;
5. Isolation, as appropriate, of person with communicable disease from others in the school setting;
6. Encouragement of appropriate medical management.

Isolation of Person With Communicable Disease Students

Any student who shows symptoms of any contagious or infectious disease which is reportable under the Public Health Law and the State Sanitary Code shall be immediately excluded from school until one of the following requirements for re-admittance is fulfilled:

1. Submission of a certificate from the student's physical attesting to recovery;
2. Submission of a permit for re-admittance to school, issued by the local health officer;
3. Submission of authorization for readmission issued by the School District medical examiner.

(continued)

SUBJECT: COMMUNICABLE DISEASES (continued)

If it is determined by the School Health Service Personnel that a student's physical condition endangers the health or safety of the individual or others, that individual may be suspended from school under the authority of, and in accordance with procedures established by Education Law S3214. This determination will be in accordance with informed medical opinion as to the infectiousness of the agent, the mode of transmission, the seriousness of the disease, and the treatment regimen. The goal is to prevent the spread of communicable disease and to facilitate the ill individual's return to health.

If a student with a communicable disease is not required to be excluded from school, an individual care plan will be developed by the School Health Service Personnel in conjunction with other appropriate building personnel, to include methods to prevent the spread of infection to others and to reduce the risk of exacerbation of the student's disease.

Decisions regarding the type of educational program and care setting for a student with a communicable disease shall be based on:

1. The age, behavior, neurological development, and physical condition of the child;
2. The expected interaction of the child with others in the school setting;
3. The risks and benefits to both the ill student and to others in that setting; and
4. Other relevant criteria.

If the student is excluded from school as a result of the communicable disease, the school administration shall make every reasonable effort to provide said student with an adequate alternative education.

If a student with a communicable disease is suspected to be a child with a disability, such as to require special education by reason of his or her health impairment, the student shall be referred to the School District Committee on Special Education ("CSE"). The CSE shall review the case and determine if the student is a child with a disability.

Employees

When the Superintendent has reasonable cause to believe that an employee has a communicable disease, the Superintendent shall:

1. Report the full name and address of the employee to the local health officer;
2. Request the Board of Education to require the employee to submit to an examination by the School Physician; and
3. Require the employee to grant written authorization for the release of medical reports; and for his or her personal physician to discuss the matter with the School Physician.

If it is determined that the employee had a disease which is designated as communicable by the State Sanitary Code, the Superintendent of Schools shall refer the matter to the School Physician who shall isolate the employee pending official action by the local health officer.

(continued)

SUBJECT: COMMUNICABLE DISEASES (continued)

If the disease is highly communicable, but not designated as such by the State Sanitary Code, or if the School Physician determines that the individual is endangering himself or herself by continuing to work, the employee is encouraged and may be required to remain at home and seek appropriate medical management.

An employee with a communicable disease shall be granted paid sick leave in accordance with the applicable collective bargaining agreement.

If an employee with a communicable disease is able to be in school and there is little risk to others (as determined by the School Physician), the administration will attempt to accommodate the work environment to assist the individual. A plan will be developed as necessary to protect the ill individual and to prevent the spread of infection to others in the school setting. Said plan may include reassignment of the employee to a position where he or she works in isolation or limited contact with others.

If the School Physician determines that 1) the employee has a currently contagious disease or infection and 2) the presence of the employee on the job is and will continue to constitute a direct threat to the health, safety or welfare of that employee or other individuals by reason of his or her currently communicable disease or that the employee is unable to perform the duties of the job by reason of his or her currently communicable disease, such employee shall be removed from the regular workplace and his or her employment may be terminated or suspended in accordance with applicable statutes and regulations. Any employee contagious or not, who is unable to perform his/her customary duties or those of any alternative assignment, shall be terminated or placed on disability retirement. The Superintendent of Schools shall see that procedural protections are compiled within any decision to terminate or retire an employee.

Encouragement of Appropriate Medication Management

In addition to the above procedures, any individual with a suspected communicable disease will be referred to his or her family. As appropriate, School Health Personnel will:

1. Advise the seeking of professional care or advice from the physician, pharmacist, clinic or other;
2. Aid the individual to comply with the treatment regimen in cooperation with the primary health care provided;
3. Encourage follow-up; and
4. Act as a resource to the family to facilitate the individual's return to optimum health. School attendance will be either encouraged or discouraged in the best interest of the ill individual.

Employee Obligation

No susceptible employee shall be required to work with or to have personal contact with an individual with a communicable disease unless safeguards have been made to avoid the spread of the disease within the school setting.

In the event that alternate instruction is planned which requires personal contact with an infected student, a school employee may decline such assignment without penalty.

(continued)

SUBJECT: COMMUNICABLE DISEASES (continued)**Confidentiality**

The individual's privacy shall be protected by school personnel. Except as otherwise required by law, the identity of any individual with a communicable disease shall not be revealed. All records shall be confidential.

Except if otherwise authorized by the infected employee, student or person in parental relation, the only persons who will be informed of an infected individual's condition are those who:

1. Require such knowledge to assure proper care of the ill individual; or
2. Should be informed to detect situations where the potential for transmission may increase; or
3. Are individuals who, in the judgment of the family and School Health Care Personnel, should have such knowledge.

Cleanliness and Sanitation

Pursuant to the Public Health Law, Regulations of the Commissioner of Education, and Recommendation of the CDC (Centers for Disease Control), the School Administration shall establish, and all school personnel shall comply with routine procedures for handling body fluids and wastes and storing, handling, and disposing of hypodermic syringes and needles. Procedures will be developed by the Superintendent of Schools.

Hand washing is fundamental in the prevention of the spread of infection. All personnel and students are required to thoroughly wash their hands with soap and water before handling food, after toileting, and after handling body fluids and discharges.

Under the authority of the Cafeteria Manager, all Food Service Personnel are required to comply with the New York State Sanitary Code to best avoid the spread of food borne infection.

Under the authority of the Superintendent, all school buildings will be cleaned and maintained so as to best prevent the spread of infection.

Health Education

School Health Service Personnel shall keep informed of current scientific information to enable them to better prevent the spread of communicable disease and will share this knowledge with other school personnel as appropriate.

School Health Service Personnel shall give information to parents as appropriate to aid in the prevention, treatment, or interruption of the spread of communicable disease.

Students from Kindergarten through Grade 12 will receive instruction about the causes, prevention, and treatment of communicable diseases to enable them to remain as free from illness as possible.

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having Acquired Immune Deficiency Syndrome (AIDS) and/or positive blood tests for the antibodies to the Human Immunodeficiency Virus (HIV).

In order to fulfill its mandate in accordance with applicable state and federal law, including insuring the rights of students with disabilities to receive an education in the least restrictive environment, each HIV infected individual must be dealt with on a case-by-case basis with such review requiring the delicate balancing of the rights of individuals and institutions. The District is further fully committed to maintaining its legal obligation of insuring the confidentiality and privacy rights of all infected individuals. The District further recognizes that, unless special health considerations dictate otherwise, a student may continue in attendance for appropriate instruction and an employee may fulfill his or her standard job duties and responsibilities.

The Board further contends that under current law and regulations, the disclosure of confidential AIDS and/or HIV-related information shall be strictly limited. Any and all medical records of students or staff who are infected persons are private records and the District and its employees shall respect the individual's right of privacy and retain the confidentiality of such records relating to one individual. Any RELEASE of such records shall only be made in strict conformity with state and federal laws and regulations. Further, the District shall strictly limit those employees who have knowledge of an infected person's condition to those persons explicitly designated in any RELEASE or court order. The District shall, without violating the confidentiality, monitor the infected individual to minimize and limit the situations where any potential transmission may arise. Unless otherwise agreed upon with the student's parent or guardian or the staff member, and unless other staff members, as determined by the Special Medical Review Panel, have a specific need to know and are so authorized by a duly executed RELEASE or court order, only the Special Medical Review Panel will be advised as to the identity of the student. Administrative regulations and procedures shall 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 shall 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.

This policy shall be reviewed periodically to insure its continuing applicability in light of currently evolving medical information and legal requirements. This policy shall apply to all students or school employees who have an HIV infection and could transmit the same to other students or school employees. As used herein, an "infected person," whether it be a student or employee, shall mean a person who has been diagnosed as having an HIV infection. In the event of any conflict between this policy and any other legal requirements, such other legal requirements shall govern.

Confidentiality: Public Health Law, Article 27-F

BOE Adopted 1/6/09

REGULATION

2016

5692R

Non-Instructional/Business Operations

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES: EMPLOYEES

Confidentiality

1. Definitions (Public Health Law, Section 2780)

"Confidential HIV related information" means any information, obtained from individuals who provide health or social services or through a written authorization for disclosure of such information, concerning whether an individual has been the subject of an HIV related test, or has HIV infection, HIV related illness or AIDS, or information which identifies or reasonably could identify an individual as having one or more of such conditions.

"Capacity to consent" means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service treatment or procedure, and to make an informed decision concerning such service, treatment or procedure. It is the responsibility of the HIV counselor to determine an individual's capacity for consent to medical care.

"Release of confidential HIV related information" means a written authorization for disclosure of confidential HIV related information which is signed by an individual who is the subject of an HIV related test or who has been diagnosed as having HIV infection, AIDS or an HIV related illness or a person authorized by law to consent to health care for that individual. Disclosure must be on a form approved by the N.Y. S. Department of Health.

2. Release of Information

Pursuant to New York State law, school officials and employees are required to keep HIV-related information confidential. The information cannot be disclosed to any person except under the following circumstances:

- a) The protected individual or a person with the capacity to consent has completed and signed a Health Department Authorization for Release form;
- b) A court order has been issued; or
- c) The person to whom the information has been furnished is authorized under the state law to receive the information without a release form (e.g., physicians providing care to the individual, agencies monitoring care, insurance companies for reimbursement purposes).

Employment

No disciplinary action or other adverse personnel action shall be taken against an employee solely because he/she has AIDS or HIV infection. Action may be taken against an employee only if he/she is disabled the disability interferes with his/her ability to perform in a reasonable manner the activities involved in the job or occupation.

The District shall make such reasonable accommodation to enable the employee to perform employment duties as may be required by federal or state law.

Testing

No HIV-related testing of any employee conducted without the receipt of a written informed consent form signed by the subject of the test (if he/she has the capacity to consent) or a person authorized pursuant to law to consent to health care for the individual unless otherwise authorized or required by a state or federal law.

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES: STUDENTS**Admission and Enrollment**

Every effort shall be made not to exclude HIV infected students, or place such students in a restricted environment. On occasion, where the unique circumstances of the student's condition, apart from the mere existence of HIV infection or AIDS virus, warrant programmatic modifications for the benefit of the student, a referral will be made to the Committee on Special Education (CSE) for evaluation and recommendation. The CSE will then determine whether the student should be classified pursuant to 200.1(cc) of the Commissioner's Regulations and, if determined to be "educationally disabled", will recommend an appropriate educational placement.

If the parent/legal guardian disagrees with the CSE recommendation, he/she is entitled to due process under appeal procedures set for this state and federal law. Unless a court order is obtained, the student will remain in his/her current placement pending all proceedings.

Homebound instruction as well as educationally related support services will be provided upon request from the parent/legal guardian without involving the Committee on Special Education.

Confidentiality**1. Definitions (Public Health Law, Section 2780)**

"Confidential HIV related information" means any information, obtained from individuals who provide health or social services or through a written authorization for disclosure of such information, concerning whether an individual has been the subject of an HIV related test, or has HIV infection, HIV related illness or AIDS, or information which identifies or reasonably could identify an individual as having one or more of such conditions.

"Capacity to consent" means an individual's ability, determined without regard to such individual's age, to understand and appreciate the nature and consequences of a proposed health care service treatment or procedure, and to make an informed decision concerning such service, treatment or procedure. It is the responsibility of the HIV counselor to determine an individual's capacity for consent to medical care.

"Release of confidential HIV related information" means a written authorization for disclosure of confidential HIV related information which is signed by a student who has been determined as having the capacity to consent who is the subject of an HIV related test or who has been diagnosed as having HIV infection, AIDS or an HIV related illness or a person authorized by law to consent to health care for that individual. Disclosure must be on a form approved by the N.Y.S. Department of Health.

2. Release of Information

School officials and employees are required by law to maintain strict confidentiality of HIV related information concerning a student in the District and such information may not be disclosed to anyone unless the protected student, or the parent or guardian if student lacks capacity to consent, completes and signs a written authorization form. The form must be dated and specify to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective.

Re-disclosure or the use of general authorizations to release confidential HIV related information is prohibited by law. Therefore, separate releases must be executed by the protected student, (or the parent or guardian where appropriate) specifically granting permission for any further release of such information. Release of information to individual CSE members or the Superintendent and members of the Board of Education is to be executed on Form 5692F, authorized by the State Education Department. Form 5692F.1, authorized by the Public Health Department, must be used for any other purposes.

Testing: No HIV related testing will be performed without first receiving the written informed consent of the student who has the capacity to consent or of a person authorized pursuant to law to consent to health care for such student.

Penalties: Any school official or employee who discloses confidential HIV related information to unauthorized persons may be subject to a civil penalty up to \$5000.00 and a criminal misdemeanor charge.

SUBJECT: GUIDELINES FOR CLEANING UP BODY FLUID SPILLS

These guidelines must be used to clean up all spills involving: vomitus, blood, feces, urine, semen or vaginal secretions.

1. Put on Protective Gloves - Wear disposable gloves. If unanticipated contact occurs immediately wash affected areas with soap and water, and report the incident to your Supervisor. (See District's Exposure Control Plan.)
2. Clean Up - For small spills, use paper towels to wipe up; then use clean paper towels with soap and water. For larger spills, apply an absorbent material (i.e., Discard, Quaff) until absorbed, then vacuum or sweep up all material. Place all waste in a plastic bag and seal.
3. Disinfect Area - For hard surfaces such as floors use a clean mop and disinfectant. Shampoo carpets, rugs and cloth furniture with disinfectant.
4. Bag Dirty Materials - Place all disposable items in plastic bag, remove gloves and seal. Note: Clothing and other non-disposable items should be rinsed in a disinfectant solution and placed in a plastic bag to be sent home.
5. Dispose of Dirty Materials - Place all bags of disposable waste in to another plastic bag (double bag), secure and dispose of immediately in dumpster located outside building. Dispose of dirty water down the drain.
6. Clean Equipment - Rinse broom, dustpan, mop bucket or other equipment in disinfectant solution, then rinse thoroughly with hot water. Soak used mops in fresh disinfectant solution, then rinse thoroughly. Disinfectant solution should be promptly disposed of down the drain.
7. Wash Hands - Wash hands with soap and water. Bar soap is acceptable.

Disinfectants

The disinfectant must be able to kill bacteria, fungi, viruses and tuberculosis causing organisms. The following disinfectants are registered by the United States Environmental Protection Agency (EPA) for use in schools: 3M #10 Quaternary Disinfectant, Quest, DMQ Disinfectant and Neutralizer and household: bleach (1 part bleach to 10 parts water). Do not use aerosol sprays.

POLICY

2016

5710

Non-Instructional/Business Operations

SUBJECT: TRANSPORTATION PROGRAM

It is the intent of the Board of Education to comply with the letter and spirit of the New York State Education Law; with the regulations of the Public Service Commission and of the Department of Transportation and with the Commissioner of Education's regulations and decisions pertinent to student transportation, and these shall govern any questions not covered by specific declaration of policy herein.

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.

The Board of Education recognizes and assumes the responsibility for all aspects of the transportation of children wherein the health and safety of students are involved, for the Board of Education has a legal obligation to safeguard the welfare of bus-riding children. This implies that the Board is responsible for the safety of children transported and further implies that in no way shall education suffer as a result of transportation or lack of it.

Education Law Sections 3602(7) and 3635 et seq

BOE Adopted 1/6/09

POLICY

2016

5720

Non-Instructional/Business Operations

SUBJECT: SCHEDULING AND ROUTING

Bus routes are authorized by the Board of Education and any requests for a change must be submitted to the Superintendent or his/her designee.

Transportation services shall be provided to meet the needs of the students of the District within specified limits and areas established by the Board of Education.

Education Law Sections 3621 and 3635

BOE Adopted 1/6/09

SUBJECT: TRANSPORTATION OF STUDENTS

All resident children will be transported up to fifteen miles unless otherwise authorized by the voters of the District. The District has the right to set up pick-up and discharge points. Where pick-up points are not established, door-to-door service will be provided. Students riding activity and/or late buses are allowed to get off and walk a reasonable distance to their houses if they desire and if they have parental permission.

Requests For Transportation to and From Non-Public Schools

The parent or guardian of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or guardian shall be denied where a reasonable explanation is provided for the delay.

Transportation to Child Care Locations

The District shall provide transportation to any child attending grades kindergarten through eight between the school a child legally attends and a child care location within the District. Transportation before and/or after school requires a written request from a parent/legal guardian by April 1st preceding the next school year or within 30 days after establishing residence in the District.

The provision of transportation shall be offered equally to all children in similar circumstances residing in the District.

Transportation of Students With Disabilities

Students with disabilities in the District shall be transported up to fifty (50) miles (one way) from their home to the appropriate special service or program, unless the Commissioner certifies that no appropriate nonresidential special service or program is available within fifty (50) miles. The Commissioner may then establish transportation arrangements. The District shall not extend its bus routes outside of the District to pick up non-resident students.

Transportation to School Sponsored Events

If the District provides transportation for student athletes participating in inter-scholastic competition and students attending District sponsored educational field trips, students will not be authorized to use any other means of transportation when participating in these events, unless the principal or his/her designee authorizes such alternate transportation. The principal shall require written application prior to approval. As an exception to this policy a coach may release a student to the parent for transportation from an inter\ scholastic event upon the receipt of a request from the parent.

Athletic Transportation Policy

Each athlete must find his/her own ride home at the end of each practice and home games. Also, students on away game buses will have to obtain their own transportation home. The bus will return to Fabius and leave students at the high school. Students will then have access to a school phone so arrangements for their own transportation home can be made.

Students will be dropped off at home - or at a location specifically designated by written parental permission - if their home or this designated location is on the direct route the bus is following on its return.

Education Law Sections 3635, 3635(1), 4401(4), 4404 and 4405

SUBJECT: TRANSPORTATION IN CHILD SAFETY ZONES

In accordance with Education Law, the Board of Education is authorized to adopt a resolution providing for student transportation in child safety zones. Transportation in a child safety zone shall be available to resident students for the particular school year designated in the resolution. Such resolution shall continue in effect for subsequent school years until the Board adopts a resolution providing otherwise.

Transportation in child safety zones may be provided upon the determination by the Board that a hazardous zone exists which, in the opinion of the Board, would be reasonably alleviated by the establishment of a child safety zone. "Child safety zone" means a designated area of the School District, including at least one personal residence, within which children who reside at a lesser distance from the school they legally attend than the minimum transportation limit of the District will be provided transportation on the basis that their most direct walking route to school will traverse a hazardous zone. Transportation in child safety zones may be provided without regard to like circumstances, notwithstanding the provisions of Education Law Section 3635(1).

The Commissioner of Transportation has established regulations for determination of a hazardous zone. Such regulations shall be used by the Board of Education in determining whether a hazardous zone exists.

Designation of Child Safety Zones - Submission of Petitions/Requests

The Board of Education shall, upon written petition of a parent/person in parental relation of a child residing in the District, or of any representative authorized by such parent/person in parental relation, (signed by 25 qualified voters of the District or 5% of the number of voters who voted in the previous annual election of Board members, whichever is greater) make an investigation to determine whether a hazardous zone exists requiring the establishment of a child safety zone.

Petitions and/or additional written requests from individual parents/persons in parental relation requesting designation of an area as a child safety zone shall be in accordance with the procedures and time frames enumerated in Education Law Section 3635-b.

Determination by the Board as to the designation of a child safety zone shall be in accordance with law and/or regulations.

Investigation by Board of Education - The Board may directly, or by appointment of an advisory committee, make an investigation to determine if a hazardous zone exists within the District. Such investigation shall be made pursuant to the Regulations of the Commissioner of Transportation and shall include consultation with state or local transportation authorities and the investigation of other, less costly, reasonable alternatives to the creation of a child safety zone.

In accordance with the State Education Department (SED), without having been petitioned, the Board may also conduct an investigation on its own initiative to determine whether a hazardous zone exists requiring the designation of a child safety zone.

Determination by the Board as to the designation of a child safety zone shall be in accordance with law and/or regulations.

Cost of Providing Transportation - The cost of providing transportation in child safety zones shall be an ordinary contingent expense and shall be included as an item of expense for purposes of determining the transportation quota of the District.

District Immunity from Liability - Education Law Section 3635-b does not impose a duty upon the School Board to provide transportation services pursuant to this Section of law; nor is the Board to be held liable for failure to provide such transportation.

A Board member, school officer or employee shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of the provisions of Section 3635, provided that such person shall have acted in good faith. For the purpose of any proceeding, civil or criminal, the good faith of any such person shall be presumed.

Education Law: Sections 3035 and 36231 Transportation Law Section 14(30)

17 New York Code of Rules and Regulations (NYCRR) Part 191

BOE Adopted 1/6/09

POLICY

2016

5740

Non-Instructional/Business Operations

SUBJECT: USE OF BUSES BY COMMUNITY GROUPS

Upon formal application to and approval by the Board of Education, buses may be rented to a municipal corporation; to any senior citizen center recognized and funded by the Office for the Aging; to any not-for-profit organization serving those with disabilities; or, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals can be made only for times when vehicles are not needed for student transport and must be made for a consideration acceptable to the Board.

The formal application will be reviewed at two separate Board meetings, and if deemed appropriate and acceptable by the Board, approval will be made at the second review.

Education Law Section 1501-b

BOE Adopted 1/6/09

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: Peter W. Mahunik, Business Administrator, Fabius-Pompey Central School District, 1211 Mill Street, Fabius, NY 13063.

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.

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.
- 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).

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

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, ensuring 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 commercial driver's license 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 activities for not less than 24 hours, but no punitive action will be taken by the employer;
- c) 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;
- g) Refusing to submit to a pre-employment drug test;
- h) 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
- i) Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for drugs.

(Continued)

SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (Cont'd.)

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 and/or District procedures, and 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 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
- 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.

(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 District policy, educational materials that explain the requirements of drug and alcohol testing law and regulation, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or designee will ensure that a copy of these materials is distributed to each 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.

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 1/7/20

SUBJECT: SCHOOL BUS SAFETY PROGRAM

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 shall be observed by drivers, students and school personnel.

To assure the safety and security of students boarding or exiting school buses on school property, it shall be unlawful for a driver of a vehicle to pass a stopped school bus when the red bus signal is in operation.

Use of Cell Phones and Portable Electronic Devices Prohibited

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 and students are on the bus.

Personal cell phones are to be placed in the "off" position when in the possession of the school bus driver while the bus is in operation. Cell phones may be used in case of emergency.

The following terms are defined as:

- a) "Portable electronic device" shall mean 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, or portable computing device.
- b) "Using" shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.
- c) "In operation" shall mean that the bus engine is running, whether in motion or not.

The Transportation Supervisor, in cooperation with the principals, has the responsibility of developing and publishing safety rules to be followed by drivers and passengers, including rules of student conduct. In order to ensure maximum safety to those riding school buses, it is necessary that students and drivers cooperate in this effort. There is no substitute for training to develop safe habits in pedestrian and vehicular traffic.

All buses and other vehicles owned and operated by the School 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 any school bus accident involving death, injury, or property damage. All accidents, regardless of damage involved, must be reported at once to the Transportation Supervisor. The Transportation Supervisor or Designee will follow the procedures outlined in the District Emergency Management Plan.

Education Law Section 3623

Commissioner's Regulations Section 156.3

Vehicle and Traffic Law Section 1174, subdivision a and b

BOE Adopted 5/15/12

SUBJECT: BUS RULES AND REGULATIONS: DRIVERS

The Transportation Supervisor shall be responsible for disseminating the following rules and regulations to each bus driver.

Regulations:

1. All school bus drivers shall receive refresher instruction in school bus safety at least two (2) times a year.
2. Annual review of employee's record.
3. Observation of defensive driving performance.
- 4) Annual physical examination.
4. Biennial oral or written examination.
5. Biennial behind the wheel examination.

Rules Affecting Students:

1. Driver shall not allow students to enter or leave the bus while it is in motion.
2. Drivers shall not put bus in motion until all passengers are seated.
3. Drivers are held responsible for a reasonable behavior of students in transit.
4. Drivers shall not allow students to thrust their heads or arms out of open windows.
5. Drivers of school buses, when discharging students who must cross the highway, shall instruct such students to cross in front of the bus and far enough ahead of the bus to be in vision of the driver. The driver shall also keep such school bus halted with red signal lights flashing and until such students have reached the opposite sides of the highway.
6. Gas tanks shall not be filled while students are in the bus.
7. Following all activities, the driver shall return all students to the school without making any stops.

Driving Rules

1. Drivers shall be familiar with:
 - a. Vehicle and traffic laws;
 - a) Regulations of the Commissioner of Motor Vehicles;
 - b) Regulations of the Commissioner of Education pertaining to pupil transportation.
2. Drivers shall make a full stop at all railroad crossings and at State highways before crossing except that no stop be made at any railroad crossing where a police officer or a traffic control signal or stop sign directs traffic to proceed.
3. Drivers shall give warning before making a left-hand or right-hand turn.
4. Drivers shall not leave school bus when students are inside except in case of emergency, and in such case before leaving the bus the driver: shall stop the motor, remove the ignition key, set the auxiliary brake, and leave the transmission in gear.

Emergency Drills On School Buses:

1. Include practice and instruction in the location of:
 - a) Use and operation of the emergency door;
 - b) Fire extinguishers;
 - c) Axe;
2. First aid equipment;
3. Windows as a means of escape in case of fire or accident.
4. Minimum of three (3) drills per year. First to be conducted during the first week of the fall term, second prior to January 1st, and third prior to May 1st.
5. Emergency drills shall not be conducted when buses are on routes.

(Continued)

REGULATION

2016

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Non-Instructional/Business Operations

SUBJECT: BUS RULES AND REGULATIONS: DRIVERS (Cont'd.)

Driver Responsibility For Proper Bus Maintenance:

Gas	Tire Pressure	Windows	Brakes Heater
Horn	Mirrors	Safety Door, etc.	First Aid Kit
Clutch	Steering Mechanism	Flares	Battery
Lights	Windshield Wipers	Defrosters	Rear Vision Mirrors
Hand Axe	Fire Extinguishers	Emergency Door	Driver Seat

SUBJECT: BUS RULES AND REGULATIONS: STUDENTS

1. Students riding on school buses or those buses contracted by the schools will abide by the following rules and regulations:
 - a) Observe same conduct as in the classroom;
 - b) Be courteous, use no profane language;
 - c) Do not eat or drink on the bus;
 - d) Keep the bus clean;
 - e) Cooperate with the driver;
 - f) Do not smoke or chew tobacco or use drugs or alcohol;
 - g) Do not be destructive;
 - h) Stay in your seat;
 - i) Keep head, hands and feet inside the bus;
 - j) Bus driver is authorized to assign seats.
 - k) In addition to the assignment of driving the bus, the driver has the responsibility for the supervision and control of the students on the bus.
2. All students will be informed of the School Bus Conduct Regulations by the supervisor or bus driver before departure to acquaint them with the School District's expectations regarding their behavior on a school bus.
3. Bus drivers are expected to review the regulations periodically and see that they are consistently enforced.
4. Serious or repeated violations of any of these regulations will be handled in conformance with the established procedure for disciplining students who misbehave on the bus.
5. Any problem that occurs on the bus, which in the opinion of the supervisor/driver ought to be pursued for further disciplinary action, will be referred to the respective principal.
6. Any incident on the bus that affects the health, welfare, and safety of students or staff, or any incident involving substance abuse, shall be reported immediately to the respective principal.
7. Any incident on the bus that affects the health, welfare, and safety of students or staff, or any incident involving substance abuse, shall be reported immediately to the respective principal.

PROCEDURE

2016

5750P

Non-Instructional/Business Operations

SUBJECT: BUS RULES AND REGULATIONS

Responsibility

Building Principal/Designee

Action

- 1) a. Warns student regarding unacceptable bus behavior.
- b. May complete an incident report form detailing specific violations of rules. Submits form to respective principal.
- c. Discusses the situation with the student and reviews consequences of behavior.
- d. May communicate with the parents of the student and informs them of the problem.
- e. Other actions as may be deemed appropriate in a given situation.

Student

- 2) a. Behavior on the bus improves and the problem is resolved.
- or
- b. Further formal report of violations of bus rider regulations is necessary.

Building Principal/Designee

- 3) a. Makes the decision to suspend bus riding privilege for prescribed length of time and informs parents.
- or
- b. After meeting with the parents, and/or the student, and/or the bus driver (if necessary) decides that the problem is resolved and receives assurances that regulations will be observed.
- c. Keeps a written record of all bus disciplinary cases which he/she handles.
- d. Other actions as may be deemed appropriate.

SUBJECT: QUALIFICATIONS OF BUS DRIVERS

A person shall be qualified to operate a bus only if such person:

- a. Is at least twenty-one years of age;
- b. Has been issued a currently valid driver's license or permit which is valid for the operation of a bus in New York State;
- c. Has passed the bus driver physical examination administered pursuant to Commissioner's Regulations;
- d. Is not disqualified to drive a motor vehicle;
- e. Has on file at least three character references; and
- f. Has completed, or is scheduled to complete, State Education Department safety programs as required by law.

Special Requirements For New Bus Drivers

Before employing a new bus driver, the Superintendent or his/her designee shall:

- a. Require such person to pass a medical examination to drive a bus;
- b. Make an inquiry to 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. Request the department of Motor Vehicles to initiate a criminal history check;
- e. Require such person to submit to the mandated finger-printing procedure.

Section 509 Article 19-A of the Vehicle and Traffic Law
Part 6 of the Rules and Regulations of the Commissioner of Motor Vehicles
Commissioner's Regulations Section 156.3

BOE Adopted 1/6/09

SUBJECT: SCHOOL BUS IDLING

The Board of Education 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 exhaust, in particular diesel exhaust, by eliminating the unnecessary idling of all school buses on school property including all schools within the District or at any school or school related activities to which District students are transported. For purposes of this policy, an "idling school bus" shall mean a school bus that is parked or stopped at a school or other location and has its engine running. *This policy applies to the operation of every District-owned and/or contracted school bus.* The District shall strive to eliminate all unnecessary idling of school buses such that idling time is minimized in all aspects of school bus operation.

In accordance with the Rules and Regulations of the New York State Department of Environmental Conservation (DEC), excessive idling of certain vehicles is illegal in New York State. State regulations provide in part that buses exceeding 8,500 pounds and designed primarily for transporting persons or properties (i.e., a "heavy duty vehicle") shall not idle for more than five (5) consecutive minutes when not in motion unless otherwise authorized by the regulations. Significantly, the state regulations apply to a heavy duty vehicle whether or not powered by a diesel or non-diesel fueled engine.

Further, the five (5) consecutive minute limitation on idling applies to buses whether owned, operated or leased; or to one who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of the bus present on such land.

Exceptions

Exceptions to the five (5) consecutive minute limitation on idling of school buses will be as enumerated in state regulations and include, but are not limited to, the following:

- a. The bus is forced to remain motionless because of the traffic conditions over which the driver has no control; and
- b. Idling to maintain an interior temperature of fifty (50) degrees Fahrenheit when the outside temperature is less than fifty (50) degrees or an interior temperature of seventy (70) degrees Fahrenheit when the temperature outside is more than eighty (80) degrees.
- c. Auxiliary function such as wheelchair lifts IF the operation requires the engine to continue running.
- d. When operation of the vehicle is required for maintenance, including necessary pre-trip safety inspections.

Publication of District Policy/Bus Driver Training

This policy shall be posted at the Transportation Department and bus garage; and the Director of Transportation shall provide training to District bus drivers/transportation personnel on the District's idling reduction program and other practices for environmentally friendly bus operations to reduce school bus emissions and minimize exposure to bus exhaust. Appropriate signage shall be posted at each school to remind drivers and school staff of the policy.

(continued)

SUBJECT: SCHOOL BUS IDLING (continued)

Also, as may be applicable, the District shall ensure that each vendor/contract bus company receives a copy of the District policy regarding idling of school buses and shall provide any educational materials, regulations and/or procedures developed by the District with regard to meeting training requirements of the District's idling reduction program. The vendor/contract bus company shall sign for receipt of all of the above documents at the beginning of each school year and shall provide training for all currently employed bus drivers/transportation personnel. The vendor/contract bus company must also ensure that newly hired bus drivers, upon employment, are informed of the District policy and provided appropriate training regarding the idling of school buses.

The provisions of this policy shall be incorporated by reference in all transportation contracts and agreements.

The District shall otherwise publish its School Bus Idling Policy at its discretion which may include publication in the local newspaper and/or annual District calendar.

Sanctions for Violation of District Policy

District employed bus drivers as well as other District employees who are known to have engaged in prohibited behavior with regard to excessive idling of school buses are subject to disciplinary action pursuant to the applicable collective bargaining agreement, as well as the sanctions provided for in law and/or regulations.

Any significant violations by vendors/contract bus companies of District policy and/or regulations regarding excessive idling of school buses shall result in revocation of their contract for the transportation of District students; and they may be subject to sanctions provided for in law and/or regulations.

The District will monitor and enforce compliance with this policy; and any person may report incidents of noncompliance by contacting the Director of Transportation.

State Regulations: 6 New York Code of Rules and Regulations (NYCRR) Subpart 217-3

NYC Regulations: New York City Administrative Code Section 24-163

REGULATION

2016

5770R

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Non-Instructional/Business Operations

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS

The Board of Education 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. In accordance with Education Law and Commissioner's Regulations, the District will minimize, to the extent practicable, the idling of all school buses and other vehicles owned or leased by the District while such bus or vehicle is parked or standing on school grounds or in the front of any school. This administrative regulation also applies to contractor owned and operated school buses under contract with the District.

The District shall ensure that each driver of a school bus or other vehicle owned, leased or contracted for by the District turn off the engine of the bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

Further, administration seeks to establish a practice requiring prompt loading and unloading of individual school buses rather than waiting for all buses to arrive.

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:

- 1) For mechanical work; or
- 2) To maintain an appropriate temperature for passenger comfort; or
- 3) In emergency evacuations where necessary to operate wheelchair lifts.

Requirements of School Bus Drivers

- 1) Instruct students on the necessity to board the school bus promptly in the afternoon in order to reduce loading time;
- 2) Whenever possible, park the school bus diagonally in school loading areas to minimize the exhaust from adjacent buses that may enter the school bus and school buildings; and
- 3) Turn off the bus engine during sporting or other events.

Additional School District Responsibilities

Notice

The District shall annually provide their school personnel, no later than five (5) school days after the start of school, with notice of the provisions of Education Law Section 3637 and Commissioner's Regulations Section 156.3(h). The format and materials for the notice will be supplied by the Commissioner of Education.

Monitoring and Reports

- 1) The District shall periodically, but at least semi-annually, monitor compliance of school bus drivers and drivers of vehicles owned, leased or contracted for by the District with the requirements of Commissioner's Regulations.
- 2) The District shall prepare a written report describing the actions taken to review compliance and the degree of adherence found.
- 3) Copies of the report shall be retained in the School District's files for a period of six (6) years and made available to the State Education Department (SED) upon request.

(continued)

REGULATION

2016

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Non-Instructional/Business Operations

SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS (continued)

Private Vendor Transportation Contracts

All contracts for pupil transportation services between the School District and a private vendor that are entered into on or after August 21, 2008, shall include a provision requiring such vendor's compliance with the provisions of reducing idling in accordance with Commissioner's Regulations Section 156.3(h).

New York State Education Department (SED) Compliance/Training Material

To assist school districts with compliance, SED has prepared materials for the annual notice to school personnel and for training school bus drivers. These materials have been posted on SED's Web site at: www.emsc.nysed.gov/schoolbus/anti-idling/home.html

The District may meet the notice requirement by providing employees with a copy of Education Law Section 3637 and Commissioner's Regulations Section 156.3(h). As an alternative, the District may notify employees that the materials have been posted on all employee bulletin boards and the District Web site.

To assist with training school bus drivers, SED has updated a PowerPoint presentation that was part of their 2004 Professional Development Seminar and school bus driver refresher training. Other materials such as driver handouts, pledge cards and a reducing idling campaign logo are part of the 2004 School Bus Driver Refresher materials.

Adopted by Board of Education 10/20/09

SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT

The Board of Education recognizes its responsibility to promote and foster school safety and ensure a safe and effective learning environment. After having carefully considered and balanced the rights of privacy with the District's duty to promote discipline, health, welfare and safety of staff and students, as well as that of the general public who has occasion to use school facilities, the Board supports the use of surveillance cameras when necessary in its schools, its buses and/or on school grounds. District surveillance cameras will only be utilized in public areas where there is no "reasonable expectation of privacy." Audio recordings shall not be utilized by the School District officials; such prohibition does not preclude the use of audio recordings by law enforcement officials in accordance with their official duties and/or as otherwise authorized by law.

To further the Board's objective, the School District's District-wide Safety Team shall meet as appropriate and/or deemed necessary to develop, implement and review District and building level safety practices. The Team shall also make recommendations to the Superintendent regarding the implementation and use of surveillance cameras as authorized by the Board of Education. The Superintendent shall retain final decision-making authority regarding the recommendations of the Safety Team; and he/she shall notify the Board as to the procedures to be implemented with regard to the use of surveillance cameras by the School District.

In determining the most appropriate use and implementation of surveillance cameras in the schools, school buses and/or on school grounds, the District-wide Safety Team's recommendation will be guided by, at a minimum, the following considerations:

- a) Demonstrated need for the device at designated locations;
- b) Appropriateness and effectiveness of proposed protocol;
- c) The use of additional, less intrusive, means to further address the issue of school safety (e.g., restricted access to buildings, use of pass cards or identification badges, increased lighting, alarms);
- d) Right to privacy and other legal considerations (which should be referred to the School Attorney for review and compliance with applicable laws and regulations); and
- e) Expense involved to install and maintain the use of surveillance cameras at designated locations, including school buses and/or on school grounds.

Any video recording used for surveillance purposes in school buildings, school buses and/or on school property, shall be the sole property of the District; and the Superintendent or his/her designee will be the custodian of such recordings. All video recordings will be stored in their original form and secured to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations.

Requests for viewing a video recording must be made in writing to the Superintendent or his/her designee and, if the request is granted, such viewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's video recording be duplicated and/or removed from District premises unless in accordance with a court order and/or subpoena.

Signage/Notification Regarding Use of Surveillance Cameras in School Buildings, School Buses and/or on School Grounds

Appropriate signage will be posted at entrances to the school campus and/or at major entrances into school buildings notifying students, staff, and the general public of the District's use of surveillance cameras.

Students and staff will receive additional notification, as appropriate, regarding the use of surveillance cameras in the schools, school buses and/or on school grounds. Such notification may include, but is not limited to, publication in the District calendar, employee handbook, and student handbook. Such notification does not preclude, as deemed appropriate by administration, the discussion of the use of surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

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SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL**General Provisions**

Officers and employees of the Fabius-Pompey Central School 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 of Education recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This policy establishes those standards.

The provisions of this policy are intended to supplement Article 18 of General Municipal Law Sections 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 Fabius-Pompey Central School District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of ~~\$75~~ *\$150* 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/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/her in the course of his/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/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/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.

"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/her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he/she is a member or employee; a corporation of which he/she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him/her.

The provisions of the preceding three 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, the holding of which is not prohibited by law.

(Continued)

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

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 of Education. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

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/her official duties, or that would otherwise impair his/her independence of judgment in the exercise or performance of his/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/her official duties.

Future Employment

No person may, after the termination of service or employment with the District, appear before the District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his or her active consideration.

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.

Education Law § 410

General Municipal Law Article 18 and §§ 800-809

FORM

2017

6110F

Personnel

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT CODE OF ETHICS POLICY ACKNOWLEDGEMENT

I acknowledge that I have received the Fabius-Pompey Central School District's Code of Ethics, approved by the Board of Education and formalized as Policy #6110. I further acknowledge that I have read the Code of Ethics and agree to abide by its terms.

Signature

Name

Date

Please Note: Violation of the Fabius-Pompey Central School District's Code of Ethics may be grounds for disciplinary action, up to and including removal or termination.

BOE adopted 4/5/16

FORM

2017

6110F.1

Personnel

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
DISCLOSURE OF INTEREST**

TO: Board President and *[insert name of immediate supervisor]*

RE: Disclosure of Interest

As *[a Board member/an officer/an employee]* of the Fabius-Pompey Central School District, I have received a copy of the District's Code of Ethics. Consistent with that Code, I am disclosing my interest in an actual or proposed contract to which the District is party. Specifically:

[Check all that apply]

- ☐ I, my spouse, minor children, or dependents benefit or would materially benefit from a contract with *[insert the name of the vendor, contractor, or other entity with whom the District does or may do business]*.
- ☐ I am or my spouse is a member or employee of *[insert the name of the firm, partnership, or association with whom the District does or may do business]*.
- ☐ I am or my spouse is an officer or employee of *[insert the name of the firm, partnership, or association with whom the District does or may do business]*.
- ☐ I or my spouse own or control stock in *[insert the name of the corporation]*.
- ☐ Other

Additional information regarding the nature and extent of my interest is provided below:

I understand that additional information regarding this matter may be necessary, and will supplement this letter at the request of the Board.

Name (Printed or Typed)

Signature

Date

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School 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 and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner 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 up to and including termination of employment.

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 that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging or through social networking Web sites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students 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 such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated 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, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

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 (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

(Continued)

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

The Board of Education 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 shall 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 shall 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 shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the 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 State Education Department.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adopted by Board of Education October 19, 2010

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The School District is committed to providing a safe, productive and positive learning environment within its schools. All District employees are to maintain a professional, ethical relationship with District students that is conducive to creating and maintaining an effective learning environment; and shall serve 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.

In order to help prevent the occurrence and/or appearance of inappropriate relationships between staff and students, staff must adhere to the following guidelines as a means to foster the safety and well being of students and to protect staff from unfounded accusations.

Prohibited Conduct by Staff Members Toward Students /Examples of Inappropriate Behavior

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 and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner 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 regulations, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee conduct directed toward students includes, but is not limited to, the following behavior:

- 1) Flirting.
- 2) Making suggestive comments.
- 3) Dating and/or asking students for dates.
- 4) Requests for sexual activity.
- 5) Physical displays of affection including kissing, caressing of face or body, and massages.
- 6) Giving inappropriate personal gifts.
- 7) Frequent personal communication with a student unrelated to course work or official school matters. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging or through social networking Web sites.)
- 8) Providing alcohol or drugs to students; or permitting students, in the absence of parental/guardian supervision, to drink alcohol or take drugs in the presence of the employee.
- 9) Inviting a student to go somewhere alone with the employee.
- 10) Inappropriate touching.
- 11) Promoting, providing access to and/or sharing pornographic material including, but not limited to, viewing pornographic movies, videos, pictures, magazines, and web sites.
- 12) Engaging in sexual contact and/or sexual relations.

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and regulations, 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 such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

REGULATION

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6110.1R

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Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (continued)

Inappropriate Behavior Initiated by Students

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or supervisor. If appropriate, the Principal/Supervisor will intervene and speak to the student and the student's parents about the inappropriate behavior.

Supervision of Students

Staff members shall maintain a reasonable standard of care for the supervision and protection of students commensurate with their assigned duties and responsibilities.

Reporting of Complaints/General Guidelines

- 1) Any student who believes that he/she has been subjected to inappropriate staff behavior as outlined in this regulation, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Complaint Officer.
- 2) In all events such reports shall be forwarded to the District's designated Complaint Officer for further investigation.
- 3) Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District.
- 4) Investigations of allegations of improper staff-student relations shall follow the procedures utilized for complaints of harassment/sexual harassment within the School District, including the filing of "informal" and/or "formal" complaints and levels of appeal.
- 5) All allegations of inappropriate staff-student relations, whether written or verbal, formal or informal, will be investigated thoroughly, promptly and impartially in accordance with law and/or regulations, the applicable collective bargaining agreement, District policy and administrative regulations.
- 6) To the extent possible, within legal constraints, all allegations of inappropriate staff-student conduct will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials, Child Protective Services, and/or the State Education Department as warranted; and any disclosure will be provided on a "need to know" basis.
- 7) 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 (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.
- 8) Administration shall also refer to and use, as appropriate, existing policies and administrative regulations (such as those addressing harassment/sexual harassment in the school setting and child abuse/child abuse in an educational setting) when investigating allegations of improper staff-student fraternization.
- 9) The Superintendent/designee is to be informed as soon as possible regarding all allegations and/or reports regarding inappropriate staff-student relations and the status of any investigations.
- 10) All investigations of allegations of improper fraternization between staff and students, as well as any action taken, shall be appropriately documented in order to create a written record that demonstrates the District's efforts to prevent such conduct and to facilitate the evaluation of the District's efforts.
- 11) Parents of students subjected to possible improper behavior on the part of a staff member and/or students filing a complaint of such inappropriate behavior will be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. Applicable due process procedures will be followed depending upon the nature of the investigation and possible disciplinary sanctions.

(continued)

REGULATION

2017

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Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (continued)

Prohibition of Retaliation

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses and/or any other individuals who participated in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall 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

Principals in each school building and/or program supervisors will be responsible for informing students, staff and volunteers on a yearly basis of District policy and regulations regarding the prohibition of inappropriate staff-student relations. At this time, the Principal/Supervisor shall also review the procedures established for reporting, investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student fraternization. Students shall be provided such training in an age appropriate manner.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, as prohibited by the terms of District policy and regulations, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulations, and the applicable collective bargaining agreement. A violation of District policy and regulations may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

Dissemination/Publication of District's Prohibition Against Inappropriate Staff-Student Relations

The District's policy and regulations (or a summary thereof) prohibiting inappropriate staff-student relations will be published in appropriate school publications such as teacher/employee handbooks, student handbooks and/or school calendars. A copy of the District policy and regulations prohibiting such inappropriate behavior will also be available upon request. Further, this topic shall be addressed in the District Code of Conduct.

Adopted by Board of Education October 19, 2010

Required Policy for Mentoring Programs that Complete Criminal Background Checks

SUBJECT: SAFE MENTORING ACT

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record check from the Division of Criminal Justice Services (DCJS) for each prospective employee as well as prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in a setting without constant District or parental/guardian oversight.

Definitions

- a. "Prospective employee" shall mean a person being considered for employment by a mentoring program.
- b. "Prospective mentor" shall mean an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Such help shall include, but not be limited to, being a positive role model for youth, building relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of children to become responsible adults.
- c. A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the Federal Bureau of Investigation (FBI).
- d. "Mentoring program" shall mean a formalized program operated by an educational institution or school district that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.

Prospective School Employees

All prospective school employees (as enumerated pursuant to Commissioner's Regulations, 8 New York Code of Rules and Regulations Section 80-1.11 and Part 87) must already receive clearance from the State Education Department (SED) in accordance with existing procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring program.

The District shall require that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee" per Commissioner's Regulations in accordance with Social Services Law Section 390-e and District procedures.

Prospective Volunteer Mentors

Volunteers, however, are not "covered" by such regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role/program) will be subject to the requirements of Social Services Law Section 390-e and District procedures.

SUBJECT: SAFE MENTORING ACT (Cont'd.)**Fees for Fingerprinting**

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to OCFS and paid by money order, check or certified check by the District.

Unless otherwise authorized by the Board of Education, the prospective employee and/or prospective volunteer mentor shall pay such fees.

Waiver by Custodial Parent/Guardian

A custodial parent/guardian may sign a waiver authorizing a mentor to work with his/her child regardless of a criminal charge or crime related to a mentor, unless the crime is a sex offense or a crime against a child. No waiver is permitted in the case of a sex offense or a crime against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the District may notify a custodial parent/guardian of his/her waiver right, but a waiver shall be authorized by a custodial parent or guardian.

Confidentiality

The criminal history record shall be confidential pursuant to applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law.

Parental Disclosure

The District will provide each custodial parent/guardian of every child participating in its mentoring program a description of the kind of criminal background checks conducted on prospective employees and prospective volunteer mentors in accordance with law.

Social Services Law Section 390-e

Correction Law Sections 752 and 755

Executive Law Section 837(8-a)

8 New York Code of Rules and Regulations (NYCRR) Section 80-1.11 and Part 87

SUBJECT: SAFE MENTORING ACT

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record check from the Division of Criminal Justice Services (DCJS) for each prospective employee as well as prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in a setting without constant District or parental/guardian oversight.

Definitions

- 1) "Prospective employee" shall mean a person being considered for employment by a mentoring program.
- 2) "Prospective mentor" shall mean an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Such help shall include, but not be limited to, being a positive role model for youth, building relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of children to become responsible adults.
- 3) A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the Federal Bureau of Investigation (FBI).
- 4) "Mentoring program" shall mean a formalized program operated by an educational institution or school district that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.

Prospective School Employees

All prospective school employees (as enumerated pursuant to Commissioner's Regulations, 8 New York Code of Rules and Regulations Section 80-1.11 and Part 87) must already receive clearance from the State Education Department (SED) in accordance with existing procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring program.

The District shall require that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee" per Commissioner's Regulations in accordance with Social Services Law Section 390-e and District procedures.

Prospective Volunteer Mentors

Volunteers, however, are not "covered" by such regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role/program) will be subject to the requirements of Social Services Law Section 390-e and District procedures.

Fingerprinting Procedures for Prospective Employees Not Otherwise Covered by 8 NYCRR Section 80-1.11 and Part 87/Prospective Volunteer Mentors

Fingerprinting for prospective employees not otherwise covered by Commissioner's Regulations Section 80-1.11 and Part 87 and prospective volunteer mentors will be conducted as per the following:

(Continued)

SUBJECT: SAFE MENTORING ACT (continued)**District and Office of Children and Family Services (OCFS) Responsibilities**

- 1) Prior to initiating the fingerprinting process, the District shall:
 - (a) Provide prospective employees and prospective volunteer mentors with a form which will, among other things, inform the prospective employee/volunteer mentor of the criminal record check procedures and applicable fees, the prospective employee/volunteer mentor's right to withdraw his/her application without prejudice at any time before the volunteer opportunity is offered or declined, and the right of the prospective employee/volunteer mentor to obtain, review and seek correction of his/her criminal history information.
 - (b) Obtain the signed, informed consent for each prospective employee/volunteer mentor to perform the criminal history check.
- 2) The District will obtain a set of fingerprints and any other information required by the OCFS and the DCJS from each prospective employee/volunteer mentor. The District will provide the applicant with blank fingerprint cards and a description of how the completed fingerprint card will be used upon submission to the District's mentoring program.
- 3) The District will promptly transmit the completed fingerprint card and the processing fee to the OCFS. The OCFS shall promptly submit the fingerprint card and the processing fee to the DCJS for its full search and processing.
- 4) Upon receipt of a criminal history record from the DCJS, the OCFS shall promptly provide to the District the criminal history record, if any, with respect to the prospective employee/volunteer mentor, or a statement that the individual has no criminal history record.
- 5) Upon receipt of the results of a criminal background check, the District shall determine whether or not the prospective employee/volunteer mentor shall be offered employment or the opportunity to volunteer with the mentoring program. Such determination shall be made in accordance with the criteria established in Correction Law Section 752 which prohibits unfair discrimination against persons previously convicted of one or more criminal offenses.
- 6) Upon the request of any person previously convicted of one or more criminal offenses who has been denied employment pursuant to Social Services Law Section 390-e, the District shall provide, within thirty days of such request, a written statement setting forth the reasons for such denial. Any such person denied employment shall be afforded the opportunities for enforcement available pursuant to Correction Law Section 755.

Fees for Fingerprinting

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established, pursuant to law, by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to OCFS and paid by money order, check or certified check by the District.

Unless otherwise authorized by the Board of Education, the prospective employee and/or prospective volunteer mentor shall pay such fees.

(Continued)

REGULATION

2017

6113R

3 of 3

Personnel

SUBJECT: SAFE MENTORING ACT (continued)

Waiver by Custodial Parent/Guardian

A custodial parent/guardian may sign a waiver authorizing a mentor to work with his/her child regardless of a criminal charge or crime related to a mentor, unless the crime is a sex offense or a crime against a child. No waiver is permitted in the case of a sex offense or a crime against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the District may notify a custodial parent/guardian of his/her waiver right, but a waiver shall only be authorized by a custodial parent/guardian.

Confidentiality

The criminal history record shall be confidential pursuant to applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law.

Parental/Guardian Disclosure

The District will provide each custodial parent/guardian of every child participating in its mentoring program a description of the kind of criminal background checks conducted on prospective employees and mentors. The description will include:

- 1) Identification of the source utilized to obtain criminal background histories;
- 2) A list of crimes that would lead the District to deny employment as a prospective employee or the opportunity to volunteer as a prospective mentor; and
- 3) Any other process utilized to determine whether or not a prospective employee or mentor with a conviction record will be offered employment or the opportunity to volunteer.
- 4) This description will clearly state whether or not prospective employees or mentors may be hired or offered the opportunity to volunteer despite the existence of a conviction history.

Adopted by Board of Education 12/8/09

FORM

2017

6113F

Personnel

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
PARENT/GUARDIAN MENTOR WAIVER FORM***

I, _____ (custodial parent/guardian's name), the custodial parent/guardian of
_____ (child's name), have been informed by _____ (mentoring

program's name) that _____ (prospective mentor's name) has been rejected as a mentor, in accordance with Article 23-A of the Corrections Law and the mentoring program's criminal history policy. I understand that I cannot view the prospective mentor's criminal history due to confidentiality laws, but I have reviewed the above-named mentoring program's policy on evaluating prospective mentors with a criminal history and I understand the types of crimes which the mentoring program uses to reject an individual as a prospective mentor. I further understand that the above-named prospective mentor will only be allowed to mentor my child if I consent to the mentoring relationship. I also understand that if I do not want the prospective mentor mentioned above to mentor my child, the above-named mentoring program is willing to provide another mentor to my child if desired.

I fully understand all the facts and circumstances above, and despite the prospective mentor's criminal history and the mentoring program's rejection of this prospective mentor due to his or her criminal history,

I consent to _____ (prospective mentor's name) to mentor my child,
_____ (child's name).

Custodial Parent/Guardian's Signature

Date

Mentoring Program Representative's Signature

Date

*This waiver may not be offered to you by the mentoring program if the prospective mentor has been convicted of a sex offense as defined in Article 130 of the Penal Law, or a crime against a child. If the prospective mentor has been convicted of any other crime and the mentoring program determines that it will not approve the prospective mentor based on its guidelines, the mentoring program must ask the prospective mentor if the mentor will consent to the mentoring program asking the custodial parent or guardian of the child if the custodial parent or guardian will sign this waiver form permitting the prospective mentor to be a mentor for the child of the custodial parent or guardian. By signing this form and providing the form to you, the mentoring program verifies that the prospective mentor has consented to this form being provided to you for your consideration.

Personnel

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of his/her criminal history information.

Additionally, where the prospective school employee is not already in the SED criminal history file, the District shall obtain the signed, informed consent of the applicant to perform the criminal history check. Every set of fingerprints taken shall be promptly submitted to the Commissioner of Education for purposes of clearance for employment.

Where the prospective school employee is already in the SED criminal history file, the District shall request the clearance for employment on forms or an equivalent manner prescribed by SED; Furthermore, the District shall notify SED, in a manner prescribed by the Department, of a prospective school employee who has commenced employment with or began providing services for the District, the date of the commencement of such employment or service, and the position held by such individual. Similarly, the District shall notify SED, in a manner prescribed by the Department, of a fingerprinted employee who has been separated from employment with the District or ceased providing services for the School District, and the date of such separation from employment or cessation of services. All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Unless otherwise exempted pursuant to law, the applicant shall be responsible for the payment of fees to SED for a criminal history record check. However, if approved by Board resolution, the District may authorize the payment of such fees on behalf of prospective employees. The Board is also authorized to waive the payment of such fees in cases of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

Individuals Who Are Specifically Excluded

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

- a. Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b. Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or
- c. Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

(continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

Removal from the SED Criminal History File

Where individuals have been separated from employment at the School District and have not become employed in this District or another school district, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying his/her fingerprints. Such individuals shall be removed from the SED criminal history file.

Conditional Appointment/ Emergency Conditional Appointments

**Pending legislation. This section of the Policy Update should not be adopted by the Board of Education unless and until this legislation is signed into law by the Governor. Districts may wish to review this provision of policy with their school attorneys to ensure accuracy and full compliance with applicable laws and regulation as of the date of adoption.*

Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

Emergency Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such an appointment is made, the process for conditional appointment as enumerated above must also be initiated.

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment the prospective employee indicating whether, to the best of his/her knowledge, the prospective employee has a pending criminal charge or criminal conviction in any jurisdiction.

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)

An unforeseen emergency vacancy shall be defined as:

- a. *A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this provision shall not apply if the Board of Education finds that the School District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for full clearance or conditional clearance); and*
- b. *When no other qualified person is available to fill the vacancy temporarily; and*
- c. *When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.*

Safety of Students

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. Such procedures will address the safety of students in the classroom, students attending of-campus activities under the supervision of the School District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to, the following: supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator; and periodic visitations by the building/program administrator to the classroom, program and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

"Sunset" Provision for Conditional Appointments/Emergency Conditional Appointments

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending fill clearance from SED shall terminate, in accordance with legislation, on July 1, 2003; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Education Law Sections 305(30), 1604, 1709, 1804, 1950, 2503, 2554, 2854, 3004-b and 3004-c, and 3035
Correction Law Article 23-A
Executive Law Section 296(16)
Social Services Law Article 5, Title 9-B
8 New York Code of Rules and Regulations (NYCRR) Section 80- 1.11 and Part 87

Adopted by Board of Education September 4, 2001

Policy #6115 adopted September 4, 2001

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**District's Responsibilities under the Fingerprinting Law**

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize the prospective school employee, as defined below, unless such prospective employee has been granted a "full" clearance for employment by the State Education Department (SED). All prospective school employees who are not in the SED criminal history file shall be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

1. Prior to initiating the fingerprinting process, the District shall:
 - a) Provide prospective employees with a form, developed and supplied by the Commissioner of Education. This form will, among other things, inform the prospective school employee of the criminal record check procedures and applicable fees, the employee's right to withdraw his/her application without prejudice at any time before employment is offered or declined, the right of the prospective employee to obtain, review and seek correction of his/her criminal history information, and the right to submit information directly to the Commissioner in relation to the individual's good conduct and rehabilitation.
 - b) Obtain the signed, informed consent for each prospective employee to perform the criminal history check.
2. Where the prospective school employee is already in the SED criminal history file, the District shall request clearance for employment on a form or in an equivalent manner as prescribed by SED. No fees shall be payable to SED for such request for clearance.
3. If an employee who has been fingerprinted ceases employment with the District or ceases providing services with the District, and does not become employed in this District or another district, charter school or BOCES within twelve (12) months of termination of employment, the Commissioner of Education shall notify DCJS, and the employee's fingerprints shall be destroyed and such individual shall be removed from the SED criminal history file.
4. The District shall provide the Commissioner with the name and position held by all employees upon commencement and termination of employment.

Who Must Be Fingerprinted

All "prospective employees" of the School District must be fingerprinted. For purposes of this regulation and the applicable provisions in law and Commissioner's Regulations, "prospective school employee" shall mean any individual who will reasonably be expected by the School District to provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) & who is either:

1. Seeking a compensated position with the District and is not currently employed by the district or a student enrolled in the instructional program of a grade level in the school District; or
2. An employee of a provider of contracted services to the School District who is to be placed within the District; or
3. A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law, directly or through contract.

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (continued)**Individuals Who Are Specifically Excluded**

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

1. Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
2. Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract;
or
3. Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one or more employees of the District while that individual is providing such services. Individuals providing such time-limited and supervised services may include but shall not be limited to artists, guest lecturers and speakers, and sports officials.

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

Who Must Perform the Fingerprinting

Although the District is responsible for securing the fingerprints of all prospective employees, a "designated fingerprinting entity" means one of the following types of entities: school districts, boards of cooperative educational services, charter schools, state and local criminal justice agencies, institutions of higher education, and other entities as designated by SED.

Fees for Fingerprinting

Both DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established, pursuant to law, by DCJS and the FBI for processing the criminal history information request. DCJS's current processing fee is fifty dollars (\$50.00) and the FBI's current processing fee is twenty-four dollars (\$24.00). In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to SED and paid by money order or check of the District or certified check.

Presumably, unless otherwise authorized by the Board of Education, the prospective employee pays the fees.

1. However, employees participating in a public assistance employment program or receiving employment services through the federal Temporary Assistance for Needy Families block grants are not responsible for the fees. Under those circumstances, the fees are paid by the Social Services District making the employment placement or assignment.
2. On a form prescribed by the Commissioner, a prospective employee may submit to the Board of Education a request that the fees be waived. The Board is permitted to waive payment of the fees in case of unreasonable financial hardship to the applicant or his/her family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

(continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (continued)**Responsibilities of SED**

1. Upon receipt of fingerprints from a prospective employee (via the School District), SED shall submit the fingerprints of prospective employees in the District to DCJS and the FBI for criminal history background checks. .
2. Where the criminal history record check reveals no criminal record, SED shall issue a clearance for employment to the District, and shall notify the prospective school employee of such clearance for employment.
3. Where the criminal history record check reveals that the prospective school employee was convicted of a crime or has a pending criminal charge, SED shall review such record and apply the standards for granting or denial of a license or employment application set forth in Correction Law Section 752 and shall consider the factors specified in Correction Law Section 753. Article 23-A of the Correction Law prohibits denying a license or employment to a convicted offender or from a finding that an applicant lacks "good moral character" when a finding is based on a criminal conviction, unless:
 - a) There is a direct relationship between the criminal offense(s) and the license/employment sought; or
4. Granting the license/employment sought would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

A certificate of relief from disabilities or a certificate of good conduct issued to the individual creates a presumption of rehabilitation regarding the offense(s) specified in the certificate.

5. The criminal history reports are also subject to Executive Law Section 296(16), which prohibits discrimination in licensing or employment based upon any arrest or criminal accusation no longer pending which was terminated in favor of an individual.
6. If, after such review, SED determines that clearance for employment shall be granted, the department shall "promptly" issue such clearance for employment to the School District.
7. If, after such review, SED determines that a prospective school employee's criminal history record demonstrates a basis to deny clearance for employment, SED will issue a notice to the prospective school employee as mandated pursuant to Commissioner's Regulations. The notification will also inform the prospective school employee that he/she has a right to submit a response to SED indicating why clearance for employment should be granted and the appeal process to be followed. Additional procedures to be followed by SED in determining clearance for employment will be as enumerated in Commissioner's Regulations.

Appeal Rights

A prospective employee may appeal a denial of clearance for employment by SED, based upon the review of his/her criminal record, by directing such appeal to the Executive Coordinator of the Office of Teaching of SED. The record review process will be in accordance with Commissioner's Regulations.

(continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (continued)**Confidentiality of Reports**

All criminal history records processed by DCJS and the FBI and sent to the Commissioner of Education are confidential. The records may not be published or in any way disclosed to persons other than the Commissioner unless otherwise authorized by law.

Refusal to Consent to Fingerprinting

If a prospective employee refuses to consent to be fingerprinted, the District cannot employ the prospective employee.

Conditional Appointments/Emergency Conditional Appointments

**Pending legislation. This section of the Administrative Update should not be utilized as District procedure unless and until this legislation is signed into law by the Governor. Districts may wish to review this provision of the regulation with their school attorneys to ensure accuracy and full compliance with applicable laws and regulation as of the date of implementation.*

Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee.

1. *A request for conditional clearance shall be forwarded by the District to SED along with the prospective employee's fingerprints as mandated pursuant to law.*
2. *SED send Fingerprints to DCJS (criminal history record check is estimated to be completed within 2-4 days).*
3. *Prior to the commencement of such conditional appointment, the prospective employee must sign a statement indicating whether, to the best of his/her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.*
4. *Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment; and such conditional appointment will terminate when the School District is noted of the determination by the Commissioner to grant or deny full clearance.*
5. *If full clearance is granted, the appointment shall continue and the conditional status shall be removed.*
6. *If the Commissioner determines that more time is necessary for SED to make a clearance determination, the notification provided to the prospective employee and the School District shall include a "good faith estimate" of the amount of additional time needed.*
7. *SED shall notify the prospective employee and the School District within fifteen (15) business days after receipt of a prospective employee's fingerprints and request for a determination on conditional clearance.*

(continued)

SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (continued)**Emergency Conditional Appointments**

1. *Upon the recommendation of the Superintendent, the Board may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. An unforeseen emergency vacancy shall be defined as:*
 - a) *A vacancy that occurred less than ten (10) business days before the start of any school session including summer school, or during any school session including summer school, without sufficient notice to allow for clearance or conditional clearance (however, this provision shall not apply if the Board finds that the District has been unable to fill the vacancy despite good faith efforts to fill the vacancy in a manner that would have allowed sufficient time for fill clearance or conditional clearance); and*
 - b) *When no other qualified person is available to fill the vacancy temporarily; and*
 - c) *When the emergency conditional appointment is necessary to maintain services which the District is legally required to provide or services necessary to protect the health, education or safety of students or staff.*
2. *When such an emergency conditional appointment is made, the process for conditional appointment as enumerated above must also be initiated.*
3. *Prior to the commencement of such emergency conditional appointment, the prospective employee must sign a statement indicating whether, to the best of his/her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction.*
4. *The District must send the request for conditional appointment to SED, along with the prospective employee's fingerprints as mandated pursuant to law, for a criminal history record check by DCB. However, employment pursuant to an emergency conditional appointment may start before SED notifies the District regarding conditional clearance.*
5. *Emergency conditional appointment shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier.*
6. *If conditional clearance is granted, the appointment shall continue as a conditional appointment.*

"Sunset" Provision for Conditional Appointment/Emergency Conditional Appointments

The provisions in law which permit the conditional appointment and/or emergency conditional appointment of employees pending fill clearance from SED shall terminate, in accordance with legislation, on July 1, 2003; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, disability, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

Provisions will be provided for the publication and dissemination, internally and externally of this policy to ensure its availability to interested citizens and groups.

Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Posting Requirement of Correction Law Article 23-A

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offences.

Civil Penalties in Employment Discrimination Matters

New York State Human Rights Law imposes civil fines and penalties, payable to the State, of up to \$50,000 for unlawful acts of employment discrimination, and up to \$100,000 for willful, wanton, or malicious discrimination. In accordance with law, these penalties may be assessed in all cases of employment discrimination (e.g., whether such a claim is pursued in a more formal court action or through an administrative proceeding before the New York State Division of Human Rights). Under the legislation, an employer with fewer than fifty (50) employees may be allowed to pay the civil fines and penalties in installments.

(Continued)

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

The new civil fines do not replace or limit other relief under New York State Human Rights Law that may be awarded to a prevailing complainant in an administrative proceeding which includes, but is not limited to, affirmative relief from the employer (e.g., an order that the individual be hired, promoted or reinstated by the employer), backpay and other compensatory damages (e.g., emotional distress damages). The New York State *Division of Human Rights* cannot award punitive damages or attorney's fees to a prevailing complainant in an administrative proceeding. However, a *New York State Court* may award a prevailing plaintiff in a court action various relief, including, but not limited to, punitive damages and attorney's fees. (An administrative proceeding before the New York State *Division of Human Rights* and an action commenced in a *New York State Court* represent two different ways to seek redress for acts of alleged employment discrimination.)

Age Discrimination in Employment Act, 29 USC Section 621

Americans With Disabilities Act, 42 USC Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Genetic Information Nondiscrimination Act of 2008 (GINA) Public Law 110-233

Prohibits discrimination in the workplace based upon genetic information.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.

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

Prohibits discrimination on the basis of race, color or national origin.

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

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

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

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital

status or disability.

Civil Service Law Section 75-B

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, predisposing genetic characteristics, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Labor Law Section 201-f

Military Law Sections 242 and 243

SUBJECT: SCHOOL DISTRICT BEST PRACTICES FOR EMPLOYEES WITH CAREGIVING RESPONSIBILITIES

The Equal Employment Opportunity Commission (EEOC) has issued guidance explaining the circumstances under which discrimination against workers with caregiving responsibilities might constitute discrimination based on sex, disability or other characteristics protected by federal employment discrimination laws.

[*Employer Best Practices for Workers with Caregiving Responsibilities (2009)*, available at <http://www.eeoc.gov/policy/docs/caregiver-best-practices.html>]

The guidance document provides suggestions for "best practices" that the School District, as an employer, may implement to reduce the chance of equal employment opportunity (EEO) violations against caregivers, and to remove barriers to equal employment opportunity.

The guidance document does not create a new prohibited basis for discrimination. Rather, the document illustrates circumstances in which stereotyping or other forms of discrimination against workers with caregiving responsibilities may violate federal employment statutes and regulations. Under the federal EEO laws, discrimination must be based on protected characteristics such as sex and/or race. A particular caregiver also may have certain rights under other federal laws, including the Family and Medical Leave Act (FMLA). Also, a state or local law may provide broader protections for caregivers.

Unlawful disparate treatment of the caregiver also can arise under the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008 where an employer discriminates against a worker based on his or her association with an individual with a disability.

The District, by encouraging and implementing flexible workplace practices that help employees achieve a satisfactory work-life balance, hopes to foster a positive educational environment for its staff and students, enhance employee productivity, and reduce absenteeism.

These workplace practices (best practices) are aimed at removing barriers to equal employment opportunities for employees who have caregiving responsibilities. Best practices are proactive measures that go beyond federal nondiscrimination requirements. Examples include personal or sick leave policies that allow employees to use leave to care for ill family members, flexible work arrangements, and part-time opportunities with proportional compensation and benefits. Responsibilities extend not only to spouses and children, but also to parents and other older family members, or to relatives with disabilities.

The following are examples of best practices for the School District that go beyond federal nondiscrimination requirements and that are designed to remove barriers to equal employment opportunity.

General

- 1) **Be aware of, and train administrators about, the legal obligations that may impact decisions about treatment of workers with caregiving responsibilities.** Those include federal employment statutes and regulations including the Americans with Disabilities Act of 1990, as amended; the Pregnancy Discrimination Act; Title VII of the Civil Rights Act of 1964, as amended; and the Family and Medical Leave Act (FMLA).
- 2) **Develop, disseminate and enforce a strong Equal Employment Opportunity policy** that clearly addresses the types of conduct that might constitute unlawful discrimination against caregivers based on characteristics protected by federal antidiscrimination laws.

(continued)

SUBJECT: SCHOOL DISTRICT BEST PRACTICES FOR EMPLOYEES WITH CAREGIVING RESPONSIBILITIES (continued)

- 3) **Ensure that administrators at all levels are aware of, and comply with, the District's personnel policies and practices.** In particular, those administrators who regularly interact with employees or who are responsible for assignments, leave approval, schedules, promotions and other employment terms, conditions and benefits should be familiar with the District's personnel policies and practices, as well as applicable collective bargaining agreements.
- 4) **Respond to complaints of caregiver discrimination efficiently and effectively.** Investigate complaints promptly and thoroughly. Take corrective action and implement corrective and preventive measures as necessary to resolve the situation and prevent problems from arising in the future.
- 5) **Protect against Retaliation.** Provide clear and credible assurances that if employees make complaints or provide information related to complaints about unfair treatment of caregivers, the District will protect them from retaliation. Ensure that these anti-retaliation measures are enforced.

Recruitment, Hiring and Promotion

- 1) **Focus on the applicant's qualifications** for the job in question. Do not ask questions about the applicant's or employee's children, plans to start a family, pregnancy, or other caregiving-related issues during interviews or performance reviews.
- 2) **Review employment policies and practices** - particularly those related to hiring, promotion, pay, benefits, attendance, and leave - to determine whether they disadvantage workers with caregiving responsibilities.
- 3) **Develop specific, job related qualification standards** for each position that reflects the duties, functions, and competencies of the position and minimize the potential for gender stereotyping and other unlawful discrimination against caregivers. Make sure these standards are consistently applied when choosing among candidates.
- 4) **Ensure that job openings, acting positions, and promotions are communicated** to all eligible employees regardless of caregiving responsibilities.
- 5) **Implement recruitment practices that target individuals with caregiving responsibilities** who are looking to enter or return to the workplace.
- 6) **Identify and remove barriers to re-entry** for individuals who have taken leaves of absence from the workforce due to caregiving responsibilities or other personal reasons.
- 7) **Ensure that employment decisions are well-documented and transparent** (to the extent feasible).

POLICY

2017

6120.3

Personnel

SUBJECT: *POSTING REQUIREMENTS OF CORRECTION LAW ARTICLE 23-A

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one or more criminal offenses.

*We recommend this sample policy be merged as a subheading with another policy in the Personnel Section of your Policy Manual. One suggested policy would be to merge with the policy on Equal Employment Opportunity

Labor Law Section 201-f

Adopted by BOE 10-20-09

POLICY

2017

6121

Personnel

SUBJECT: INDIVIDUALS WITH DISABILITIES

The Board of Education confirms its commitment to ensuring nondiscriminatory treatment toward qualified individuals with disabilities in all employment practices and related activities. The Board further prohibits discrimination against an applicant or employee because such individual has a known association or relationship with a disabled person.

Job descriptions for all District positions shall be developed and maintained by administration, reflecting the essential functions that an employee must be able to perform, with or without reasonable accommodation. Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination.

Americans With Disabilities Act of 1990, 42 USC, Sections 12101 et seq.
Rehabilitation Act of 1973, Section 504

Re-adoption by BOE 12-8-09

Required Policy*SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises and in another state. Since sexual violence is a form of sexual harassment, the term "sexual harassment" as used in this policy will implicitly include sexual violence even if it not explicitly stated.

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

- a) Rape;
- b) Sexual assault;
- c) Sexual battery;
- d) Sexual coercion.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. The District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly, thoroughly and equitably investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Required Policy*SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough, prompt and equitable investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or reasonably should know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. All procedures developed by the District will provide for the prompt and equitable resolution of the sexual harassment.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

(Continued)

Required Policy*SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)****Privacy Rights**

As part of the investigation, the District has the right to search all school property and equipment including District computers. Although rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of students and staff, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)

29 Code of Federal Regulations (CFR) Section 1604.11(a)

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Sections 296 and 297

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

34 Code of Federal Regulations (CFR) Section 100 et seq.

REGULATION

2017

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Personnel

SUBJECT: SEXUAL HARASSMENT

The Fabius-Pompey School District is committed to creating and maintaining a working and learning environment which is free of discrimination and violence. Based upon the principle that every employee and student is entitled to be treated with dignity and respect, and a recognition that sexual harassment including sexual violence is a violation of law and District policy, the District strictly prohibits conduct which constitutes sexual harassment including sexual violence in any form. Since sexual violence is a form of sexual harassment, the term "sexual harassment" in this regulation will implicitly include sexual violence even if it is not explicitly stated.

Anyone who is in violation of District policy and/or regulation will be subject to sanctions and/or disciplinary action as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated District policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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

Retaliation against any individual for filing a sexual harassment charge or making a sexual harassment complaint is illegal and prohibited. Similarly, retaliation against any person who participates in an investigation or proceeding and/or hearing of a sexual harassment complaint is also prohibited. Any employee or student who retaliates against another shall be subject to disciplinary action, as warranted, in accordance with legal guidelines and applicable contractual mandates.

The District strictly prohibits all forms of sexual harassment on school grounds and at all school-sponsored programs, activities and events including those which take place off school premises and in another state.

Definitions/Examples of Prohibited Conduct

Sexual harassment consists of *unwanted and unwelcome* sexual or gender-based behavior which has the purpose or effect of:

- 1) Substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity;
- 2) Creating an intimidating, hostile or offensive learning environment;
- 3) Effectively barring the student's access to an educational opportunity or benefit; and/or
- 4) Substantially or unreasonably interfering with an employee's ability to work, professional performance, productivity, physical security, career opportunities, services or other benefits of employment.

(Continued)

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

Sexual harassment includes, but is not limited to, overt or implicit bribes, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature or that is based on sexual/gender stereotypes. Sexual harassment does not depend on the "voluntary" nature of the behavior or activity, but instead focuses on whether the alleged advances or behavior were unwelcome. Sexual violence, a form of sexual harassment, as defined by New York Penal Law constitutes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This definition includes but is not limited to acts such as rape, sexual assault, sexual battery and sexual coercion. A person may be unable to give consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers or third parties such as visitors and school volunteers. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff. Prohibited conduct can be verbal, non-verbal, or physical (the latter may qualify as criminal sexual assault). Examples of such conduct include, but are not limited to, the following:

- 1) Verbal abuse or ridicule, including innuendoes, stories and jokes, which are of a sexual nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- 2) Direct or indirect threats or bribes for unwanted sexual activity.
- 3) Asking or commenting about a person's sexual activities.
- 4) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- 5) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- 6) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
- 7) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
- 8) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- 9) Unwelcome and/or offensive public displays of sexual/physical affection.
- 10) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- 11) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

(Continued)

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Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

Behavior shall be considered unwelcome and unwanted if the student or employee did not initiate, request or invite such conduct or communication and/or regarded such conduct or communication as undesirable or offensive.

Authority and Responsibility

It is the responsibility of all School District employees and students to ensure that their behavior and environment are maintained free of sexual harassment. Furthermore, each administrator and supervisor has the responsibility to maintain a non-threatening environment which includes discussing the District's policy and regulation pertaining to sexual harassment with all employees and students, and assuring students and staff that they are not required to endure insulting, degrading or exploitative sexual treatment.

All complaints of sexual harassment, whether written or verbal, formal or informal, will be thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute sexual harassment. It is recommended that any employee and/or student who believes he/she has been subjected to sexual harassment, or has reason to know of and/or witnesses any incident of sexual harassment, submit a *written* complaint; however, complaints may be filed verbally and the absence of a written complaint does not negate the District's responsibility to investigate such allegations as thoroughly as possible. School officials are required to provide a written report of investigation findings and any action taken to resolve the complaint within time frames as established by the District.

Any student or employee, who believes he/she has been subjected to sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, shall promptly report such occurrence. The report is to be directed to or forwarded to the District's designated Compliance Officers or as otherwise indicated in this regulation. The District will designate, at a minimum, two (2) Compliance Officers, one of each gender. If the individual is in doubt as to the "seriousness" of the incident and/or whether such behavior constitutes sexual harassment, he/she is still encouraged to immediately report such conduct for resolution. If the Compliance Officer is the alleged offender, the report shall be directed to the next level of supervisory authority as indicated below. Allegations of sexual harassment may be reported through informal and/or formal complaint procedures. Utilization of the District's grievance guidelines does not preclude a student or employee from pursuing other avenues of legal recourse including the right to register complaints with the U.S. Department of Education's Office for Civil Rights, the federal Equal Employment Opportunity Commission or the New York State Department of Human Rights. These regulations are not to be construed as to limit the right of any individual to file a lawsuit in either federal or state court.

If there is some reason why a student or employee cannot make a report to the designated Compliance Officer, he/she may report the matter to the next level of supervisory authority or building administrator as appropriate. If a student reports such occurrence to any other school employee, the student shall be informed of the employee's obligation to report the complaint to administration. The administrator or supervisor who is made aware of the occurrence of possible sexual harassment, whether or not a complaint has been filed, is required to promptly report the incident(s) to the Superintendent and/or designated Compliance Officer.

(Continued)

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

Complaints of sexual harassment will be investigated thoroughly, promptly and equitably in accordance with applicable law and regulations as well as any applicable collective bargaining agreement(s). Acts of sexual harassment, particularly acts involving sexual violence may also need to be referred to appropriate law enforcement agencies as potential criminal conduct. A law enforcement investigation, however, does not relieve the District of its independent obligation to investigate the conduct stated in the complaint.

The Superintendent is to be informed as soon as possible regarding all complaints and/or reports regarding sexual harassment, and the status of any investigations.

Reporting of Complaints: General Guidelines

Any student or employee who believes that he/she has been subjected to sexual harassment or who is made aware of and/or witnesses any possible occurrence of sexual harassment shall report such complaint as soon as possible after the alleged incident occurs in order to help the District effectively and promptly investigate and resolve the complaint. In order to assist in the investigation, victims and/or witnesses should document the harassment as soon as it occurs, providing as much detail as possible including, but not limited to, the following:

- 1) The name, address and telephone number of the complainant.
- 2) The name and/or description of the alleged offender or offenders.
- 3) The specific nature of the alleged harassment including the complainant's explanation of why he/she believes it to be harassment.
- 4) A thorough and detailed account of the actions and/or dialogue which occurred between the alleged harasser/offender and the complainant. This account should include the frequency of the conduct, the date, time, location of the incident, and the complainant's actions and responses during the incident(s).
- 5) The names of witnesses or of persons who have knowledge of the incident, including the names of persons with whom the complainant discussed the incident, and the time and date of this discussion.
- 6) Written material, documents, or other evidence related to the incident.

Investigation of Complaints

In investigating the complaint, the designated Compliance Officer will meet separately with the complainant and the alleged harasser/ offender, and will follow applicable law and regulations as well as any applicable collective bargaining agreement(s). Both parties will have the opportunity to separately present relevant witnesses and other relevant evidence to the Compliance Officer.

All parties will be assured that complaints and discussions will remain as confidential as possible, and will be disclosed only on a "need to know" basis in order to effectively investigate the complaint and/or as mandated by law or court order. However, a written record of the investigation and any action taken will be established. The complainant, the alleged harasser/offender and any witnesses will be directed to refrain from talking about the investigation while it is pending.

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Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

Parents of students subjected to possible sexual harassment and/or students filing a sexual harassment complaint, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines. If the accused student has been identified as having a disability (or is suspected of having a disability) pursuant to Section 504/Individuals with Disabilities Education Act, a student referral shall be made to the Section 504 Team/Committee on Special Education for evaluation/assessment and/or a manifestation determination, as may be applicable in accordance with state and federal law and regulations, to determine whether the student's conduct is caused or affected by his/her disability.

The designated Compliance Officer will begin investigating the allegations of sexual harassment no later than three (3) working days following receipt of the complaint; and will report the findings of the investigation to the Superintendent no later than twenty (20) working days following receipt of the complaint. If necessary, the Compliance Officer is authorized to enlist the aid of additional investigators. In the case of extenuating circumstances, the Compliance Officer will file a status report with the Superintendent/designee if it becomes necessary to extend the timeline for completion of the investigation.

During the course of the investigation and thereafter, the Compliance Officer will instruct the alleged harasser/offender to have no contact or communication regarding the complaint with the victim and/or any witnesses; and that retaliation, whether direct or indirect, against the victim and/or witnesses is prohibited and may be subject to disciplinary action. Similarly, the Compliance Officer will instruct the victim and/or witnesses to refrain from contacting or communicating with the alleged harasser/offender regarding the complaint. The Compliance Officer will ask the victim what specific action the victim wants taken by the District in order to satisfactorily resolve the complaint.

If the complainant attempts to withdraw a complaint, the Compliance Officer will determine that the withdrawal is not caused by retaliation and then document the complainant's reasons and ask the complainant to sign the documentation. A copy of all written material pertaining to the case/investigation will be retained in a separate confidential file. Such records will be maintained for the period of time required by law.

Standard of Proof

The standard of proof to be utilized for sexual harassment complaints is the preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment occurred). Therefore, while police investigative reports may be useful for fact gathering, they are not determinative of whether sexual harassment occurred and do not relieve a school from its responsibility to respond to a complaint.

Step 1 – Informal Complaints

A complainant who believes that he/she has been subjected to sexual harassment or anyone else who is aware of or who has knowledge of or who witnesses an occurrence of sexual harassment may file an informal complaint, whether verbal or written. They may request a meeting between himself/herself and the Compliance Officer (or report such occurrence as otherwise indicated in this regulation) in order to discuss the allegations and further appropriate actions. The Compliance Officer will discuss the complaint with the alleged harasser/offender. If the alleged harasser/offender is a District employee, the investigation will be in accordance with any applicable collective bargaining agreement. All complaints, whether formal or informal, concerning allegations of sexual harassment are to be reported immediately to the Building Principal* and Superintendent for his/her information. The Compliance Officer will keep the Building Principal and Superintendent informed throughout all stages of the investigation including knowledge of the complainant's and/or accused's response and recommended course of action.

(Continued)

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Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

If the initial investigation results in a finding that sexual harassment did occur, the Compliance Officer will notify the Building Principal and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Compliance Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Compliance Officer will notify the complainant and the accused, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the complaint.

If the complainant is satisfied with the report of the Compliance Officer, the complainant will so indicate in writing. If not satisfied with the Compliance Officer's report, the complainant and/or the harasser/offender may proceed to file a formal complaint.

Informal complaint procedures will generally take place at the building level and involve resolution steps short of a comprehensive investigation and/or formal hearing. For example, in attempting to resolve a complaint informally, the Compliance Officer may interview the alleged offender, inform the alleged harasser/offender of the complaint, question the harasser/offender about the alleged incidents, and review the District's policy and regulations regarding sexual harassment. The Compliance Officer will inform the alleged harasser/offender that he/she must immediately stop any offensive conduct or face appropriate disciplinary action. The Compliance Officer will follow the provisions of any applicable collective bargaining agreement(s) throughout the course of such investigation(s).

Some types of informal actions which may be instituted if agreeable to the victim include the following:

- 1) Conducting a workshop on the recognition and prevention of sexual harassment for the building or department.

*If the Building Principal is the alleged harasser/offender, then the Compliance Officer shall designate another school official who will take the place of the Building Principal in all applicable phases of the complaint process.

- 2) Speaking to the alleged harasser/offender.
- 3) Separating the parties, if possible and appropriate.

Mediation

Where appropriate, the designated Compliance Officer may suggest mediation as an alternative means of resolving the complaint. The use of mediation is not intended to replace but, rather, is a supplement to utilization of the District's informal/formal complaint procedures. If mediation is requested and agreed to by the victim and the accused, the District will use qualified mediators as provided by an outside agency to help resolve the complaint.

For complaints involving cases of sexual violence, mediation is not appropriate, even if on a voluntary basis, and will not be used to resolve these complaints.

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Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

Step 2 – Formal Complaint

A complainant may file a formal complaint of sexual harassment as an initial step or as a result of an unsatisfactory resolution of an informal complaint. The formal complaint should include all applicable information, as indicated in this regulation, as well as any other pertinent information which may be helpful in the course of the investigation.

As noted above, the complainant, the alleged harasser/offender and any witnesses will be directed to refrain from talking about the investigation while it is pending. Disclosure of information will be on a "need to know" basis.

The formal complaint will be filed with the designated Compliance Officer who will submit a copy of the complaint to the Building Principal and Superintendent of Schools. The Compliance Officer will, in accordance with federal or state laws and regulations and any applicable collective bargaining agreement(s), conduct a prompt, equitable, and thorough investigation no later than three (3) working days following receipt of the complaint.

If the formal investigation results in a finding that sexual harassment did occur, the Compliance Officer will notify the Building Principal and Superintendent of his/her recommendations. If the Superintendent concurs with the report of the Compliance Officer, the Superintendent will then take prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement. The Compliance Officer will notify the complainant and the harasser/offender, in person and in writing, as to the finding and/or course of action within twenty (20) working days following receipt of the formal complaint. If additional time is needed for good cause, a written status report shall be submitted to all parties indicating the need for additional time.

If the complainant is satisfied with the report of the Compliance Officer, the complainant will so indicate in writing. If not satisfied with the Compliance Officer's report, the complainant and/or the harasser/offender may appeal the determination to the Superintendent of Schools. The appeal should be in writing and submitted no later than ten (10) working days following receipt of the Compliance Officer's decision.

Step 3 – Appeal to the Superintendent of Schools

All formal complaints, if not satisfactorily resolved at the initial stage of investigation, may be appealed by any party to the Superintendent of Schools.

If the Superintendent/designee issues a finding that no sexual harassment has occurred, the complainant, if not satisfied with this resolution, may appeal the decision to the Board of Education within ten (10) working days following receipt of the report. If the complainant is satisfied with the Superintendent's finding, the complainant will so indicate in writing.

Should the Superintendent determine that corrective action is necessary, the Superintendent will follow all applicable law and regulations, District policy and guidelines, and appropriate collective bargaining agreements in the resolution of the complaint. If the harasser/offender is not satisfied with this resolution; he/she may appeal the decision to the Board of Education within ten (10) working days following receipt of the report.

(Continued)

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Personnel

SUBJECT: SEXUAL HARASSMENT (Cont'd.)

The complainant and the harasser/offender will receive a copy of the reports issued by the Superintendent pertaining to the investigation/outcome of the formal complaint within thirty (30) working days following receipt of the complaint. If additional time is necessary to either complete the investigation or institute disciplinary/remedial action, the Superintendent will provide all parties and the Board of Education with a written status report requesting additional time to complete the investigation.

Step 4 – Appeal to the Board of Education

In the event that a complainant and/or harasser/offender files an appeal with the Board of Education following an investigation by the Superintendent of Schools, such appeal must be submitted in writing within ten (10) working days of receipt of the Superintendent's report. The Board of Education will conduct a session in conjunction with legal counsel to address the appeal and will base its decision on a review of the written record, and will issue a written response to the complainant and the harasser/offender following completion of their review within thirty (30) days of receipt of the appeal. If additional time is needed, a written status report shall be submitted to all parties, indicating the need for additional time.

Prohibition of Retaliation

Regardless of the stage of the investigation, the victim will be instructed by the Compliance Officer to report immediately if the offensive behavior occurs again and/or if the alleged harasser/offender retaliates against him/her. Any witnesses who cooperated in the investigation of the complaint will be similarly instructed to report to the Compliance Officer immediately as to any retaliatory action(s). Additionally, the designated Compliance Officer will make follow-up inquiries to ensure that harassment has not resumed and that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the District.

Discipline/Penalties for Non-District Employees

Vendors/contractors and other individuals who do business with the District, who have been found to violate the terms of the sexual harassment policy and/or regulation by engaging in prohibited conduct, will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated District policy and regulation may face loss of volunteer status. The application of such disciplinary measures by the District does not preclude the appropriate filing of civil and/or criminal charges as may be warranted.

Finding That Sexual Harassment Did Not Occur

At any level/stage of investigation of alleged sexual harassment, if a determination is made that sexual harassment did not occur, the Compliance Officer will so notify the complainant, the alleged harasser/offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that sexual harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering sexual harassment in the workplace.

(Continued)

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SUBJECT: SEXUAL HARASSMENT (Cont'd.)

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

Knowingly Makes False Accusations

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of sexual harassment may also face appropriate disciplinary action.

Privacy Rights

As part of the investigation, the District has the right to search all school property and equipment including District computers. Although rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of students and staff, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

District Responsibility/Training

Regardless of whether a complaint has been filed, if the District knows of the occurrence or reasonably should have known of the possible occurrence of any sexual harassment, the District will require a prompt, thorough, and equitable investigation by appropriate personnel. Even if an anonymous complaint has been filed, the District will respond to the greatest extent possible.

Principals in each school building and/or program supervisors will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of sexual harassment, including the procedures established for the investigation and resolution of sexual harassment complaints, the general legal issues pertaining to sexual harassment, and the rights and responsibilities of employees and students.

Those administrators and/or supervisors who have specific responsibilities for the investigation and resolution of sexual harassment complaints will receive specialized training on conducting such investigations and the applicability of laws and collective bargaining agreements.

The District also has a responsibility to remedy any lingering effects the misconduct may have had on a student, including providing information about available support services.

Dissemination of District Policy/Regulation and Evaluation

A copy of District policy and regulations pertaining to prohibition of sexual harassment will be available upon request. A copy of District policy and regulations may be posted in various locations throughout each school building. Additionally, the District's policy and regulations will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, the Code of Conduct and/or school calendars. The language that is disseminated should be appropriate to the age of the school's students and should be easily understood.

The Superintendent of Schools, or his/her designee(s), has a responsibility to review District policy and regulations to ensure continued effectiveness and compliance with applicable law. The Superintendent will recommend revisions as may be warranted to the Board of Education.

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE**

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Civil Rights Compliance Officer (CRCO). You will not be retaliated against for filing a complaint. Questions regarding the completion or submission of this form can be directed to the District's CRCO or a trusted staff member with whom you feel comfortable.

If you are more comfortable reporting verbally or in another manner, the person to whom you report the sexual harassment should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____ Work Phone: _____

Job Title: _____ Email: _____

Selected Preferred Communication Method: ☐ Email ☐ Phone ☐ In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1) Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

(Continued)

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- 2) Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

- 3) Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ☐ Yes ☐ No

- 4) Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

- 5) Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Instructions for the District

After receiving a complaint about alleged sexual harassment, follow the District's sexual harassment prevention policies and procedures.

Generally, an investigation involves:

- 1) Speaking with the employee;
- 2) Speaking with the alleged harasser;
- 3) Interviewing witnesses; and
- 4) Collecting and reviewing any related documents.

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for the District's decision along with any corrective actions taken and notify the complainant and the individual(s) against whom the complaint was made. This may be done via email.

SUBJECT: HARASSMENT

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide for all District employees and students an environment that is free of harassment and intimidation on the basis of race, color, religion or disability. Therefore, the Board prohibits all forms of such harassment by employees and students. Such harassment includes, but is not limited to, verbal and written comments, including graffiti.

The Board acknowledges that in determining whether such harassment has occurred, the perspective of the victim as well as the offender's conduct and/or intention should be evaluated.

Any employee who believes that he/she has been subjected to such harassment shall report all incidents of such conduct to the District's designated complaint officer through informal and/or formal complaint procedures developed by the District. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority. Any student who believes that he/she has been subjected to such harassment shall report all incidents of such conduct to the building principal or his or her guidance counselor, who shall then report it to the District's designated complaint officer.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. The complaint shall remain confidential, except as it needs to be disclosed for the purpose of the investigation.

Based upon the results of the District's investigation, immediate corrective action will be taken, up to and including termination of the offender's employment in accordance with contractual and legal guidelines or, if applicable, long-term suspension from school in accordance with legal guidelines. The Board prohibits any retaliatory behavior directed against complainants and/or witnesses. Follow-up inquiries shall be made to ensure that harassment has not resumed and that the victim and/or witnesses have not suffered retaliation.

The Board directs the Superintendent to develop regulations for resolving such harassment complaints. The Superintendent/designee(s) shall affirmatively discuss the topic of harassment with all employees and students, express the District's condemnation of such conduct and explain the sanctions for harassment. A copy of this policy and its accompanying regulations shall be posted in appropriate places and available upon request.

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SUBJECT: EVALUATION OF PERSONNEL: PURPOSES

The administration shall undertake a continuous program of supervision and evaluation of all personnel in the school system in order to promote improved performance and to make decisions about the occupancy of positions. The primary purposes of this evaluation are:

- a. To encourage and promote self-evaluation by personnel;
- b. To provide a basis for evaluative judgments by school administrators.

Commissioner's Regulations Section 100.2(0)

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SUBJECT: DISCLOSURE OF ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) DATA

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law Section 3012-c, New York State Education Department (NYSED) is required to release professional performance review data for teachers and Principals in aggregate form. NYSED is required to ensure that public release of Annual Professional Performance Review (APPR) data does not include any personally identifiable information for any teacher or Principal.

Upon request, parents/legal guardians have the right to review and receive the final quality ratings and composite effectiveness scores of individual teachers and Principals of their children. The District will provide conspicuous notice to parents/legal guardians of their right to obtain the final quality rating and composite effectiveness score for each of the teachers and the Principal for the child's assigned school building and the methods by which such data can be obtained. Such notice may be provided on the District's website and/or with other annual notifications.

Disclosure of Data to Parents/Guardians

Upon request, the District shall release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and Principals to which their child is currently assigned. Parents/legal guardians may contact the Building Principal to set up an appointment to receive, in person or by phone, the final quality ratings and composite effectiveness scores for their child's designated teacher(s) and Principal.

In accordance with the law, prior to the release of any data, school officials shall make reasonable efforts to verify that any request to receive such data is a bona fide request by a parent/guardian entitled to review the data. If requesting the information in person, parents/legal guardians may be asked to produce photo identification to verify their relationship to the student. If requesting the information by phone, parents/legal guardians may be asked to relay personally identifiable information from their student's file that is not commonly known, in order to verify their relationship.

With the disclosure of scores, parents/legal guardians may also request an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings, and be offered opportunities to understand such scores in the context of teacher evaluation and student performance. The District may distribute a written summary that explains the composite scores and designates the ranges for Highly Effective, Effective, Developing and Ineffective ratings. The District may also refer parents to the APPR plan, located on the District's website.

Annual performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

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SUBJECT: ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR) SCORING

Standards for Rating Categories (Only score that can be released)	Growth or Comparable Measures	Locally-selected Measures of growth or achievement	Other Measures of Effectiveness (Teacher and Leader standards)
Highly Effective (91-100)	Results are well-above state average for similar students (or District goals if no state test).	Results are well-above District or BOCES - adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results exceed standards.
Effective (75-90)	Results meet state average for similar students (or District goals if no state test).	Results meet District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results meet standards.
Developing (65-74)	Results are below state average for similar students (or District goals if no state test).	Results are below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results need improvement in order to meet standards.
Ineffective (0-64)	Results are well-below state average for similar students (or District goals if no state test).	Results are well-below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results do not meet standards.

<http://engageny.org/sites/default/files/resource/attachments/nys-evaluation-plans-guidance-memo.pdf>

Note: Scoring chart is for the current school year. It is expected that the Commissioner will review scoring ranges annually before the start of each school year and recommend any changes to the Board of Regents for consideration.

BOE Adopted 4/9/13

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SUBJECT: EVALUATION OF SUPPORT STAFF

In accordance with Board policy, the administrators and supervisors will evaluate performance of the support staff under their supervision.

To facilitate required evaluations, a rubric and/or evaluation form. When completed and signed by the evaluator and the person being evaluated, copies will be distributed to the person evaluated, the immediate supervisor, the Superintendent of Schools and the personnel file.

Performance ratings are required on an annual basis. Probationary employees are evaluated 3 times during the first six (6) months of employment.

Comments, conferences between the evaluator and employee, and suggestions as to modifications for the improvement of the evaluation process are to be encouraged.

Fabius-Pompey Central School District
Self-Assessment of Practice - Form I

Teacher _____

Grade Level/Subject Area: _____

Date _____

Directions: Consider your teaching practice and determine, for each component of the framework for teaching, the level of performance that best reflects your own assessment. Indicate the appropriate level, and then transfer your judgments to the last page of this form. This will provide you with a summary of your own current level of performance.

Domain I: Planning and Preparation 10 points

Component	Ineffective	Developing	Effective	Highly Effective
1a: Demonstrating Knowledge of content and Pedagogy (3)	<input type="checkbox"/> The teacher's plans and practice display little knowledge of the content, prerequisite relationships between different aspects of the content, or the instructional practice specific to that discipline.	<input type="checkbox"/> The teacher's plans and practice reflect some awareness of the important concepts in the discipline, prerequisite relationships between them, and the instructional practices specific to that discipline.	<input type="checkbox"/> The teacher's plans and practice reflect solid knowledge of the content, prerequisite relationships between important concepts, and the instructional practices specific to that discipline.	<input type="checkbox"/> The teacher's plans and practice reflect extensive knowledge of the content and the structure of the discipline. The teacher actively builds on knowledge of prerequisites and misconceptions when describing instruction or seeking causes for student misunderstanding.
1b: Demonstrating Knowledge of Students (1)	<input type="checkbox"/> The teacher demonstrates little or no knowledge of students' backgrounds, cultures, skills, language proficiency, interests, and special needs, and does not seek such understanding.	<input type="checkbox"/> The teacher indicates the importance of understanding students' backgrounds, cultures, skills, language proficiency, interests, and special needs, and attains this knowledge for the class as a whole.	<input type="checkbox"/> The teacher actively seeks knowledge of student's backgrounds, cultures, skills, language proficiency, interests, and special needs, and attains this knowledge for groups of students.	<input type="checkbox"/> The teacher actively seeks knowledge of student's backgrounds, cultures, skills, language proficiency, interests, and special needs from a variety of sources, and attains this knowledge for individual students.
1c: Setting Instructional Outcomes (1)	<input type="checkbox"/> Instructional outcomes are unsuitable for students, represent trivial or low-level learning, or are stated only as activities. They do not permit viable methods of assessment.	<input type="checkbox"/> Instructional outcomes are of moderate rigor and are suitable for some students, but consist of a combination of activities and goals, some of which permit viable methods of assessment. They reflect more than one type of learning, but the teacher makes no attempt at coordination or integration.	<input type="checkbox"/> Instructional outcomes are stated as goals reflecting high-level learning and curriculum standards. They are suitable for most students in the class, represent different types of learning, and can be assessed. The outcomes reflect opportunities for coordination.	<input type="checkbox"/> Instructional outcomes are stated as goals that can be assessed, reflecting rigorous learning and curriculum standards. They represent different types of content, offer opportunities for both coordination and integration, and take account of the needs of individual students.

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1d: Demonstrating Knowledge of Resources (1)	<input type="checkbox"/> The teacher demonstrates little or no familiarity with resources to enhance own knowledge, to use in teaching, or for students who need them. The teacher does not seek such knowledge.	<input type="checkbox"/> The teacher demonstrates some familiarity with resources available through the school or district to enhance own knowledge, to use in teaching, or for students who need them. The teacher does not seek to extend such knowledge.	<input type="checkbox"/> The teacher is full aware of the resources available through the school or district to enhance own knowledge, to use in teaching, or for students who need them.	<input type="checkbox"/> The teacher seeks out resources in and beyond the school or district in professional organizations, on the Internet, and in the community to enhance own knowledge, to use in teaching, and for students who need them.
1e: Designing Coherent Instruction (2)	<input type="checkbox"/> The series of learning experiences is poorly aligned with the instructional outcomes and does not represent a coherent structure. The experiences are suitable for only some students.	<input type="checkbox"/> The series of learning experiences demonstrates partial alignment with instructional outcome, and some of the experiences are likely to engage students in significant learning. The lesson or unit has a recognizable structure and reflects partial knowledge of students and resources.	<input type="checkbox"/> The teacher coordinates knowledge of content, of students, and of resources to design a series of learning experiences aligned to instructional outcomes and suitable for groups of students. The lesson or unit has a clear structure and is likely to engage students in significant learning.	<input type="checkbox"/> The teacher coordinates knowledge of content, of students, and of resources, to design a series of learning experiences aligned to instructional outcomes, differentiated where appropriate to make them suitable to all students and likely to engage them in significant learning. The lesson or unit structure is clear and allows for different pathways according to student needs.
1f: Designing Student Assessments (2)	<input type="checkbox"/> The teacher's plan for assessing student learning contains no clear criteria or standards, is poorly aligned with the instructional outcomes, or is inappropriate for many students. The results of assessment have minimal impact on the design of future instruction.	<input type="checkbox"/> The teacher's plan for student assessment is partially aligned with the instructional outcomes, without clear criteria, and inappropriate for at least some students. The teacher intends to use assessment results to plan for future instruction for the class as a whole.	<input type="checkbox"/> The teacher's plan for student assessment is aligned with the instructional outcomes, uses clear criteria, and is appropriate to the needs of students. The teacher intends to use assessment results to plan for future instruction for groups of students.	<input type="checkbox"/> The teacher's plan for student assessment is fully aligned with the instructional outcomes, with clear criteria and standards that show evidence of student contribution to their development. Assessment methodologies may have been adapted for individuals, and the teacher intends to use assessment results to plan future instruction for individual students.

Domain 2: The Classroom Environment

20 points

Component	Ineffective	Developing	Effective	Highly Effective
2a: Creating an Environment of Respect and Rapport (3)	<input type="checkbox"/> Classroom interactions, both between the teacher and students and among students, are negative to students' cultural backgrounds and are characterized by sarcasm, put-downs, or conflict.	<input type="checkbox"/> Classroom interactions, both between the teacher and students and among students, are generally appropriate and free from conflict, but may be characterized by occasional displays of insensitivity or lack of responsiveness to cultural or developmental differences among students.	<input type="checkbox"/> Classroom interactions, both between the teacher and students and among students, are polite and respectful, reflecting general warmth and caring, and are appropriate to the cultural and developmental differences among groups of students.	<input type="checkbox"/> Classroom interactions, both between the teacher and students and among students, are highly respectful, reflecting genuine warmth and caring and sensitivity to students' cultures and levels of development. Students themselves ensure high levels of civility among members of the class.
2b: Establishing a Culture for Learning (6)	<input type="checkbox"/> The classroom environment conveys a negative culture for learning, characterized by low teacher commitment to the subject, low expectations for student achievement, and little or no student pride in work.	<input type="checkbox"/> The teacher's attempt to create a culture for learning is partially successful, with little teacher commitment to the subject, modest expectations for student achievement, and little student pride in work. Both the teacher and students appear to be "going through the motions."	<input type="checkbox"/> The classroom culture is characterized by high expectations for most students and genuine commitment to the subject by both teacher and students, with students demonstrating pride in their work.	<input type="checkbox"/> High levels of student energy and teacher passion for the subject create a culture for learning in which everyone shares a belief in the importance of the subject and all students hold themselves to high standards of performance – for example, by initiating improvements to their work.
2c: Managing Classroom Procedures (6)	<input type="checkbox"/> Much instructional time is lost because of inefficient classroom routines and procedures for transitions, handling of supplies, and performance of non-instructional duties.	<input type="checkbox"/> Some instructional time is lost because of routines and procedures for transitions, handling of supplies, and performance of non-instructional duties are only partially effective.	<input type="checkbox"/> Little instructional time is lost because of classroom routines and procedures for transitions, handling of supplies, and performance of non-instructional duties, which occur smoothly.	<input type="checkbox"/> Students contribute to the seamless operation of classroom routines and procedures for transitions, handling of supplies, and performance of non-instructional duties.

2d: Managing Student Behavior <p>(4)</p>	<input type="checkbox"/> There is no evidence that standards of conduct have been established and little or no teacher monitoring of student behavior. Response to student misbehavior is repressive or disrespectful of student dignity.	<input type="checkbox"/> It appears that the teacher has made an effort to establish standards of conduct for students. The teacher tries, with uneven results, to monitor student behavior and respond to student misbehavior.	<input type="checkbox"/> Standards of conduct appear to be clear to students, and the teacher monitors student behavior against those standards. The teacher's response to student misbehavior is appropriate and respects the students' dignity.	<input type="checkbox"/> Standards of conduct are clear, with evidence of student participation in setting them. The teacher's monitoring of student behavior is subtle and preventive, and the teacher's response to student misbehavior is sensitive to individual student needs. Students take an active role in monitoring the standards of behavior.
2e: Organizing Physical Space <p>(1)</p>	<input type="checkbox"/> The physical environment is unsafe, or some students don't have access to learning. Alignment between the physical arrangement and the lesson activities is poor.	<input type="checkbox"/> The classroom is safe, and essential learning is accessible to most students; the teacher's use of physical resources, including computer technology, is moderately effective. The teacher may attempt to modify the physical arrangement to suit learning activities, with partial success.	<input type="checkbox"/> The classroom is safe, and learning is accessible to all students; the teacher ensures that the physical arrangement is appropriate to the learning activities. The teacher makes effective use of physical resources, including computer technology.	<input type="checkbox"/> The classroom is safe, and the physical environment ensures the learning of all students, including those with special needs. Students contribute to the use of adaptation of the physical environment to advance learning. Technology is used skillfully, as appropriate to the lesson

Domain 3: Instruction 20 points

Component	Ineffective	Developing	Effective	Highly Effective
3a: Communicating with Students (4)	<input type="checkbox"/> Expectations for learning, directions and procedures, and explanations of content are unclear or confusing to students. The teacher's use of language contains errors or is inappropriate for students' cultures or levels of development.	<input type="checkbox"/> Expectations for learning, directions and procedures, and explanations of content are clarified after initial confusion; the teacher's use of language is correct but may not be completely appropriate for students' cultures or levels of development.	<input type="checkbox"/> Expectations for learning, directions and procedures, and explanations of content are clear to students. Communications are appropriate for students' cultures and levels of development.	<input type="checkbox"/> Expectations for learning, directions and procedures, and explanations of content are clear to students. The teacher's oral and written communication is clear and expressive, appropriate for students' cultures and levels of development, and anticipates possible student misconceptions.
3b: Using Questioning and Discussion Techniques (3)	<input type="checkbox"/> The teacher's questions are low-level or inappropriate, eliciting limited student participation and recitation rather than discussion.	<input type="checkbox"/> Some of the teacher's questions elicit a thoughtful response, but most are low-level, posed in rapid succession. The teacher's attempts to engage all students in the discussion are only partially successful.	<input type="checkbox"/> Most of the teacher's questions elicit a thoughtful response, and the teacher allows sufficient time for students to answer. All students participate in the discussion, with the teacher stepping aside when appropriate.	<input type="checkbox"/> Questions reflect high expectations and are culturally and developmentally appropriate. Students formulate many of the high-level questions and ensure that all voice are heard.
3c: Engaging Students in Learning (5)	<input type="checkbox"/> Activities and assignments, materials, and groupings of students are inappropriate for the instructional outcomes or students' cultures or levels of understanding, resulting in little intellectual	<input type="checkbox"/> Activities and assignments, materials, and groupings of students are partially appropriate to the instructional outcomes or students' cultures or levels of understanding, resulting in moderate intellectual engagement. The lesson has a recognizable structure,	<input type="checkbox"/> Activities and assignments, materials, and groupings of students are fully appropriate for the instructional outcomes and students' cultures and levels of understanding. All students are engaged in work of a high level of rigor. The lesson's	<input type="checkbox"/> Activities and assignments, materials, and groupings of students are fully aligned to the instructional outcomes. Students are highly intellectually engaged in significant learning, and make material contributions to the activities, student groupings, and

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	engagement. The lesson has no structure or is poorly paced.	but that structure is not fully maintained.	structure is coherent, with appropriate pace.	materials. The lesson is adapted as necessary to the needs of individuals, and the structure and pacing allow for student reflection and closure.
3d: Using Assessment in Instruction (4)	<input type="checkbox"/> Assessment is not used in instruction, either through monitoring of progress by the teacher or students, or through feedback to students. Students are unaware of the assessment criteria used to evaluate their work.	<input type="checkbox"/> Assessment is occasionally used in instruction, through some monitoring of progress of learning by the teacher and/or students. Feedback to students is uneven, and students are aware of only some of the assessment criteria used to evaluate their work.	<input type="checkbox"/> Assessment is regularly used in instruction, through self-assessment by students, monitoring of progress of learning by the teacher and/or students, and high-quality feedback to students. Students are fully aware of the assessment criteria used to evaluate their work.	<input type="checkbox"/> Assessment is used in a sophisticated manner in instruction, through student involvement in establishing the assessment criteria, self-assessment by students, monitoring of progress by both students and teacher, and high-quality feedback to students from a variety of sources.
3e: Demonstrating Flexibility and Responsiveness (4)	<input type="checkbox"/> The teacher adheres to the instruction plan, even when a change would improve the lesson or address students' lack of interest. The teacher brushes aside student questions; when students experience difficulty, the teacher blames the students or their home environment.	<input type="checkbox"/> The teacher attempts to modify the lesson when needed and to respond to student questions, with moderate success. The teacher accepts responsibility for student success, but has only a limited repertoire of strategies to draw upon.	<input type="checkbox"/> The teacher promotes the successful learning of all students, making adjustments as needed to instruction plans and accommodating student questions, needs, and interests.	<input type="checkbox"/> The teacher seizes an opportunity to enhance learning, building on a spontaneous event or student interests. The teacher ensures the success of all students, using an extensive repertoire of instructional strategies.

Domain 4: Professional Responsibilities

10 points

Component	Ineffective	Developing	Effective	Highly Effective
4a: Reflecting on Teaching (3)	<input type="checkbox"/> The teacher does not accurately assess the effectiveness of the lesson and has no idea about how the lesson could be improved.	<input type="checkbox"/> The teacher provides a partially accurate and objective description of the lesson but does not cite specific evidence. The teacher makes only general suggestions as to how the lesson might be improved.	<input type="checkbox"/> The teacher provides an accurate and objective description of the lesson, citing specific evidence. The teacher makes some specific suggestions as to how the lesson might be improved.	<input type="checkbox"/> The teacher's reflection on the lesson is thoughtful and accurate, citing specific evidence. The teacher draws on an extensive repertoire to suggest alternative strategies and predicts the likely success of each.
4b: Maintaining Accurate Records (2)	<input type="checkbox"/> The teacher's systems for maintaining both instructional and non-instructional records are either nonexistent or in disarray, resulting in errors and confusion.	<input type="checkbox"/> The teacher's systems for maintaining both instructional and non-instructional records are rudimentary and only partially effective.	<input type="checkbox"/> The teacher's systems for maintaining both instructional and non-instructional records are accurate, efficient, and effective.	<input type="checkbox"/> The teacher's systems for maintaining both instructional and non-instructional records are accurate, efficient, and effective, and students contribute to its maintenance.
4c: Communicating with Families (2)	<input type="checkbox"/> The teacher's communication with families about the instructional program or about individual students is sporadic or culturally inappropriate. The teacher makes no attempt to engage families in the instructional program.	<input type="checkbox"/> The teacher adheres to school procedures for communicating with families and makes modest attempts to engage families in the instructional program. But communications are not always appropriate to the cultures of those families.	<input type="checkbox"/> The teacher communicates frequently with families and successfully engages them in the instructional program. Information to families about individual students is conveyed in a culturally appropriate manner.	<input type="checkbox"/> The teacher's communication with families is frequent and sensitive to cultural traditions; students participate in the communication. The teacher successfully engages families in the instructional program, as appropriate.

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4d: Participating in a Professional Community (1)	<input type="checkbox"/> The teacher avoids participating in professional community or in school and district events and projects; relationships with colleagues are negative or self-serving.	<input type="checkbox"/> The teacher becomes involved in the professional community and in school and district events and projects when specifically asked; relationships with colleagues are cordial.	<input type="checkbox"/> The teacher participates actively in the professional community and in school and district events and projects, and maintains positive and productive relationships with colleagues.	<input type="checkbox"/> The teacher makes a substantial contribution to the professional community and to school and district events and projects, and assumes a leadership role among the faculty.
4e: Growing and Developing Professionally (1)	<input type="checkbox"/> The teacher does not participate in professional development activities and makes no effort to share knowledge with colleagues. The teacher is resistant to feedback from supervisors or colleagues.	<input type="checkbox"/> The teacher participates in professional development activities that are convenient or are required, and makes limited contributions to the profession. The teacher accepts, with some reluctance, feedback from supervisors and colleagues.	<input type="checkbox"/> The teacher seeks out opportunities for professional development based on an individual assessment of need and actively shares expertise with others. The teacher welcomes feedback from supervisors and colleagues.	<input type="checkbox"/> The teacher actively pursues professional development opportunities and initiates activities to contribute to the profession. In addition, the teacher seeks feedback from supervisors and colleagues.
4f: Showing Professionalism (1)	<input type="checkbox"/> The teacher has little sense of ethics and professionalism and contributes to practices that are self-serving or harmful to students. The teacher fails to comply with school and district regulations and time lines.	<input type="checkbox"/> The teacher is honest and well intentioned in serving students and contributing to decisions in the school, but the teacher's attempts to serve students are limited. The teacher complies minimally with school and district regulations, doing just enough to get by.	<input type="checkbox"/> The teacher displays a high level of ethics and professionalism in dealings with both students and colleagues and complies fully and voluntarily with school and district regulations.	<input type="checkbox"/> The teacher is proactive and assumes a leadership role in making sure that school practices and procedures ensure that all students, particularly those traditionally underserved, are honored in the school. The teacher displays the highest standards of ethical conduct and takes a leadership role in seeing that colleagues comply with school and district regulations.

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Summary of Current Level of Performance

Teacher _____ Grade Level/Subject Area: _____ Date _____

I = Ineffective

D = Developing

E = Effective

H = Highly Effective

Domain 1: Planning and Preparation	I	D	E	H
	L M H	L M H	L M H	L M H
1a: Demonstrating Knowledge of Content and Pedagogy	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1b: Demonstrating Knowledge of Students	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1c: Setting Instructional Outcomes	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1d: Demonstrating Knowledge of Resources	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1e: Designing Coherent Instruction	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1f: Designing Student Assessments	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:				
Domain 2: Classroom Environment	I	D	E	H
	L M H	L M H	L M H	L M H
2a: Creating an Environment of Respect and Rapport	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2b: Establishing a Culture for Learning	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2c: Managing Classroom Procedures	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2d: Managing Student Behavior	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2e: Organizing Physical Space	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:				
Domain 3: Instruction	I	D	E	H
	L M H	L M H	L M H	L M H
3a: Communicating with Students	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3b: Using Questioning and Discussion Techniques	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3c: Engaging Students in Learning	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3d: Using Assessment in Instruction	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3e: Demonstrating Flexibility and Responsiveness	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:				
Domain 4: Professional Responsibilities	I	D	E	H
	L M H	L M H	L M H	L M H
4a: Reflecting on Teaching	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4b: Maintaining Accurate Records	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4c: Communicating with Families	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4d: Participating in a Professional Community	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4e: Growing and Developing Professionally	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4f: Showing Professionalism	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:				

FORM

2013

6130F.2

Personnel

Name: _____

Date: _____

Bus Drivers Professional Competencies

1. Maintains a neat and orderly vehicle.
2. Operation of vehicle.
3. Supervises students effectively.
4. Treats all students and peers in a respectful and consistent manner.
5. Recognizes undesirable situations and reacts with good judgement.
6. Maintains required records accurately.
7. Punctuality! Is fully prepared to start work at scheduled starting time.
8. Follows all rules and regulations.
9. Demonstrates proper use and control of emergency two way radio.

Evaluator's Comments:

Additional Comments:

Employee's Comments:

Signature of Supervisor (evaluator): _____ Date: _____

I have reviewed this appraisal and discussed the contents with my supervisor. My signature indicates that I have been advised of my performance and does not necessarily imply that I agree with the appraisal or the contents.

Employee signature: _____ Date: _____

Please return completed form to Personnel Office

Copies: Employee (pink)
Supervisor (yellow)
Personnel (original)

FORM

2013

6130F.3

Personnel

Name: _____ Date: _____

Clerical Staff Professional Competencies

1. Maintains a good rapport with supervisor and peers.
2. Demonstrates a respect for confidential information.
3. Seeks out opportunities to update skills/competencies.
4. Projects a pleasing, courteous manner with all contacts.
5. Maintains accurate, timely office files.
6. Shows a positive attitude in performing duties.
7. Handles pressure with poise and professionalism.

Evaluator's Comments:

Additional Comments:

Employee's Comments:

Signature of Supervisor (evaluator) _____ Date: _____

I have reviewed this appraisal and discussed the contents with my supervisor. My signature indicates that I have been advised of my performance and does not necessarily imply that I agree with the appraisal or the contents.

Employee signature: _____ Date: _____

Please return completed form to Personnel Office

Copies: Employee (pink)
Supervisor (yellow)
Personnel (original)

FORM

2013

6130F.4

1 of 3

Personnel

Evaluation Form - Custodial

Employee's Name

Date

Job Title

The purpose of this form is to assist the employee and his/her supervisor in the improvement of the employee's work.

Directions - The supervisor is to rate the employee in all areas listed, as well as a general review of the employee's job description. A narrative explanation and recommendations for improvement is to be written for all areas that are not satisfactory.

The supervisor is to review the evaluation form with the employee, The employee will sign the form as an indication that he/she has reviewed the form with his/her supervisor.

If the employee objects to any statement on the evaluation, he/she may submit a written statement to be attached to the evaluation.

The evaluation is to be kept in the employee's personnel file. The employee will be given a copy of the completed form.

Explanation of Rating:

Excellent - Little room for improvement. Satisfactory - Good job, but room for growth. Unsatisfactory - Improvement needed,

	EXCELLENT	SATISFACTORY	UNSATISFACTORY	COMMENTS
APPEARANCE - Dresses appropriately for the job.				
INITIATIVE -Doesn't need to be told what to do. If not assigned work, finds something constructive,				

FORM

2013 6130F.4
2 of 3

Personnel

2013 6130F.4
2 of 3

Personnel

EXCELLENT	SATISFACTORY	UNSATISFACTORY	COMMENTS

RESPONSIBILITY - Accepts willingly.

WORKING WITH OTHERS -

1. Students

2. Service Staff

3. Teacher/Staff

4. Public

ACCEPTS CRITICISM

WORKS TO IMPROVE HIMSELF/HERSELF

PUNCTUALITY

[illegible]

FORM

2013

6130F.4
3 of 3

Personnel

	EXCELLENT	SATISFACTORY	UNSATISFACTORY	COMMENTS
Does sweeping/mopping.				
Dusting.				
Cares for equipment.				
Makes repairs as needed.				
Assumes responsibility in absence of immediate supervisor.				
Notices work to be done; does it.				
Notices repairs to be made; does them.				
Reports major repairs/problems to immediate supervisor.				
GENERAL ATTITUDE				
OVERALL EVALUATION				

Strong Areas:

Areas to be improved:

Summary:

Supervisor's Signature: _____ Date: _____

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS**Pre-employment Medical Examinations**

In accordance with the Americans with Disabilities Act, as amended, the School District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District will shall not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

Employment Entrance Examinations

~~All entering employees are required to obtain a medical examination after an offer of employment has been made and prior to the commencement of the employment duties of such applicant. Further, the District may condition an offer of employment on the results of the examination in accordance with law.~~

All ~~(Each vendor/contract bus company shall ensure that its)~~ bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District ~~(vendor/contract bus company)~~ shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

When such examination is made by the school physician/nurse practitioner the cost of such examination shall be borne by the District. A staff member, however, may elect to have a medical examination at his/her own expense by a physician of his/her own choice.

The ~~Board~~ Superintendent reserves the right to request a medical examination at any time during employment, at School District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

(Continued)

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (continued)

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

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**Acceptable**

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.

Prohibited

The District shall not require a medical examination and shall not make inquiries as to whether such 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 Amendments Act (ADAAA) of 2008, Public Law 110-325) .Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
.45 Code of Federal Regulations (CFR) Parts 160 and 164 .

Education Law Sections 913 and 3624

8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)

10 New York Code of Rules and Regulations (NYCRR) Part 14

15 New York Code of Rules and Regulations (NYCRR) Part 6

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS**Pre-employment Medical Examinations**

In accordance with the Americans with Disabilities Act, as amended, the School District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District will shall not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

Employment Entrance Examinations

All entering employees are required to obtain a medical examination after an offer of employment has been made and prior to the commencement of their employment duties. Further, the District may condition an offer of employment on the results of the examination, if:

- 1) All entering employees are subjected to such an examination regardless of disability;
- 2) Information obtained regarding: the medical condition or history of the applicant is collected and maintained on separate forms in separate medical files and is treated as a confidential medical record, except that:
 - a. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
 - b. First aid and safety personnel may be informed, when appropriate, if the disability, might require emergency treatment; and
- 3) The results of the examination are used only in accordance with these provisions of law.

When an employee medical examination is made by the school physician/nurse practitioner the cost of such examination shall be borne by the District. A staff member, however, may elect to have a medical examination at his/her own expense by a physician of his/her own choice.

The Board reserves the right to request a medical examination at any time during employment, at School District expense in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

REGULATION

2013

6140R

2 of 2

Personnel

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

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

Acceptable

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.

Prohibited

The District shall not require a medical examination and shall not make inquiries as to whether such 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.

Defenses

It may be a defense to a charge of discrimination that an alleged application of qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation.

POLICY

2013

6150

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

Education Law Sections 913, 1711(5)(e), and 3020-a
Civil Service Law Section 75
Drug-Free Schools and Communities Act
Amendment of 1989 (Public Law 101-226)

Re-adopted by BOE 12-8-09

SUBJECT: DRUG-FREE WORKPLACE

All projects, departments, and programs in the District which receive Federal funds must guarantee that their workplaces are free of controlled substances. A "controlled substance" includes drugs which are illegal because they have no legitimate medical purpose and drugs, other than legitimate prescriptions, which have legitimate medical uses but are highly addictive. To guarantee that not only Federally aided programs, but the entire District, is free of controlled substances, the following steps shall be taken:

a) All employees shall be put on notice that:

1. The manufacture, sale, distribution, possession or use of any controlled substance is forbidden anywhere on District property or in any vehicle belonging to the District.
2. If any employee is convicted of, or pleads guilty or nolo contendere to a charge of manufacture, sale, distribution, possession, or use of a controlled substance in the workplace, that employee must be notify the District of said conviction within five (5) calendar days after said conviction.
3. Any violation of sections (1) or (2) of this policy could result in discipline and/or required rehabilitation in any approved treatment facility.
4. Every employee shall have the opportunity to attend information sessions, which shall be strongly encouraged but not required. These sessions shall cover the dangers of controlled substances; the District's policies on controlled substances; sources of help for dealing with abuse of such drugs; and the penalties for violation so this policy.

b) The District shall:

1. Provide a written statement of this policy, the Drug-Free Workplace Act of 1988, and the penalties for violations of this policy to every employee in the District. Copies of these statements or notice of where copies can be consulted shall be provided at every orientation meeting, and at least once each year to continuing employees.
2. Provide notice to the grantor of any Federal funds to the District within ten (10) business days of receiving such notice, of any employee's conviction or guilty pleas involving controlled substances.
3. Take appropriate personnel action, up to and including termination of employment, on any employee who violates this policy subject to law. The District may require rehabilitation treatment in a program approved by Federal, State or local law enforcement or other appropriate agencies instead of or in addition to the appropriate personnel action.

Drug-Free Workplace Act of 1988
(DFWA P. L. 100-690)

REGULATION

2013

6151R

Personnel

SUBJECT: DRUG-FREE WORKPLACE

The Board of Education maintains that it will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Establishing a drug-free awareness program to inform employees about:
 - a) The dangers of drug abuse in the workplace;
 - b) The grantee's policy of maintaining a drug-free workplace;
 - c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1).
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
 - a) Abide by the terms of the statement, and
 - b) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. Notifying the agency within ten days after receiving notice under subparagraph (4) (b) from an employee or otherwise receiving actual notice of such conviction.
6. Taking one of the following actions, within 30 days of receiving notice under subparagraph (4) (b), with respect to any employee who is so convicted:
 - a) Taking appropriate personnel action against such an employee, up to and including termination; or
 - b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
7. Making a good faith effort to continue to maintain a drug- free workplace through implementation of the above paragraphs.

POLICY

2013

6160

Personnel

SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS

It shall be unlawful for any person ~~16 years of age or older~~ to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge upon school grounds or in any District building without the express written authorization of the Superintendent or his/her designee.

Unlawful possession of a weapon upon school grounds is a violation of the New York State Penal Law, School District policy, and the Student Discipline Code of Conduct.

Penal Law Section 265.06

Adopted by Board of Education 5/16/95

Re-adopted by BOE 12-8-09

SUBJECT: USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT

Except when used in connection with or when rented under provisions of Education Law Section 414, school-owned materials or equipment may be used by members of the community or by District employees and/or students for school-related purposes only. Private and/or personal use of school-owned materials and equipment is strictly prohibited.

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 loaned 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 Superintendent or his/her designee shall develop administrative regulations to assure the lender's responsibility for, and return of, all such materials and equipment.

Education Law Section 414

Adopted by Board of Education 5/16/95

POLICY

2013

6171

Personnel

SUBJECT: TELECOMMUNICATIONS EQUIPMENT/USE BY STAFF

Except when used in connection with or when rented under provisions of Education Law Section 414, school-owned material or equipment may be used by District employees for school-related purposes only. Private and/or personal use of school-owned materials or equipment is strictly prohibited except in cases of emergency.

The District provides a variety of communication equipment for the purpose of conducting its business including FAX machines, cellular telephones, telephones, modems, etc. The District recognizes that from time to time employees may have a need to use, in relation to their work responsibilities, such telephones and other telecommunications equipment during work hours. Such use of District equipment is permitted so long as, in the judgment of the District, it is for school-related purposes only.

Telephones, FAX Machines, Modems

Employees are discouraged from using District telecommunications equipment for the purpose of making personal long distance calls or contacts during school hours. Staff will be provided access to a school telephone in cases of emergency; however, generally, all personal long distance telephone calls made during school hours must either be charged to the employee's home telephone or made at a pay telephone. All telephone use for personal purposes which result in a cost to the District, except in cases of an emergency, must be reimbursed. Employees are encouraged to use personal telephone credit cards or a pay telephone for the purpose of making such calls. In those instances where this is not possible, he/she must log all telephone calls and file the log with the Business Office within 24 hours of making the call. The Business Office will bill the employee.

Cellular Telephones

~~Employees using the District's cellular telephone(s) for the purpose of making any personal calls (local or long distance), must reimburse the District. The Business Office will send the employee its monthly cellular telephone bill so that personal calls can be identified and paid by the employee.~~

Penalties

A violation of this policy may result in discipline, including discharge, in accordance with applicable law and collective bargaining agreements.

Adopted by Board of Education April 29, 1996

Re-adopted by BOE 12-8-09

SUBJECT: INTERNET ACCESS POLICY

The Internet is a worldwide network of computer networks. It is comprised of thousands of separately administered networks of many sizes and types. Each of these networks is comprised of as many as tens of thousands of computers; the total number of individual users of the Internet is in the millions. This high level of connectivity fosters an unparalleled degree of communication, collaboration, resource sharing, and information access. The Internet user has the ability to share information, do research projects and communicate with others -- capabilities which can add an exciting dimension to a student's educational experience.

Unfortunately, some of the systems on the Internet contain defamatory, inaccurate, abusive, offensive, illegal, or adult-oriented material.

It is the intention of the Board to provide Internet access to students and staff to enrich the educational experience of each student. At the same time, the Board wishes to limit this access to appropriate information and materials to the greatest extent possible.

The Board also acknowledges that, at least initially, its Internet access will be provided by the Central New York Regional Information Center ("CNYRIC"), an institution housed within the Onondaga-Cortland-Madison BOCES. Thus, it is the intention of the Board to abide by any reasonable standards set forth by the CNYRIC governing the provision and use of this service, for as long as it provides said service to the District.

Accordingly, the Superintendent is hereby authorized to promulgate regulations which:

- 1) define and establish which staff and students may have access to the Internet through the District;
- 2) promote and facilitate communication and collaboration among Internet users on a local, national and international level;
- 3) define the acceptable Internet use standards for staff and students;
- 4) provide a mechanism for monitoring and limiting unauthorized use of the Internet by staff and students;
- 5) provide a clear disciplinary framework for such unauthorized use; and,
- 6) bring the District into compliance with any reasonable standards set forth by the CNYRIC governing the provision and use of CNYRIC's Internet access service.

GUIDELINES FOR INTERNET ACCESS – Regulations - (#6180/#7370 – Internet Access Policy)

The District is offering students access to the Internet in order to enhance their educational experience by giving them the opportunity to conduct research thereon and communicate with others connected to the Internet around the world. In order to promote efficient and appropriate use of this resource, there are certain rules that students and employees must follow.

1. All Internet users must use legally-acquired computer resources (e.g. software, networks, data bases, etc.) when operating on the District's Internet connection.
2. District personnel shall monitor the use of Internet resources by students to promote the appropriate use thereof.
3. The District reserves the right to examine all personal electronic files in order to promote compliance with this regulation and with local, State, and/or Federal laws.
4. The District shall provide training and support to faculty, staff and students. Training shall be designed in part to provide users with knowledge of this regulation.
5. It shall be each individual user's personal responsibility to recognize and honor the intellectual property of others (e.g. copyrights, software licenses, etc.).
6. It shall be each individual user's personal responsibility to be aware of the potential for and possible effects of manipulating electronic information and to verify the integrity and authenticity of information that he or she compiles or uses.
7. Each individual user is responsible to respect and value the rights of privacy for all; to recognize and respect the diversity of the population and the opinions of other Internet users; to behave ethically; and to comply with legal restrictions regarding the use of information resources. Accessing or disseminating information that is illegal, defamatory, abusive, racially offensive, and/or adult-oriented will be deemed a violation of this regulation which could result in disciplinary and/or legal action against the violator.
8. Each individual user is responsible to refrain from acts that waste resources or prevent others from using them. These acts may include, but are not limited to, commercial advertising, mass mailings for other than educational purposes, political fund raising, and other activities that detract from the educational mission of the institution/connection. These actions may result in denial of access.
9. No user shall intentionally develop programs that harass others, infiltrate computer systems, or damage hardware or software.
10. It shall be considered a violation of this regulation for a user to attempt to circumvent any computer security measures imposed by the District or non-District organizations on the Internet. It shall also be considered a violation to obtain passwords belonging to others, to represent oneself as another user, and to attempt to ascertain security access codes, etc.
11. The District reserves the right to terminate any student's or employee's access to the Internet at any time, without prior notice, completely at the District's discretion.

(continued)

GUIDELINES FOR INTERNET **ACCESS** – Regulations - (#6180/#7370 – Internet Access Policy)

Consequences for Violating Internet Access Policy and Regulation

In cases where the responsibilities of an individual for operating the Internet connection are suspected of not being met, the involved user(s) shall have his/her Internet connection rights immediately suspended at the discretion of the Superintendent or his designee.

Suspected misuse of the Internet connection shall be immediately reported to the school principal. The principal will, in turn, notify the parent if the suspected misuse involves a student and review the specifics of the case. After reviewing the details of the case, the principal will make a recommendation to the Superintendent. Based upon all the facts and the principal's recommendation, the Superintendent will determine the final disciplinary or legal action to be taken.

Parental Notification

Parents shall be notified that students will have access to the Internet, to warn them of potential abuses thereof, and to advise them of the consequences associated with that misuse.

Internet and Electronic Mail Notification

We are pleased to offer students of the Fabius-Pompey Schools access to the District computer network for electronic mail and the Internet.

Access to e-mail and the Internet will enable students to explore thousands of libraries, databases, and bulletin boards while exchanging messages with Internet users throughout the world. Families should be warned that some materials accessible via the Internet may contain items that are illegal, defamatory, inaccurate or potentially offensive to some people. While our intent is to make Internet access available to further educational goals and objectives, students may find ways to access other materials as well. We believe that the benefits to students from access to the Internet, in the form of information resources and opportunities for collaboration, exceed any disadvantages.

Network storage areas may be treated like school lockers. Network administrators may review files and communications to maintain system integrity, to insure that users are using the system responsibly and to check their contents. **Users should not expect that files stored on District servers will be private.**

As outlined in Board policy and procedures on student rights and responsibilities copies of which are available in school offices, the following are not permitted:

- Sending or displaying offensive messages or pictures
- Using obscene language
- Harassing, insulting or attacking others
- Damaging computers, computer systems or computer networks
- Violating copyright laws
- Using another's password
- Trespassing in another's folders, work or files
- Intentionally wasting limited resources
- Employing the network for commercial purposes.
- Violations may result in a loss of access as well as other disciplinary or legal action.

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for some staff 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, shall be subject to this policy and 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. Toward that end, the Board directs the Superintendent or his/her 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. All such agreements shall be kept on file in the District Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall 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 are not to be utilized to share confidential information about students or other employees.

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 shall 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 created 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.

Privacy Rights

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities so as to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policy #7371 -- Children's Internet Protection Act: Internet Content Filtering/Safety Policy

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The District's computer system (DCS hereafter) is provided for staff to enhance the educational programs of the District, to further District goals and objectives; and to conduct research and communicate with others.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. The standards of acceptable use as well as prohibited conduct by staff accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. The staff member who commits an act of misconduct which is not specifically addressed in District policy and/or regulation may also be subject to disciplinary action, including loss of access to the DCS as well as the imposition of discipline under the law and/or the applicable collective bargaining agreement. Legal action may also be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

Staff are encouraged to utilize electronic communications in their roles as employees of the District. Staff are also encouraged to utilize electronic means to exchange communications with parents/guardians or homebound students, subject to appropriate consideration for student privacy. Such usage shall be limited to school related issues or activities. Communications over the DCS are often public in nature; therefore, general rules and standards for professional behavior and communications will apply.

The District's policies and accompanying regulations on staff and student use of computerized information resources establish guidelines for staff to follow in instruction and in working with students on acceptable student use of the DCS, including access to external computer networks.

Privacy Rights

Staff data files, e-mail and electronic storage areas shall remain District property, subject to District control and inspection. The computer coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of District policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

Prohibitions

It is not the intention of this regulation to define all inappropriate usage. However, in addition to the general requirements of acceptable staff behavior, activities which shall be prohibited by staff members using the DCS include, but are not limited to, the following:

- 1) Using the DCS which in any way results in unauthorized charges or expense to the District.
- 2) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.
- 3) Using unauthorized software on the DCS.
- 4) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the staff member without express permission from the computer coordinator.
- 5) Violating copyright law, including the illegal file sharing of music, videos and software.

(continued)

REGULATION

2010

6185R
2 of 2

Personnel

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (continued)

- 6) Employing the DCS for commercial purposes, product advertisement or political lobbying.
- 7) Disclosing an individual password to others or using others' passwords.
- 8) Sharing confidential information on students and employees.
- 9) Sending or displaying offensive messages or pictures.
- 10) Using obscene language.
- 11) Harassing, insulting, bullying, threatening or attacking others.
- 12) Engaging in practices that threaten the DCS (e.g., loading files that may introduce a virus).
- 13) Violating regulations prescribed by the network provider.
- 14) Use of the DCS for other than school related work or activities.
- 15) Assisting a student to violate District policy and/or regulation, or failing to report knowledge of any student violations of the District's policy and regulation on student use of computerized information resources.
- 16) Use which violates any other aspect of School District policy and/or regulations, as well as local, state or federal laws or regulations.

Any user of the DCS that accesses another network or other computer resources shall be subject to that network's acceptable use policy.

Sanctions

The computer coordinator will report inappropriate behavior to the staff member's supervisor who will take appropriate disciplinary action. Any other reports of inappropriate behavior, violations or complaints will be routed to the staff member's supervisor for appropriate action. Violations may result in a loss of access to the DCS and/or disciplinary action. When applicable, law enforcement agencies may be involved.

Notification

All staff will be given a copy of the District's policies on staff and student use of computerized information resources and the regulations established in connection with those policies. Each staff member will sign an Acceptable Use Agreement (Form #6410F) before establishing an account or continuing their use of the DCS.

Adopted by Board of Education October 19, 2010

POLICY

2013

6210

Personnel

SUBJECT: CERTIFIED PERSONNEL

The Board of Education shall, upon the recommendation of the Superintendent, create, abolish, maintain and/or consolidate positions involving certified persons as necessary for the proper and efficient achievement of its goals.

All assignments and transfers shall be made in accordance with the provisions of law, Board of Education policies, and the employee's negotiated agreement.

Commissioner's Regulations, Part 30
Education Law Section 2510

Re-adopted by BOE 12-8-09

POLICY

2013

6211

Personnel

SUBJECT: RECRUITMENT

The District will attempt to employ the best qualified personnel for any position.

Professional personnel shall be recruited and selected by, or at the direction of, the Superintendent of Schools, who shall recommend appointment to the Board of Education.

The District shall provide equal opportunity in employment for all qualified persons in accordance with Federal and State legislation.

Education Law Section 3012

Re-adopted by BOE 12-8-09

REGULATION

2013

6211R

Personnel

SUBJECT: TEACHER VACANCIES

To assure that all of our offices work in concert in the area of teacher vacancies, here are the responsibilities of each office.

Superintendent's Office

1. Posts and advertises vacancy.
2. Refers letters and calls of inquiry to appropriate office.
3. Sends applications previously received through the year to building principal.
4. Maintains file of applicants for three years as required by regulations.
5. Writes the successful candidate informing of position, step, pay, etc. with copies sent to the Business Office and building principal.

Building Principal's Office

1. Writes general job description and sends to Superintendent's Office for inclusion in the Announcement of Vacancy.
2. Screens applications.
3. Sets up interviews.
4. Refers top two or three candidates to Superintendent for interview.
5. Involves grade level and/or Department Chairperson in screening and/or interviewing whenever possible.
6. Discusses top two or three candidates with grade level and/or Department Chairperson, grade level representative and Superintendent.
7. Building principal contacts all unsuccessful candidates.
8. Returns all applications with credentials in alphabetical order to the Superintendent's Office.

Business Office

1. Establishes Employment File for each person employed.
2. Keeps payroll records.
3. Maintains attendance records.

General Notes

1. Persons uncertified to teach grade level and/or subject are not to be interviewed.
2. Copies of valid certificates must be in the employee's personnel file.
3. All positions may be advertised in the School Newsletter, the Villager, Syracuse Post Standard and/or Herald-American.

REGULATION

2013

6211R.1

Personnel

SUBJECT: RECRUITMENT: CIVIL SERVICE PERSONNEL

1. Candidates are not to be discriminated against because of race, creed, age, color, sex, national origin, political affiliation, age, marital status or disability.
2. Competitive class candidates must be selected from the top three candidates listed on the Civil Service Certification of Eligible's. Candidates hired from the list must serve a twenty-six (26) week probationary period as determined by the Board of Education. If no existing eligibility list exists for a job title, the District may grant a provisional appointment. The candidate is required, however, to take a test and be placed on the eligibility list when such tests are offered.
3. All other classes of employees are not subject to a Civil Service examination and the District may employ any candidate the District and the County Civil Service Commission feels meets the minimum qualifications established for the particular job title.
4. The District must adhere to all rules and regulations as established by Civil Service Law and the County Civil Service Commission.
5. The Civil Service Commission must certify all candidates before they can be employed.

SUBJECT: CERTIFICATION

- a. In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of his/her certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b. The original certificates and/or licenses must be presented for examination and copying in the office of the Superintendent of Schools as soon as they are available to the employee. The copies will be maintained in the Superintendent's files in support of the legitimate employment of each affected employee. The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- c. Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for his/her assignment.

Education Law Sections 3001, 3001-a, 3004, 3006, 3008
Commissioner's Regulations, Part 80

Re-adopted by BOE 12-8-09

POLICY

2013

6213

Personnel

SUBJECT: PROBATION AND TENURE

Probation

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for a member previously appointed to tenure in this or another school district or BOCES within the state, provided the member was not dismissed from the former district. Up to four semesters of service as a substitute teacher may be applied towards probationary service.

During the probationary period, a member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the member of the required certification or license.

Tenure

Certified staff members successfully completing a probationary period in the Fabius-Pompey Central School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 3012 and 3031

Re-adopted by BOE 12-8-09

POLICY

2013

6213.1

Personnel

SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

It is the policy of the Board of Education that disciplinary charges against teachers and certified personnel will be initiated to determine the fitness of the employee to continue to carry on his/her professional responsibilities.

Regulations concerning the disciplining of tenured teachers and certified personnel shall follow those set forth by Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law.

Re-adopted by BOE 12-8-09

POLICY

2013

6214

Personnel

SUBJECT: STAFF: SEPARATION

A teacher may be dismissed at any time during the probationary period only upon the recommendation of the Superintendent and majority vote of the Board in accordance with the Education Law.

The Board shall expect any teacher desiring to terminate his/her services to provide the Board with a minimum of thirty (30) days' notice before the effective termination date.

When possible, a teacher shall 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 Sections 3012, 3031, 3019-a

Re-adopted by BOE 12-8-09

POLICY

2013

6215

Personnel

SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS

A probationary or permanent appointment of a teacher who is related by bloodline or legal process (including marriage) to any member of the Board of Education shall be subject to the consent of two-thirds of the members of the Board of Education to be determined at a Board meeting and to be entered upon the proceedings of the Board.

The Board shall take the same stance in the hiring of professional staff other than teachers, and the hiring of nonprofessional staff, as well.

Education Law Section 3016
General Municipal Law Sections 800-809

Re-adopted by BOE 12-8-09

SUBJECT: TEMPORARY PERSONNEL

District's needs may sometimes require temporary appointments. The terms of these appointments shall be defined by the Board of Education on a case by case basis.

Student Teachers

Recognizing that student teaching is an important part of the professional training of teachers, the Board of Education approves and encourages the schools of Fabius-Pompey to cooperate with accredited colleges and universities in their student teaching program. This policy allows student teachers, after sufficient preparation and observation, to assume responsibility for classroom instruction for a limited period of time. However, the assigned classroom teacher has final responsibility for the educational program of his/her students.

Teachers of Fabius-Pompey Central School District who desire to have a student teacher are to obtain prior approval for same from their building principal. Only teachers holding tenure in the Fabius-Pompey School District are eligible to request a student teacher.

Student teachers shall be protected from liability for negligence or other acts resulting in accidental injury to any person by the School District, as provided by law.

Substitute Teachers

A substitutive teacher qualified to teach in the Fabius-Pompey Central School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

Commissioner's Regulations Section 80.36 Education Law Section 3023

Re-adopted by BOE 12-8-09

REGULATION

2013

6220R

Personnel

SUBJECT: SUBSTITUTE TEACHERS

1. All applications for substitute teachers shall be sent to the Superintendent's Office. Credentials, certificates and references should be included with the application. This can be also verified by an administrator.
2. A statement of release requesting permission from the applicant to obtain information concerning the disposition and discloser of any conviction records, if applicable, shall be signed by each potential substitute at the time he/she completes a District application form.
3. The application shall be forwarded to the appropriate building administrator for evaluation and processing. A recommendation shall then be made to the Board of Education.
4. The candidate will or will not be added to the substitute list of each of the respective buildings, pending Board approval.
5. Each approved substitute teacher shall be notified that he/she will be placed on the substitute list.
6. An annual evaluation shall be completed on all substitutes teaching in the District during the school year for the purpose of knowing that a substitute teacher contributes to the program in the absence of regular staff members.
7. Retired teachers who substitute in the District, by regulation and law, must be appointed on a yearly basis by the Board of Education.

REGULATION

2013

6220R.1

Personnel

SUBJECT: STUDENT TEACHERS

The Fabius-Pompey Central School District cooperates with teacher preparation institutions in the placement of student teachers to provide beginning teachers with a quality student teaching experience.

Student teachers are assigned by the building principal or designee with an approved supervising teacher. The student teacher will be placed with supervising teachers having a minimum of three (3) years of successful teaching experience and who will provide, as determined by the building principal, an appropriate student teaching experience.

In every instance, the well-being of the Fabius-Pompey students is the prime consideration.

Building principals or designees are responsible for observing student teachers assigned to their buildings. Placement of student teachers in the regular classroom does not relieve the regularly assigned classroom teacher of his/her duties and responsibilities.

Student teachers are encouraged to participate in faculty meetings, other faculty activities and are invited to attend Parent-Teacher Association meetings. Student teachers are to be provided with materials and supplies required in their assignment, and be accorded the courtesy of a regular staff member.

The student teacher's time in the classroom is to be evenly divided so that a specified time will be spent in observation, participation and teaching. The main objective is to prepare the student teacher and does not relieve the supervising teacher from his/her responsibility to be present when instruction is taking place.

The student teacher should not be used as a substitute teacher. Exception being a case of emergency when a student teacher may be used until a substitute can be obtained.

The number of student teachers assigned to a supervising teacher is limited to two student teachers per year unless otherwise recommended by the building principal and approved by the Superintendent of Schools.

POLICY

2013

6221

Personnel

SUBJECT: SUBSTITUTE TEACHER PAY

Substitutes will be paid according to the rate established by the School Board, with the following limitations:

- a. To be paid a full day's pay a substitute must be present the full day.
- b. If weather conditions or other emergencies arise that cause school to close before 11:30 a.m. the teacher shall be paid 1/2 day's pay, even though he/she has merely arrived at school and signed in. Inability to get to school to sign in does not entitle a teacher to any remuneration.

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals --those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School 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 shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result.

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration 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.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

Written Explanation by District: Certain Professions

In the case of an individual whose service has been engaged by the School 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 shall 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.

Retirement and Social Security Law Sections 11, 34, 311, and 334
2 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

Adopted by BOE 9/2/08 & Re-adopted by BOE 12-8-09

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR

Regulations recently promulgated by the Office of the State Comptroller provide guidance to school districts to help them determine whether an individual is an employee, and therefore eligible for membership in the New York State and Local Retirement System (NYSLRS) and for service credit, or an independent contractor who is not eligible for membership.

A certification of the determination that an individual is an employee will now be required when the School District initially reports to the NYSLRS certain covered professionals -- those persons providing services as an attorney, physician, engineer, architect, accountant or auditor.

Employee shall mean an individual performing services for the School 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 shall mean a consultant or other individual engaged to achieve a certain result who is not subject to the direction of the employer as to the means and methods of accomplishing the result.

When making a determination as to whether an individual is an employee or an independent contractor, the factors set forth below shall be considered by the District.

Factors Supporting the Conclusion that an Individual is an Employee rather than an Independent Contractor

- 1) The District controls, supervises or directs the individual performing the services, not only as to result but as to how assigned tasks are to be performed;
- 2) The individual reports to a certain person or department at the beginning or during each work day;
- 3) The individual receives instructions as to what work to perform each day;
- 4) The individual's decisions are subject to review by the District;
- 5) The District set hours to be worked;
- 6) The individual works at established and fixed hours;
- 7) The District maintains time records for the individual;
- 8) The District has established a formal job description;
- 9) The District's Board of Education formally created the position with the approval of the local civil service commission where necessary;
- 10) The District prepares performance evaluations;
- 11) The District requires that the individual attend training;
- 12) The District provides permanent work space and facilities (including, but not limited to, office, furniture and/or utilities);
- 13) The District provides the individual with equipment and support services (including, but not limited to, computer, telephone, supplies and/or clerical assistance);
- 14) The individual is covered by a contract negotiated between the union and the District;
- 15) The individual is paid salary or wages through the District's payroll system;
- 16) Tax withholding and employee benefit deductions are made from the individual's paycheck; and
- 17) The individual is entitled to fringe benefits (including, but not limited to, vacation, sick leave, personal leave, health insurance and/or grievance procedures).

(continued)

REGULATION

2009

6225R

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Personnel

SUBJECT: DETERMINATION OF EMPLOYMENT STATUS: EMPLOYEE OR INDEPENDENT CONTRACTOR (Cont'd.)

Factors Supporting the Conclusion that an Individual is an Independent Contractor rather than an Employee

- 1) The individual has a personal employment contract with the District;
- 2) The District pays the individual for the performance of services through the submission of a voucher;
- 3) The individual is authorized to hire others, at the expense of the individual or a third party, to assist the individual in performing work for the District;
- 4) The individual provides similar services to the public;
- 5) The individual is concurrently performing substantially the same services for other public employers; and
- 6) The individual is also employed or associated with another entity that provides services to the District by contract, retainer or other agreement.

Employees to be Reported to NYSLRS

Only persons who are active members of NYSLRS and who have been assigned a registration number shall be included in the reporting requirements. In the case of employees who are in the process of being registered to membership, all service, salary and deductions data and mandatory contributions shall be accumulated by the District and such accumulation shall be included with the first monthly report which is due after the employee's registration 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.

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in State Regulations.

The District shall also complete, as necessary, a Certification Form for Individuals Engaged in Certain Professions (Form RS2414) as promulgated by the Office of the New York State Comptroller. As noted on the Certification Form instructions, when making a determination as to an individual's status as an employee or independent contractor, no single factor should be considered to be conclusive of the issue. All factors should be considered in making an assessment of an individual's status when engaged to perform services.

Written Explanation by District: Certain Professions

In the case of an individual whose service has been engaged by the School 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 shall 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.

Such certification shall be submitted to the retirement system at the time the individual is registered to membership or, in the case of an individual who is already a member of the retirement system, at the time the individual is first reported by the District to the retirement system. The District shall submit copies of documentation pertaining to the appointment of the individual as an employee, including a copy of the minutes of the Board of Education meeting where such individual was appointed an employee by the Board of Education, and the decision to report the individual to the retirement system as well as the acceptance of the appointment by the local civil service commission where necessary.

Adopted by Board of Education 12/8/

SUBJECT: PROFESSIONAL SERVICES PROVIDERS**Determination by Employer**

The District has the primary responsibility for determining whether an individual is rendering services as an employee or as an independent contractor. When making such a determination the District must consider the factors enumerated in Commissioner's Regulations Sections 315.2 and 315.3. An individual serving the District as an independent contractor or consultant is not an employee and should not be reported to the New York State and Local Retirement System (NYSLRS).

Charging for Professional Services

A lawyer shall not simultaneously be an independent contractor and an employee of the School District for the purpose of providing legal services to the District.

A lawyer who is not an employee of the School District shall not seek to be or be considered, treated or otherwise reported by the District as an employee thereof for purposes of compensation, remuneration, health insurance, pension and all employment-related benefits and emoluments associated therewith [Education Law Section 2051 (2)].

Enforcement

Any person who shall knowingly:

- a) Violate the provisions of Education Law Section 2051 (2);
- b) Make a false statement of material fact; or
- c) Falsify or permit to be falsified any record or records of the retirement system in an attempt to defraud the retirement system as a result of such act for the purpose of obtaining a credit towards pension benefits, or a benefit or payment in excess of \$1000 from such retirement system for a professional services provider to which such professional services provider would not be entitled, shall be guilty of a Class E felony.

Reports Regarding Lawyers

The District shall, on or before the 45th day after the commencement of its fiscal year, file with the State Education Department, the State Comptroller and the Attorney General a report specifying those requirements enumerated in Education Law Section 2053.

Protection Against Fraud

Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud the system as a result of such act, shall be guilty of a misdemeanor, and shall be punishable under the laws of New York State.

Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of \$1 000 more than he/she would have been entitled to shall be a class E felony. Any violation of applicable law that results in a member or beneficiary of the retirement system receiving a benefit or payment in excess of \$3000 more than he/she would have been entitled to shall be a class D felony.

Education Law Sections 525, 2050-2054

Retirement and Social Security Law Sections 111 and 411

8 New York Code of Rules and Regulations (NYCRR) Sections 315.2 and 315.3

NOTE: Refer also to Policy #6000 Determination of Employment Status: Employee or Independent Contractor

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

All District employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery and providers of such professional development are within the purview of the School District and shall be made within the context of the District Professional Development Plan. The Professional Development Plan shall describe how the School District will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five (5) years in accordance with Commissioner's Regulations.

If the professional certificate holder wishes to maintain the validity of his/her New York State professional certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than ninety (90) days in a given school year for any reason, including an approved leave, the required hours are reduced by ten percent (10%) for each school year during which this is the case.

District Recordkeeping Responsibilities

If the School District provides professional development to teachers in its schools, or professional development is provided by other entities on behalf of the District, the District must maintain a record of professional development completed by its teachers who are required to complete this requirement. Such records shall include those items enumerated in Commissioner's Regulations Section 100.2(dd)(5):

- a) The name of the professional certificate holder;
- b) His/her teacher certification identification number;
- c) The title of the program;
- d) The number of hours completed; and
- e) The date and location of the program.

These records shall be retained by the District for at least seven (7) years from the date of completion of the professional development by the professional certificate holder and shall be available for review by the State Education Department (SED).

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT (Cont'd.)**District Reporting Responsibilities**

Annually, the School District must report to the New York State Education Department (SED) Office of Higher Education's Office of Teaching Initiatives (OTI) the number of all approved professional development hours completed by each teacher who is employed by the District and subject to the professional development requirement, regardless of the professional development provider.

All hours of completed professional development reported by Districts will become part of the certificate holder's certification record maintained by OTI. Teachers with professional certificates must complete the required number of hours of professional development every five (5) years for their certificates to remain valid.

The School District is required to report professional development hours for its employees online directly via the Web-based computer system TEACH (Teacher Education and Certification Help).

Certificate Holder Responsibilities

All professional certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven (7) years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner's Regulations Section 80-3.6(f):

- a) The title of the program;
- b) The number of hours completed;
- c) The sponsor's name and any identifying number;
- d) Attendance verification; and
- e) The date and location of the program.

While it is the responsibility of the District to report hours, it is in the interest of every professional certificate holder to verify that their professional development hours are reported and that their individual record is complete. It is recommended that professional certificate holders develop their personal professional development plan in consultation with the District, and obtain District approval before commencing any professional development activities.

8 New York Code of Rules and Regulations (NYCRR) Subpart 80-3 and Section 100.2(dd)

Adopted by BOE 11/19/07

Re-adopted by BOE 12-8-09

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

All District employees who hold professional teaching certificates for classroom teaching are required to complete professional development hours to maintain the validity of their certificates. Professional certificate holders must complete 175 hours every five (5) years. The five-year professional development period commences on July 1 after the effective date of the triggering certificate, and each subsequent five-year period thereafter. Each professional development year of the five-year cycle of professional development begins on July 1 and ends the following June 30. The professional development requirement may be completed at any time during the five-year professional development period.

Decisions regarding content, delivery and providers of such professional development are within the purview of the School District and shall be made within the context of the District Professional Development Plan. The Professional Development Plan shall describe how the School District will provide teachers it employs holding a professional certificate with opportunities to maintain such certificates in good standing based upon successfully completing 175 hours of professional development every five (5) years in accordance with Commissioner's Regulations.

If the professional certificate holder wishes to maintain the validity of his/her New York State professional certificate, he/she must satisfy the professional development requirement. If the certificate holder teaches less than ninety (90) days in a given school year for any reason, including an approved leave, the required hours are reduced by ten percent (10%) for each school year during which this is the case.

District Recordkeeping Responsibilities

If the School District provides professional development to teachers in its schools, or professional development is provided by other entities on behalf of the District, the District must maintain a record of professional development completed by its teachers who are required to complete this requirement. Such records shall include those items enumerated in Commissioner's Regulations Section 100.2(dd)(5):

- 1) The name of the professional certificate holder;
- 2) His/her teacher certification identification number;
- 3) The title of the program;
- 4) The number of hours completed; and
- 5) The date and location of the program.

These records shall be retained by the District for at least seven (7) years from the date of completion of the professional development by the professional certificate holder and shall be available for review by the State Education Department (SED).

District Reporting Responsibilities

Annually, the School District must report to the New York State Education Department (SED) Office of Higher Education's Office of Teaching Initiatives (OTI) the number of all approved professional development hours completed by each teacher who is employed by the District and subject to the professional development requirement, regardless of the professional development provider.

All hours of completed professional development reported by Districts will become part of the certificate holder's certification record maintained by OTI. Teachers with professional certificates must complete the required number of hours of professional development every five (5) years for their certificates to remain valid.

(continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

The School District is required to report professional development hours for its employees online directly via the Web-based computer system TEACH (Teacher Education and Certification Help) which may be accessed at: <http://www.highered.nysed.gov/tcert/>. The TEACH public school training guide is also available on the Web at: <http://www.highered.nysed.gov/tcert/teach/resourcesd.htm>.

Certificate Holder Responsibilities

All professional certificate holders must keep records of all of their approved professional development activities/programs/coursework, regardless of the provider, for at least seven (7) years from the date of completion of the program and shall be available for review by SED. Such records shall include those items enumerated in Commissioner's Regulations Section 80-3.6(f):

- 1) The title of the program;
- 2) The number of hours completed;
- 3) The sponsor's name and any identifying number;
- 4) Attendance verification; and
- 5) The date and location of the program.

While it is the responsibility of the District to report hours, it is in the interest of every professional certificate holder to verify that their professional development hours are reported and that their individual record is complete. It is recommended that professional certificate holders develop their personal professional development plan in consultation with the District, and obtain District approval before commencing any professional development activities. A suggested (optional) format for planning can be found at Continuing Professional Development District Planning Form (PDF), <http://www.highered.nysed.gov/tcert/pdf/pdplanning.pdf>.

Professional certificate holders should check their individual record periodically to verify that the completed hours are being reported by the District at least annually. Questions or discrepancies should be resolved with the District immediately. Certificate holders should not wait until the end of their five-year professional development cycle to resolve any issues. Since the certificate holder is ultimately responsible to maintain his/her certification, he/she will monitor his/her own professional development progress and request, as needed, assistance to fulfill these requirements.

Professional Development Hour

Generally, professional development activity may be considered to accrue according to the number of clock hours spent in the activity, e.g., inservice workshop, conference session, etc. However, the employing School District has the discretion to set the research, attendance at professional meetings, etc. In the case of credit-bearing college courses, Commissioner's Regulations Section 80-3.6(e) stipulates that each semester hour of credit is equal to fifteen (15) hours of professional development, and each quarter hour of credit is equal to ten (10) hours of professional development.

Suggested Professional Development Activities

Content of courses, workshops, and other professional development experiences should be directly related to:

- 1) Enhancing teacher subject matter knowledge,
- 2) Teacher knowledge, use and application of appropriate teaching techniques,
- 3) Broadening and enhancing teacher abilities to apply more accurate and appropriate assessment methodologies, and
- 4) Enhancing teacher skills in effectively managing individual students and classroom in both heterogeneous and homogeneous settings.

(continued)

SUBJECT: PROFESSIONAL CERTIFICATION: 175 HOURS OF PROFESSIONAL DEVELOPMENT REQUIREMENT

The following categories of activities are suggestions for meeting the needs of the District in building teacher capacity:

- 1) Participating in courses and other learning opportunities delivered from many providers, such as institutions of higher education, teacher centers, BOCES, school districts and independent professional development service providers.
- 2) Coursework linked to improvement of instructional technique or content knowledge, which may or may not be in pursuit of a teaching or advanced teaching degree.
- 3) Completing coursework for more advanced certification or certificates in additional areas or in accordance with teaching assignment requirement for extension to certification.
- 4) Collaborating with other teachers and teaching assistants to examine case studies of student work and development.
- 5) Participating in regional scoring of State assessments, assessing student portfolios.
- 6) Creating and assessing teacher or teaching assistant portfolios.
- 7) Providing Mentoring Service.
- 8) Engaging in research projects (includes online research).
- 9) Participation in study (collegial) circles such as "Critical Friends" activities, structured guided reflection activities focused on student learning.
- 10) Participating in formal programs of peer coaching or participation in peer review.
- 11) Curriculum planning and development.
- 12) Pursuing National Board certification or re-certification (either as candidate or provider of support).
- 13) Sabbaticals (related to content specialty or enhancement of teaching strategies).
- 14) Participating in reviews of class performance data over time to make decisions about one's own professional development, based on student outcomes.
- 15) Developing or collaborating on the development of new programs and instructional methods.
- 16) Teacher of the Year activities.
- 17) New York State Teacher Certification Examinations (NYSTCE) "assessor" or test development committee member.
- 18) Delivering professional development (e.g., conducting workshops).
- 19) Development of Statewide curriculum.
- 20) Service as support teacher, helping teacher, or coach.
- 21) Service as a cooperating teacher for a student teacher or field internships; including attendant meetings and processes.
- 22) Service as an elected officer in professional organizations.
- 23) Service as teacher center director.
- 24) Service/designation as Master Teacher.
- 25) Service on the State Professional Standards and Practices Board.
- 26) Participating in Professional Development School activities or other school-college teacher development partnerships.
- 27) Publishing in educational journals.
- 28) Developing and presenting a major paper.
- 29) Serving on Comprehensive District Education Plan (CDEP) or District Comprehensive Education Plan (DCEP), or School Leadership committees.

POLICY

2013

6231

Personnel

SUBJECT: CONFERENCES AND VISITATIONS

A professional employee may be granted leave for the purpose of visiting classes in another school system. A request for such leave shall be submitted to the employee's principal who shall consider the merits of the request and the availability of substitute teachers and of funds for payment of substitute teachers. Should the request be approved, the principal shall make necessary arrangement with the school to be visited. Requests will usually be approved only for visitation during the first few months of the school year so that both the professional employee and the School District will derive the benefit of the visitation for a greater part of the school year. The employee shall bear all costs of such leave except that of the substitute teacher's salary.

A professional employee who wishes to attend a conference shall submit a request to his/her principal. The principal shall consider the merits of the request and the availability of substitute teachers and of funds for paying substitute teachers prior to acting on the request.

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS

Effective February 2, 2004, all new teachers in the School District/BOCES holding an initial certificate must complete a mentored teaching experience within their first year of employment as a teacher. Also effective February 2, 2004, the District/BOCES must incorporate the design and planning of such mentored experiences for all first-year teachers in its employ into the District/BOCES Professional Development Plans.

The purpose of the mentoring program is to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing the retention of teachers, and to increase the skills of new teachers in order to improve student achievement in accordance with the New York State learning standards. The Professional Development Plan shall describe how the District/BOCES will provide a mentoring program for teachers who must participate in a mentoring program to meet the teaching experience requirement for the professional certificate as prescribed by Commissioner's Regulations.

The mentoring program shall be developed and implemented consistent with any collective bargaining obligation required by Article 14 of the Civil Service Law (i.e., the Taylor Law); however, Commissioner's Regulation does not impose a collective bargaining obligation that is not required by the Taylor Law.

In accordance with Commissioner's Regulations, the Professional Development Plan shall describe the following elements of the mentoring program:

- a. The procedure for selecting mentors, which shall be published and made available to staff of the District/BOCES and, upon request, to members of the public;
- b. The role of mentors, which shall include but not be limited to providing guidance and support to the new teacher;
- c. The preparation of mentors, which may include but shall not be limited to the study of the theory of adult learning, the theory of teacher development, the elements of the mentoring relationship, peer coaching techniques, and time management methodology;
- d. Types of mentoring activities, which may include but shall not be limited to modeling instruction for the new teacher, observing instruction, instructional planning with the new teacher, peer coaching, team teaching, and orienting the new teacher to the school culture; and
- e. Time allotted for mentoring, which may include but shall not be limited to scheduling common planning sessions; releasing the mentor and the new teacher from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during Superintendent conference days, before and after the school day, and during summer orientation sessions.

SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS (Cont'd.)**Confidentiality of Mentor-New Teacher Interaction**

The information obtained by a mentor through interaction with the new teacher while engaged in the mentoring activities of the program shall not be used for evaluating or disciplining the new teacher unless:

- a. Withholding such information poses a danger to the life, health, or safety of an individual including, but not limited to, students and staff of the school; or
- b. Such information indicates that the new teacher has been convicted of a crime, or has committed an act which raises a reasonable question as to the new teacher's moral character; or
- c. The District/BOCES has entered into an agreement, negotiated pursuant to Article 14 of the Civil Service Law whose terms are in effect, that provides that the information obtained by the mentor through interaction with the new teacher while engaged in the mentoring activities of the program may be used for evaluating or disciplining the new teacher.

Exemptions to above Mentoring Requirements

Pursuant to Commissioner's Regulations, teachers holding initial certificates who have two (2) or more prior years of teaching experience do not need to be provided a mentored experience as enumerated in this policy.

Recordkeeping Requirements

The School District/BOCES shall maintain documentation of the implementation of the mentoring program described in the Professional Development Plan for at least seven (7) years from the date of completion of the mentoring activity; and it shall be available for review by the State Education Department. Such documentation will include the information enumerated in Commissioner's Regulations.

Education Law Sections 3004 and 3006

8 New York Code of Rules and Regulations (NYCRR)

Sections 52.21 (b)(3)(xvi) and (xvii), 80-3.4(b)(2), 80-5.13, 80-5.14, and 100.2(dd)

POLICY

2013

6310

Personnel

SUBJECT: APPOINTMENT - SUPPORT STAFF

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place and conditions of employment shall be assigned by the Superintendent of Schools. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Re-adopted by BOE 12-8-09

POLICY

2013

6320

Personnel

SUBJECT: EMPLOYMENT OF TEACHER AIDES

In accordance with Regulations of the Commissioner, the Board of Education may employ aides to assist in the daily operation of the school through non-teaching duties.

The duties and responsibilities to be assumed by aides shall be outlined by the Superintendent of Schools.

Persons employed as aides shall be responsible to the building principal and/or his/her designated representatives.

Commissioner's Regulations Section 80.33(a)

Re-adopted by BOE 12-8-09

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS**School Bus Monitors and Attendants**

In accordance with Education Law and Commissioner's Regulations, the employment of each school bus monitor and school bus attendant shall be approved by the Superintendent of Schools for each school bus operated within the School District. Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

As defined in Commissioner's Regulations:

- a. A **school bus monitor** shall mean any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services, and for the purpose of assisting the school bus driver with maintaining proper student behavior on such bus.
- b. A **school bus attendant** shall mean any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

All school bus monitors and attendants shall be at least nineteen (19) years of age; and shall have the physical and mental ability to satisfactorily perform his/her duties.

On order of the Superintendent of Schools, each monitor or attendant may be examined by a duly licensed physician within two (2) weeks prior to the beginning of such monitor's or attendant's service in each school year. The written report of the physician shall be considered by the Superintendent in determining the fitness of the monitor or attendant to carry out his/her functions. The examining physician shall require the monitor or attendant to undergo any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his/her duties.

Each school bus monitor or attendant of a school bus owned, leased or contracted for by a school district or board of cooperative educational services shall pass a physical performance test approved by the Commissioner. Individuals employed by a school district, board of cooperative educational services or contractor as a monitor or attendant on July 1, 2003 shall have until July 1, 2004 to take and pass a physical performance test. Individuals hired as a monitor or attendant after July 1, 2003, must take and pass a physical performance test before they may assume their duties.

A school bus monitor or attendant who fails any portion of the physical performance test shall be deemed unqualified to perform the duties of that position. The monitor or attendant may request a reexamination. The cost of such re-examination shall be borne by the employer if the monitor/attendant passes the re-examination, or by the monitor/attendant if he or she fails the re-examination.

All school bus monitors and attendants shall meet the qualifications and/or certification requirements as enumerated in law and/or Commissioner's Regulations. Further, pursuant to Commissioner's Regulations, school bus monitors and attendants shall receive pre-service instruction, safety training, specialized training, and refresher training.

In addition to such instruction, any person employed on January 1, 2004 as a school bus monitor, or as a school bus attendant serving students with a disabling condition, shall, by July 1, 2004, receive instruction as prescribed by the Commissioner upon recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. Any person hired after January 1, 2004 shall complete such special needs instruction prior to assuming their duties as a school bus monitor or as a school bus attendant.

School Bus Attendants - Special Requirements

Adopted by Board of Education 12/7/04

Re-adopted by BOE 12-8-09

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS

In accordance with Education Law and Commissioner's Regulations, all school bus monitors and attendants employed by the District and/or private contractors providing student transportation services to the District must meet specific qualifications for employment and continuation of employment.

Definitions

A school bus is any vehicle owned or contracted for by a public school or board of cooperative educational services and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities.

A school bus monitor is any person employed for the purpose of assisting children to safely embark and disembark from a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services for the purpose of assisting the school bus driver with maintaining proper student behavior on such school bus.

A school bus attendant is any person who is employed for the purpose of serving pupils with a disabling condition on a school bus which is owned, leased or contracted for by a public school district or board of cooperative educational services.

School Bus Monitor and Attendant Qualifications

Approval for employment as a school bus monitor or attendant shall be in writing on a form prescribed by the Commissioner of Education.

School bus monitors and attendants:

1. Must be at least 19 years of age.
2. Must have the physical and mental ability to satisfactorily perform his/her duties.
3. May be examined on order of the Superintendent of Schools by a duly licensed physician within two weeks prior to the beginning of his/her service in each school year. This examination may include any diagnostic tests that are necessary to determine the physical and mental ability of the monitor or attendant to perform his/her duties. The written report of the physician shall be considered by the Superintendent of Schools in determining the fitness of the monitor or attendant to carry out his/her functions.
4. Shall pass a physical performance test approved by the Commissioner. *(Monitors and attendants who are employees as of July 1, 2003 have until July 1, 2004 to take and pass the physical performance test. Those individuals hired after July 1, 2003 must take and pass the physical performance test before they assume their duties.)*

If the monitor/attendant fails any portion of the physical performance test, he/she will be deemed unqualified to perform the duties of that position. The monitor/attendant may request a re-examination which will be paid for by the employer if the monitor/attendant passes the reexamination or by the monitor/attendant if he/she fails the re-examination.

5. May be required to maintain certification in first aid.

SUBJECT: SCHOOL BUS MONITORS AND ATTENDANTS (continued)**School Bus Attendant - Additional Qualifications**

Any school bus attendant serving students with a disabling condition must obtain training and certification in cardiopulmonary resuscitation (CPR) where such skills are required as part of the individualized education plan (IEP) prepared for the student. *(Attendants employed as of January 1, 2004 have until July 1, 2004 to obtain this training and certification. Those individuals hired after January 1, 2004 must obtain this training and certification before they assume their duties.)*

Pre-Service, Safety Training, Specialized Training and Refresher Training

All school bus monitors or attendants:

1. Shall receive three hours of pre-service instruction as prescribed by the Commissioner upon the recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee. This pre-service training shall include, but is not limited to, school bus safety practices, child management techniques, and the proper techniques for assisting children to safely embark and disembark a school bus. *(Monitors and attendants who are employees as of July 1, 2003 have until July 1, 2004 to comply with these training requirements. Those individuals hired after July 1, 2003 must comply before they assume their duties.)*
2. In addition, if hired as a school bus monitor/attendant serving students with a disabling condition, shall receive instruction as prescribed by the Commissioner upon recommendation of the Commissioner's School Bus Driver Instructor Advisory Committee relating to special needs transportation, including, but not limited to, the proper techniques for assisting disabled students in entering and exiting the school bus. *(Monitors and attendants who are employees as of January 1, 2004 have until July 1, 2004 to comply with these training requirements. Those individuals hired after January 1, 2004 must complete such special needs instruction prior to assuming their duties.)*
3. Shall receive 2 two-hour refresher training sessions annually at sessions conducted between July 1st and the first day of school and between December 1st and March 1st of each school year.

School bus monitors or attendants hired after July 1, 2003:

Shall complete within the first year of their employment, a Basic Course of Instruction for monitors and Attendants. Multiple curricula may be approved for use by the Commissioner, but such courses shall provide not less than 10 hours of instruction on a range of topics prescribed by the Commissioner.

School Bus Monitor and Attendant Responsibilities

School bus- monitors and attendants:

1. Shall not allow students to enter or leave the bus while in motion.
2. Are held responsible for reasonable behavior of students in transit.
3. Shall not allow students to thrust their heads or arms out of open windows.
4. Shall not leave the school bus when children are inside except in case of emergency or for purposes of assisting children to embark or disembark the vehicle and to safely cross the street.
5. Shall check the vehicle to ensure that no child is left behind on board unattended at the conclusion of the school bus route.
6. Shall not smoke at anytime while within a school bus.
7. Shall not eat or drink any liquid, or perform any act or conduct themselves in any manner which may impair the safe operation of the school bus while such vehicle is transporting students.

POLICY

2013

6410

Personnel

SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours or at extracurricular events.

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION**Personnel Records**

The Board of Education directs the Superintendent to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

The Board also directs the Superintendent to maintain regulations and procedures governing the inspection by District employees of their personnel files.

Release of Personnel Information

All steps should be taken to protect the privacy of the employees of the Board of Education. To ensure the individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a. When members of the Board of Education need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal or to aid in the development and implementation of personnel policies.
- b. When the employee grants permission.
- c. When the third party needs to contact a particular staff member in case of an emergency during non-school hours.

Procedures for obtaining consent for release of records to third parties shall be developed by the administration.

Release of Information Concerning Former Employees

The District shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

Commissioner's Regulations, Part 84
Public Officers Law Section 87

REGULATION

2013

6420R

Personnel

SUBJECT: PERSONNEL FILES

All personnel files are considered confidential. In this case, confidential means that the file is available to the individual and his/her supervisors.

Faculty personnel files are to be kept in the District Office. Copies of observations and/or evaluation forms may be kept in the principal's office but the signed original is to be sent to the District Office. The building principal's file is considered part of the District personnel file.

Service personnel files are to be kept in the District and/or Business Office. Copies of evaluations may be kept in the Business Office but the original signed copy is to be kept in the District Office.

Personnel files are to include communications with the staff member, transcripts, letters of reference, employment records, etc. All items should be marked \ "cc: personnel file", and the employee should get a copy. Personal notes by the supervisor or building principal and interoffice memos are not to be kept in the personnel file unless the employee receives a copy.

Grievance material s/communications will be kept in the personnel file until the grievance is resolved. At that time, the original grievance and the resolution will be kept in the personnel file and all other information relating to the grievance will be placed in a grievance file.

Employees may review their personnel file by appointment in the presence of the Superintendent or his/her designee. Appointments shall be made at least one (1) day in advance. Employees may have copies of any material in their folder except confidential recommendations; however, employees may not remove any material from their personnel file.

Material kept in the personnel file is not to be released unless authorized by the staff member. This will normally be done through the District Office and will require written authorization.

This does not prohibit the immediate supervisor, the building principal or the School Business Administrator sending a letter of personal reference if requested by a prospective employer.

Financial data and other information covered by the Freedom of Information Law will be made available only upon proper request.

PROCEDURE

2013

6420P

Personnel

SUBJECT: PERSONNEL RECORDS

Responsibility

District Employee

Administrator

District Employee

Administrator

Action

1) Requests permission to inspect his/her personnel file from the District Office at least one (1) day in advance.

2) a. Grants or denies request.
b. If request is granted, has file ready and an area set aside for inspection on the agreed upon day and time.
c. If permission is denied, states the reason and arranges an alternate time.

3) a. At agreed upon day and time, at designated area, inspects file.
b. Requests copy of any material he/she wishes to have with the exception of confidential recommendations, but may not remove any original material from the file
c. Upon completion of inspection, returns the file to the Administrator.

4) Returns the personnel file to its proper place.

POLICY

2013

6421

Personnel

SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

In accordance with Section 203-d of the New York State Labor Law, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, “personal identifying information” shall include 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 shall 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 shall not be used as an identification number for purposes of occupational licensing.

District staff shall 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” shall be evaluated; and employees who have access to such information as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

Labor Law Section 203-d

BOE Adoption 1-20-09

REGULATION

2009

6421R

Personnel

SUBJECT: EMPLOYEE PERSONAL IDENTIFYING INFORMATION

In accordance with Section 203-d of the New York State Labor Law, the District shall restrict the use and access to employee personal identifying information. As enumerated in law, "personal identifying information" shall include 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 shall not unless otherwise required by law:

- 1) Publicly post or display an employee's social security number;
- 2) Visibly print a social security number on any identification badge or card, including any time card;
- 3) Place a social security number in files with unrestricted access; or
- 4) Communicate an employee's personal identifying information to the general public.

A social security number shall not be used as an identification number for purposes of any occupational licensing.

Assessing District Procedures for Safeguarding Employee "Personal Identifying Information"

District procedures that are to be followed to help safeguard the use of and access to personal identifying information as required by law include, but are not limited to, the following:

- 1) Access to personal identifying information will be restricted to those District employees whose job responsibilities require access to such data; unless otherwise authorized in accordance with law.
- 2) Any document containing personal identifying information should not be left unattended while visible on a computer monitor or a desk.
- 3) Personal identifying information and other confidential or potentially confidential information will not be shared over the telephone unless the caller's identity can be positively confirmed.
- 4) Firewalls will be used on all computers; antivirus software will be used on all servers, desktops and laptops; access to programs or databases containing personal identifying information will be password protected granting access only on a "need-to-know" basis.

District procedures for safeguarding employee "personal identifying information" shall be periodically evaluated by the Superintendent/designee, Human Resources Official, School Business Official, Internal Auditor, and others as deemed necessary.

Notice to Employees

District staff shall be informed of and have access to Board Policy and Administrative Regulations addressing "**Employee Personal Identifying Information**," notifying them of their rights and responsibilities in accordance with Labor Law Section 203-d.

Employees who have access to "personal identifying information" as part of their job responsibilities shall be advised as to the restrictions on release of such information in accordance with law.

POLICY

2013

6430

Personnel

SUBJECT: EMPLOYEE ACTIVITIES

Political Activities

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities. However, the Board of Education also recognizes that school property and school time shall not be used for political purposes.

Solicitation by Staff Personnel

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

Revised by Board of Education 11/2/93

Re-adopted by BOE 12-8-09

POLICY

2013

6440

Personnel

SUBJECT: NEGOTIATIONS

Legal Status

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Fabius-Pompey Education Association;
- b) Fabius-Pompey Non-Instructional Employees' Organization;
- c) Fabius-Pompey Central School District Transportation Association.

Re-adopted by BOE 12-8-09

POLICY

2013

6450

Personnel

SUBJECT: THEFT OF SERVICES OR PROPERTY

The theft of services or property from the District by an employee will result in immediate disciplinary action that can lead to dismissal or other penalty, and shall not preclude the filing of criminal or civil charges by the District.

POLICY

2013

6460

Personnel

SUBJECT: JURY DUTY

A District employee called for jury duty shall receive his/her full day's pay from the School District plus mileage from the State. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day his/her wages are not withheld on account of such service.

Judiciary Law Section 521(b)

Re-adopted by BOE 12-8-09

FORM

2013

6500F

Personnel**SUBJECT: REQUEST FOR USE OF SCHOOL CAR FOR SCHOOL BUSINESS**

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
Fabius, New York 13063

Request for Use of School Car for School Business

Procedure to be followed:

Submit to Building Principal for approval. Building Principal forwards request to the School Bus Dispatcher who in turn forwards it to the transportation Supervisor. Upon approval by the Transportation Supervisor, copies are made and one copy is returned to each of the following persons: School Bus Dispatcher at the Bus Garage, staff member, and Building Principal.

Request should be made two weeks in advance.

Destination_____

Address_____

Phone Number at Destination (if known)_____

Date of Trip _____ Number (Adults)_____

**STUDENTS ARE NOT TO BE TRANSPORTED BY SCHOOL CAR.
IF QUESTIONS, SEE YOUR BUILDING PRINCIPAL.**

Time Departing from Bus Garage_____

Time Returning to the Bus Garage_____

Signature of Staff Member_____

Date Submitted_____

Special Instructions_____

Building Principal_____
Date_____
School Bus Dispatcher_____
Date_____
Transportation Supervisor_____
Date

**IF AN ACCIDENT SHOULD OCCUR:
IMMEDIATELY NOTIFY YOUR BUILDING PRINCIPAL**

SUBJECT: HEALTH INSURANCE

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

Continuation of Medical Insurance Coverage at Termination of Employment

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one of the following events:

- a. Death of the covered employee; or
- b. Divorce or legal separation from the covered employee; or
- c. An employee becomes eligible for Medicare and ceases to participate in the employer-sponsored plan; or
- d. The dependents of a covered employee reach the maximum age for dependent coverage.

Those who are eligible to continue coverage have up to sixty (60) days to complete the Continuation of Coverage Election Form. They must pay the full cost of their premium plus administrative costs incurred by the District.

POLICY

2013

6520

Personnel

SUBJECT: WORKERS' COMPENSATION

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31), 1709(34), 2503(10)

Re-adopted by BOE 12-8-09

POLICY

2013

6530

Personnel

SUBJECT: PAYROLL DEDUCTIONS

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Section 1709

Re-adopted by BOE 12-8-09

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**Liability Protection Pursuant to Education Law**

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall 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 of Education.

a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon him/her. The statute mandates only written notice of the claim to the Board of Education; however, submission of relevant legal documents by the employee to the Board is also encouraged.

b) For purposes of Education Law Sections 3023 and 3028, the employee must deliver the original or a copy of the relevant legal documents to the Board within ten (10) days after service of process upon him/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 pursuant to 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/her duties within the scope of his/her employment or authorized volunteer duties and/or under the direction of the Board of Education.

Public Officers Law Section 18

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

The term "employees" shall include members of the Board of Education; 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" shall also include a former employee, his/her estate or judicially appointed representative.

(Continued)

SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES
(continued)

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall 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/her public employment or duties. Furthermore, the District shall 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 such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such 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, shall 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 pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18
Education Law Sections 1709(26) and (34-b), 2560, 3023, 3018, and 3811
General Municipal Law Sections 6-n and 52

Adopted by Board of Education 10/21/97
Re-adopted by BOE 12-8-09

SUBJECT: LEAVES OF ABSENCE

a) In general, leaves of absence:

1. Shall be administered by the Superintendent.
2. The Board reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in the policy statement.
3. Under laws and rules governing such action, the Board may undertake appropriate disciplinary action where a leave of absence is falsely requested or improperly used.
4. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

b) Leaves of absence, contractual, et al:

1. Employees who are members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted pursuant to provisions of contracts in effect between the District and each bargaining unit.

2. Employees who are not members of a negotiating unit:

Authorization is granted to approve requests for leaves of absence submitted by such employees where such 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.

3. Employees who are under contract to the District:

Authorization is granted to implement provisions for leaves of absence contained in each such contract.

c) Leaves of absence, unpaid, not covered in b) I. above:

1. Subject to limitations enumerated in this policy statement, authorization is granted for the following unpaid leaves of absence.
 - (a) For a period of time not to exceed one (1) school year for approved graduate study, such leave to include any required internship experience.
 - (b) At the expiration of a paid sick leave of absence, to extend such a leave of absence for a period of time not to exceed the end of the school year next succeeding the school year in which the paid leave of absence commenced.
2. Unpaid leaves of absence shall not be used to extend vacation periods, to take vacations, to engage in other occupations, or to provide additional personal leaves, except that the Superintendent shall have discretion, where circumstances warrant, to approve leaves of absence for such purposes.
3. Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, can be secured.
4. 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.

(Continued)

SUBJECT: LEAVES OF ABSENCE (Cont'd.)**d) Other leaves of absence:****1. 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 shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

2. Screenings for Breast Cancer and Prostate Cancer

Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for breast cancer; employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for prostate cancer (i.e., male employees are entitled to a total of eight (8) hours for both screenings). This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

3. Blood donation

Employees desiring to make blood donations shall be granted three (3) hours of leave in any twelve (12) month period. The leave may not exceed three (3) hours unless agreed to by the Superintendent/designee. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

4. Bone Marrow donation

Employees seeking to undergo a medical procedure to donate bone marrow shall be granted leaves to do so, the combined length of the leaves to be determined by the physician, but may not exceed twenty-four (24) work hours unless agreed to by the Superintendent/designee. The District shall require verification for the purpose and length of each leave requested by the employee for this purpose.

e. Other Leaves**1. Nursing Mothers**

The District shall provide reasonable unpaid break time or permit the use of paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three (3) years following child birth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy.

2. Military Leave

The District will comply with state and federal laws regarding military leave and re-employment.

Leaves of absence for military spouses are granted in accordance with law and are unpaid.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 United States Code (USC) Sections 4301-4333

Civil Service Law Sections 71-73, 159-b and 159-c

Education Law Sections 1709(16), 3005, 3005-a and 3005-b

General Municipal Law Section 92-c

Labor Law Sections 202-a, 202-c, 202-i and 202-j

Military Law Sections 242 and 243

Adopted by BOE 12-8-09

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District.

The School District must compute the time frame of the twelve (12) month period for which FMLA leave is being requested using a "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous 12-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a "serious health condition" as defined by the FMLA;
- e) A "serious health condition" of the employee, as defined by the FMLA that prevents the employee from performing his/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 health care provider that renders the employee incapacitated for more than three (3) consecutive calendar days and where the employee is required to see the health care provider at least twice. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Military Family Leave Entitlements**Military Caregiver Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a "covered service member" who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

(continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (continued)

Military Caregiver Leave has a set “clock” for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term “covered service member” means a member of the Armed Forces, including a member of the National Guard or Reserves.

“Qualifying Exigency” Leave/Call to Active Duty

An “eligible” employee is entitled to FMLA leave because of “a qualifying exigency” arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in either the National Guard or the Reserves and is on active duty during a war or national emergency call for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A qualifying exigency” related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Financial and legal arrangements
- e) Counseling;
- f) Rest and recuperation;
- g) Post-deployment activities; and
- h) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. The military-related leave is for up to twelve (12) weeks during a single 12-month period.

Medical Treatment for Serious Health Conditions

The first visit to a health care provider for an employee claiming a “serious health condition” under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) of the incapacitating event.

If the employee claiming FLMA under the “serious health condition” rationale is sustaining continuous treatment, their first visit to a health care provider must take place within seven (7) days of the claimed incapacitating event.

(continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Continued)

Chronic "serious health conditions" require periodic visits; the employee must see a health care provider a minimum of two (2) times per year.

Implementation/Benefits/Medical Certification

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed at the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken.

Special Provisions for School District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). 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 not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Continued)

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the school district. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

If the instructional employee is taking leave less than five (5) weeks prior to the end of the term for any of the following 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 (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five(5) working days

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five (5) days to supply such notice from the date of hire.

Administration is directed to develop regulations to implement *this* policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law 110-181
10 United States Code (USC) 101(a) (13)
29 Code of Federal Regulations (CFR) Part 825

Adopted by BOE 11/17/20

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act of 1993 (FMLA) requires public agencies to provide up to twelve (12) weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

The School District must compute the time frame of the twelve (12) month period for which FMLA leave is being requested using a "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage.

Reasons for Taking Leave

A District must grant unpaid leave to an eligible employee for one (1) or more of the following reasons:

- 1) For the care of the employee's child (birth, or placement for adoption or foster care);
- 2) For the care of the employee's spouse, son or daughter, or parent/guardian, who has a "serious health condition"; or,
- 3) For a "serious health condition" that makes the employee unable to perform their 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 health care provider that renders the employee incapacitated for more than three (3) consecutive calendar days and where the employee is required to see the health care provider at least twice with the first visit commencing within seven (7) days of the incapacitating event and the second visit commencing within thirty (30) days of the incapacitating event. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**Military Family Leave Entitlements**Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined can not exceed twelve (12) of the twenty-six (26) weeks of combined leave.

Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

"Qualifying Exigency" Leave/Call to Active Duty

An eligible employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in either the National Guard or the Reserves and is on active duty called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation.

A "qualifying exigency" related to families of National Guard and Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Financial and legal arrangements;
- e) Counseling;
- f) Rest and recuperation;
- g) Post-deployment activities; and
- h) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to any qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve weeks during a single 12-month period.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**Substitution of Paid Leave**

At the employee's or District's option, certain kinds of paid leave may be substituted for unpaid leave.

Advance Notice and Medical Certification

The employee may be required to provide advance leave notice and medical certification.

- 1) The employee ordinarily must provide thirty (30) days advance notice when the leave is "foreseeable."
- 2) A District may require medical certification to support a request for leave because of a "serious health condition".
- 3) A District may reinstate the medical certification process with the first absence in a new 12-month leave year.
- 4) A District may also require medical certification if the employee is unable to return from leave because of a "serious health condition".
- 5) A District may also require medical certification for an employee returning to work often called the "fitness for duty" certification

Medical Treatment for a Serious Health Condition

The first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) of the incapacitating event.

If the employee claiming FMLA under the "serious health condition" rationale is sustaining continuous treatment, their first visit to a health care provider must take place within seven (7) days of the claimed incapacitating event.

"Chronic serious health conditions" require "periodic visits" ; the employee must see a health care provider a minimum of two (2) times per year. The definition of a "chronic" serious health condition includes:

- 1) Periodic visits [i.e., a minimum of two (2) visits per year] to a health care provider for treatment of the "chronic" serious health condition; and
- 2) The "chronic" serious health condition continues over an extended period of time (including reoccurring episodes of a single underlying condition); and
- 3) The "chronic" serious health condition may be categorized as causing episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

Intermittent or Reduced Leave

- 1) An employee may take intermittent leave or may work a reduced leave schedule to reduce the usual number of hours per day or work week.
- 2) Intermittent or reduced leave schedules are subject to District approval unless medically necessary.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**Job and Benefits Protection**

- 1) Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The District may deny restoration to certain highly compensated employees, but only if necessary to avoid substantial and grievous economic injury to the District's operation.

- 2) The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- 3) The use of unpaid FMLA leave cannot affect the exempt status of bona fide executive, administrative and professional employees under the Fair Labor Standards Act.

Medical Insurance Coverage

- 1) For the duration of FMLA leave, the District must maintain the employee's medical insurance coverage under any "group health plan," under the conditions coverage would have been provided if the employee had continued working.
- 2) In some cases, the District may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work from FMLA leave.

Unlawful Acts by Employers

FMLA makes it unlawful and subject to penalty for any employer to:

- 1) Fail to comply with notice provisions to employees under FMLA;
- 2) Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 3) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA; and,
- 4) Discharge or discriminate against any person because of involvement in any proceeding under or related to FMLA.

Miscellaneous Provisions

The District shall post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA; and a notice of an employee's FMLA rights and responsibilities shall be either placed in the District's employee handbook or furnished to each new employee upon hire. The District has five (5) days to supply such notice from the date of hire. A willful violation of this requirement may subject the District to a fine of up to one hundred ten dollars (\$110) for each separate offense.

(Continued)

SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**FMLA Leave for Spouses Employed at the Same Employer**

Unless a "serious health condition" is the reason for why spouses employed by the same employer are taking FMLA-related leave, spouses are limited to a combined total of twelve (12) weeks of FMLA leave during any twelve (12) month period. If a "serious health condition" is the reason why FMLA leave is being taken, whether it be for either spouse, parent, or child, etc., each spouse is entitled twelve (12) weeks of FMLA-related leave during any twelve (12) month period.

Spouses who are entitled to FMLA leave for the reason of being a military caregiver to an injured service member may be limited to a combined total of twenty-six (26) weeks of leave during a single twelve (12) month period.

Special Provisions for School District Employees

An "instructional employee" is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). 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 not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- 1) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- 2) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the School District. Additional certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leaves relation to the end of the term. If the instructional employee is taking leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts more than three (3) weeks and the employee was scheduled to return prior to three (3) weeks before the end of the term.

(Continued)

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SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)

If the instructional employee is taking leave less than five (5) weeks prior to 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 (2) weeks and the employee would return to work during that two (2) week period at the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the District due to the timing of the end of the school year will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

FMLA Does Not

- 1) Affect any federal or state law prohibiting discrimination;
- 2) Supersede any state or local law which provides greater family or medical leave rights;
- 3) Diminish an employer's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan, nor may the rights provided under FMLA be diminished by such agreement or plan; nor,
- 4) Discourage employers from adopting policies more generous than required by FMLA.

Enforcement

- 1) The Secretary of Labor is authorized to investigate and attempt to resolve complaints of violations, and may bring an action against an employer in any federal or state court of law.
- 2) FMLA's enforcement procedures parallel those of the federal Fair Labor Standards Act. The FMLA will be enforced by the Department's Wage and Hour Division.
- 3) An eligible employee may bring a civil action against an employer for violations.
- 4) Employers who act in good faith and have reasonable grounds to believe their actions did not violate FMLA may have any damages reduced to actual damages at the discretion of a judge.

For more information, please contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor, Employment Standards Administration.

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT
(USERRA)/MILITARY LEAVES OF ABSENCE**

In accordance with the Uniformed Services Employment and Reemployment Rights Act of (USERRA) and State Law, the School District, upon advance notice by the employee, shall grant leaves of absence for service in the uniformed services and/or military duty (hereinafter referred to as "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 all the circumstances.

Employment Rights

Time during which an employee is absent pursuant to military leave shall not constitute an interruption of continuous employment in the School District and no such employee shall 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 such absence; nor shall any employee be prejudiced by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

Every employee shall be paid his/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 such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such 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/her civilian pay. The School 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**Health Plan Coverage**

If the employee has coverage under a health plan in connection with his/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.

When the employee is performing military service, he/she is entitled to continuing coverage for himself/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.

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT
(USERRA)/MILITARY LEAVES OF ABSENCE****Pension/Retirement Plans**

While on military duty, any School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as he/she would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such 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.

Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall 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/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

Reemployment/Restoration Rights ("Escalator Principle")

Per USERRA, as a general rule, the employee is entitled to reemployment in the job position that he/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 position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of military service.

Depending on the circumstances/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 shall 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/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/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty; and the employee shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

(continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT
(USERRA)/MILITARY LEAVES OF ABSENCE****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/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a "teacher" (*as defined in State Education Law Section 3101, the term "teacher" encompasses 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/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such 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 of Education for a period not to exceed one year from the date of termination of military duty.

However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School 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, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The District shall 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 such 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 electronic mail).

The U.S. Department of Labor has developed and made available on its web site

<http://www.dol.gov/vets/programs/userra/poster.htm> a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

The Uniformed Services Employment and Reemployment
Rights Act of 1994 (USERRA) 8 United States Code (USC) Sections 4301-4333
Public Law 108-454 20 Code of Federal Regulations (CFR) Part 1002
Military Law Sections 242 and 243
Education Law Section 3101

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)
MILITARY LEAVES OF ABSENCE**

In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), New York State Military Law and New York State Civil Service Law, specific protections are provided to eligible employees who temporarily leave their jobs for service in the uniformed services and/or military duty (hereinafter referred to as "military service" or "military duty"), whether such military duty is in the service of the State or of the United States.

Covered Employees

All School District employees, including full-time, part-time, probationary, seasonal and temporary employees, as well as employees on strike, layoff, or leaves of absence, are entitled to rights and benefits under Federal and/or State Law. Employees occupying professional, executive, and managerial positions are also covered under the law. USERRA does not apply to individuals who act as independent contractors rather than as employees of the District.

The District does not possess any reemployment obligations if an employee departing for military service is in a brief, non-recurrent position in the District and has no reasonable expectation that such employment will continue indefinitely. The District is obligated to provide benefits similar to those provided to similarly situated employees on comparable non-military furlough or leaves of absence, if any.

General Eligibility for Reemployment

In general, unless otherwise exempted in law, if the employee has been absent from a District position by reason of military service, he/she will be eligible for reemployment by meeting the following criteria:

1. The District had advance notice of the employee's military service, unless giving such notice is prevented by military necessity, or is otherwise impossible or unreasonable under all the circumstances. The employee's notice may be either verbal or written; it may be informal in nature and does not need to follow any particular format.

Further, when the employee leaves the employment position to begin a period of service, he/she is not required to tell the District that he/she intends to seek reemployment after completing military service. Even if the employee tells the District before entering or completing military service that he/she does not intend to seek reemployment after completing military duty, the employee does not forfeit the right to reemployment after completing such service. The employee is not required to decide in advance of leaving District employment whether he/she will seek reemployment after completing military service.
2. In general, the employee may perform service in the military for a cumulative period of up to five years and retain reemployment rights with the District, unless otherwise authorized pursuant to law and/or regulation. The five-year period includes only the time the employee spends actually performing military service.
3. The employee timely returns to work or applies for reemployment. In accordance with New York State Military Law Section 243, a District employee shall be reinstated to his/her position as soon as possible provided the employee makes application for such reinstatement within ninety (90) days after the termination of military duty, or at any time during his/her military leave. Thereafter, the employee may be reinstated at any time after such ninety (90) day period and within one year after the termination of military duty in the discretion of the Board of Education.

(continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)
MILITARY LEAVES OF ABSENCE (continued)**

This time period can be extended if a service member has suffered a service-related illness or injury, up to a two-year recuperation period after the employee's military service is complete. The employee may request reemployment any time within that two-year period.

If the employee fails to timely report for or apply for reemployment, he/she does not automatically forfeit entitlement to reemployment and other rights and benefits. Rather, the employee becomes subject to the conduct rules, established policy, and general practices of the District pertaining to an absence from scheduled work.

4. The employee has not been separated from military service with a disqualifying discharge or under other than honorable conditions.

These general eligibility requirements have important qualifications and exceptions as described in Federal Regulations, 20 Code of Federal Regulations (CFR) Part 1002.

Prompt Reemployment

The District must promptly reemploy the employee when he/she returns from a period of service if the employee meets eligibility criteria. "Prompt reemployment," per USERRA, means as soon as practicable under the circumstances of each case. Absent unusual circumstances, reemployment must occur within two (2) weeks of the employee's application for reemployment.

Rights upon Restoration to Position ("Escalator Principle")

As a general rule, the employee is entitled to reemployment in the job position that he/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 is known as the "escalator position." The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job benefits that he/she would have attained if not for the period of service.

USERRA does not prohibit lawful adverse job consequences that result from the employee's restoration on the seniority ladder. Depending on the circumstances, the escalator principle may cause an employee to be reemployed in a higher or lower position, laid-off, or even terminated.

The employee must be qualified for the reemployment position. The District must 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/her return from military service if the employee cannot, after reasonable efforts by the District, qualify for the appropriate reemployment position.

A District employee restored to his/her position after the termination of military duty shall be entitled to the rate of compensation he/she would have received had the employee remained in his/her position continuously during the period of military duty, and shall be deemed to have rendered satisfactory and efficient service in the job position during the period of military leave of absence. Further, the employee shall not be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege; nor shall an employee be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in employment.

All other rights, benefits, and responsibilities of a District employee serving in the military shall be in accordance with law, regulations, and/or the applicable contract/collective bargaining agreement.

(continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)
MILITARY LEAVES OF ABSENCE (continued)**

Reinstating Employees with Disabilities

A disabled service member is entitled, to the same extent as any other individual, to the "escalator position" he/she would have attained but for military service. If the employee has a disability incurred in, or aggravated during, the period of military service, the District must make reasonable efforts to accommodate that disability and to help the employee become qualified to perform the duties of his/her reemployment position. If the employee is not qualified for reemployment in the escalator position because of a disability after reasonable efforts by the District to accommodate the disability and to help the employee become qualified, the employee must be reemployed in a position of equivalent seniority, status or pay that he/she is (or may be) qualified to perform. If such a position does not exist, the employee must be given a position that is the nearest approximation to the equivalent position, consistent with the employee's circumstances.

However, the District is not required to reemploy the employee on his/her return from service if the employee cannot, after reasonable efforts by the District, meet the qualifications for the appropriate reemployment position.

USERRA and FMLA Eligibility

The period of absence from employment due to or necessitated by military service is not considered a break in employment. Consequently, a reemployed service member would be eligible for leave under the Family and Medical Leave Act (FMLA) of 1993 if the number of months and the number of hours of work for which the service member was employed by the District, together with the number of months and the number of hours of work for which the service member would have been employed by the District during the period of military service, meet FMLA's eligibility requirements.

Salary/Compensation

Per New York State Military Law Section 242, the District shall pay the employee on military leave his/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 such duty. This payment of salary/compensation shall not exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year; and shall not exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such 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/her civilian pay with the District. However, 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.

Health Plan Coverage

If the employee has coverage under a health plan in connection with his/her employment with the District, the employee must be permitted to elect to continue the coverage for a certain period of time as designated by law.

(continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)
MILITARY LEAVES OF ABSENCE (continued)**

When the employee is performing military service, he/she is entitled to continue coverage for himself/herself (and dependents if the plan offers dependent coverage) under a health plan in connection with District employment. The plan must offer the employee an opportunity to continue coverage for a period of time that is the lesser of:

1. The 24-month period beginning on the date on which the employee's absence for the purpose of performing military service begins; or
2. 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.

Payment to Continue Coverage

1. If the employee serves in the military for fewer than 31 days, he/she cannot be required to pay more than the regular employee share, if any, for health plan coverage.
2. If the employee serves in the military for 31 or more days, he/she may be required to pay no more than 102% of the full premium under the plan, which represents the District's share plus the employee's share, plus 2% for administrative costs.
3. 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 School District employee who is a member of any pension or retirement system may elect to contribute to such pension or retirement system the amount which he/she would have contributed had such employment been continuous. Upon making such contribution, the employee shall have the same rights in respect to membership in the retirement system as she/he would have had if the employee had been present and continuously engaged in the performance of his/her position. To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

Employee contributions to a pension or retirement system may be paid at any time and from time to time while in military duty or within five (5) years after the date of restoration to his/her position in the District in accordance with law and the individual employee's pension/retirement system. Time during which an employee is absent on military duty shall not constitute an interruption of continuous employment, but such time shall 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/she would have been required to contribute if the employee had been continuously employed during the period of military duty.

(continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)
MILITARY LEAVES OF ABSENCE (continued)**

Probationary Service

Public Employees in General

If a public employee (with the exception of "teachers" as described below) enters military duty before the expiration of the probationary period in any position to which he/she may have been appointed, or to which he/she may thereafter be appointed or promoted, the time such employee is absent on military duty shall be credited as satisfactory service during this probationary period.

Teachers/Supervisory Staff

In any case where a "teacher" (*as defined in State Education Law Section 3101, the term "teacher" encompasses a broad category of full-time members of the teaching and supervisory staff and is not limited to "instructional" employees*) enters military duty before the expiration of the probationary period to which he/she may have been appointed, the time the "teacher" is absent on military duty shall be credited as satisfactory service during this probationary period. If the end of such 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 of Education for a period not to exceed one year from the date of termination of military duty. However, in no event shall the period of probationary service in the actual performance of teaching services extend beyond that required by the School District at the time of the "teacher's" entry into military service.

Protection from Discrimination and Retaliation

Anti-Discrimination Provision

The District shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his/her membership, application for membership, performance of service, application for service, or obligation for service in the military.

Anti-Retaliation Provision

The District shall not retaliate against an individual by taking any adverse employment action against him/her because the individual has taken an action to enforce a protection afforded any person under USERRA; testified or otherwise made a statement in or in connection with a proceeding under USERRA; assisted or participated in a USERRA investigation; or, exercised a right provided for by USERRA.

1. The prohibitions against taking discriminatory and/or retaliatory actions against an individual for any of the activities protected by USERRA protect an individual whether or not he/she has actually performed service in the military.
2. The prohibitions against discrimination and retaliation apply to all employment positions, including those that are for a brief, non-recurrent period, and for which there is no reasonable expectation that the employment position will continue indefinitely or for a significant period.
However, USERRA's reemployment rights and benefits do not apply to such brief, non-recurrent positions of employment.
3. The individual has the burden of proving that a status or activity protected by USERRA was one of the reasons that the District took action against him/her in order to establish that the action was discrimination or retaliation in violation of USERRA.
4. If the individual succeeds in proving that the status or activity protected by USERRA was one of the reasons the District took action against him/her, the District has the burden to prove the affirmative defense that it would have taken the action anyway.

(continued)

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Personnel

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)
MILITARY LEAVES OF ABSENCE (continued)**

Collective Bargaining Agreements/Contracts/Plans/Practice

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, such greater employment right or benefit will supersede this Federal Law.

Notice of Rights and Duties

The District shall 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 such 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 electronic mail).

The U.S. Department of Labor has developed and made available on its web site (<http://www.dol.gov/vets/programs/userra/poster.htm>) a poster for use by private and State employers (including school districts) that can be posted in order to comply with the notification mandate.

Adopted by Board of Education 6/20/06

POLICY

2013

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Personnel

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Board of Education recognizes that the problems of alcohol and other substance use/abuse are not limited to the student population but affect every segment of society. As such, the Board in collaboration with the District's collective bargaining units has established an Employee Assistance Program that will provide appropriate and confidential prevention, intervention, assessment, referral, support, and follow up services for District staff who seek assistance with alcohol and other substance use/abuse related problems, emotional problems, mental illness, and other human problems. District staff are informed about the services they can receive through the Employee Assistance Program and encouraged to seek such assistance voluntarily.

The District recognizes that it has no right to intervene unless employees' personal problems adversely affect their job performance. When unsatisfactory performance does occur, the District's supervisory personnel will encourage employees to manage and move toward a resolution of their problems on their own or with the help of the Employee Assistance Program.

Re-adopted by BOE 12-8-09

SUBJECT: EMPLOYMENT OF RETIRED PERSONS

A retired person may be employed and earn compensation in a position in the School District, without any effect on his/her status as retired and without suspension or diminution of his/her retirement allowance subject to the conditions enumerated in Retirement and Social Security Law Section 211(1). However, there shall be no earning limitations on or after the calendar year in which any retired person attains age sixty-five (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, as discussed below.

Two sections of the Retirement and Social Security Law (RSSL Section 211 and 212) affect a retiree's return to public employment in New York State. If a retiree returns to public employment, he/she may still be able to collect his/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/she can return to public employment without approval or reduction in retirement benefits as long as his/her calendar year earnings do not exceed \$30,000 (the RSSL Section 212 limit). If a retiree's earnings will be more than the Section 212 limits, the employer must request and receive prior approval from the appropriate agency to hire the retiree under Section 211. This may help avoid a reduction or suspension of the retiree's pension. (Refer to subheading below for more information regarding RSSL Section 211 and the approval process.)

Section 211 waivers are provided for "unclassified service" positions. Retired police officers employed by a school district as a School Resource Officer 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/she turns 65, unless returning to public office.

RSSL 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 School Resource Officer whose calendar year earnings exceed thirty thousand dollars (\$30,000) 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/she is to be employed and is properly certified where such certification is required.

(Continued)

SUBJECT: EMPLOYMENT OF RETIRED PERSONS (Cont'd.)

The District will prepare a detailed recruitment plan to fill such 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 such position.

Approvals to hire retired individuals may be granted for periods not exceeding two (2) years each, provided that a person may not return to work in the same or similar position for a period of one (1) year following retirement. However, in accordance with RSSL Section 212, a retiree may return to work in the same or similar position within the same year following retirement if his/her earnings are under thirty thousand dollars (\$30,000) or if he/she receives a Section 212 waiver, or other conditions exist as enumerated in law.

Reporting Requirements and Disclosure

- a) The School District shall report all money earned by a retired person in its employ in excess of the earnings limitation outlined in Retirement and Social Security Law Section 212 to the retirement system administered by the State or any of its political subdivisions from which the retired person is collecting his/her retirement allowance.
- b) The School 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, shall report on an annual basis to the retirement system paying such retirement allowance and to the State Comptroller. This report shall 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 such request shall be a public record open for inspection in the Office of the Civil Service Commission, the Commissioner of Education, or the Board of Education making such findings and determination as specified in Retirement and Social Security Law Section 211.

Education Law Section 525
Retirement and Social Security Law Sections 111, 211, 212, 217, and 411
8 NYCRR Section 80-5.5(b)

POLICY

2013

6570

Personnel

SUBJECT: PAY SCHEDULE

Eleven-Month Employees

Any eleven month employee who is paid over a twenty-six (26) pay check period will be liable to the School District for any money overpaid said employee that results from his or her departure before the end of the fiscal year, that has resulted in payments being made during the summer months in which they were not officially working. An example would be: if an eleven month employee left by September 1, they would have been overpaid by the difference of 5/26 minus 1/11 of their annual salary.

Faculty Members

Faculty members shall be paid salary payments in twenty-one (21) or twenty-six (26) checks annually. Each check shall contain 1/21 of the annual salary. The first check shall be delivered not later than September 21 and the remainder shall follow at approximately 2-week intervals. All paychecks will be distributed in returnable, separate envelopes.

POLICY

2013

6580

Personnel

SUBJECT: SALARY CREDIT FOR PREVIOUS EXPERIENCE (TEACHERS)

It is the policy of the Board of Education to grant up to a maximum of seven (7) years of salary credit (placement on the 8th step of the salary schedule) for previous teaching experience outside of the School District. Salary credit for District experience will be granted as earned.

POLICY

2013

6590

Personnel

SUBJECT: GRADUATE HOURS (APPROVAL OF)

Approval

First step is to obtain from the District Office a form entitled "Request for Approval of Graduate Courses." This form is made out in duplicate and signed by the Superintendent. One signed copy will be returned to the teacher for his/her personal file. This document gives the teacher prior assurance that the graduate work listed thereon will be approved provided it is successfully completed.

Recording

For each course initially approved and successfully completed, it is the teacher's responsibility to furnish substantiating evidence (transcript or report card) from the graduate school. The Business Administrator verifies this evidence and authorizes payment of the stipend.

Courses taken in the spring and summer must be recorded on or before October 1 in order for the teacher to receive full recompense. Courses taken in the fall semester provided they are duly recorded on or before May 8, will entitle the teacher to one-half the agreed stipend to be paid before the end of the current school year. Full stipend will be paid thereafter.

Compensation

Teachers will be reimbursed in keeping with the negotiated agreement in force at the time.

Re-adopted by BOE 12/8/09

FORM

6590F

Personnel**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT**

Fabius, New York 13063

REQUEST FOR APPROVAL OF GRADUATE COURSES

(To be completed in duplicate)

To be approved only by the Superintendent prior to registration for the course. All requests must be reviewed by the teacher with the Building Principal prior to submission for approval.

Teacher: _____ Date: _____

I expect to take and complete the following course(s) at _____

_____ College, University.

Course(s):

NameNumber

Day and Time that

Class Meets

Number of

Credit Hours

Semester (check): 1st _____ 2nd _____ Summer _____

Will it be necessary for you to leave school early for the duration of this course?

Yes _____

No _____

Does the subject matter of each course relate directly to the subject area(s) you teach in this District?

Yes _____

No _____

Is each course listed here required for your:

Permanent Certification

Yes _____

No _____

Master's Degree

Yes _____

No _____

Date _____ Superintendent _____

Approved _____

Not Approved _____

Not approved for the following reason(s): _____

POLICY

2020

6600
1 of 1

Personnel

SUBJECT: REMOTE WORKING

Generally, the District believes that its goals and objectives are best served when employees work in-person on District premises. However, the District recognizes that, in certain circumstances, remote working or telecommuting may be advantageous to both the employee and the District. It may also be necessary in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote working, the District will take into consideration any applicable laws, regulations, collective bargaining agreements, or existing policies and procedures. This policy will be superseded by any conflicting law, regulation, or collective bargaining agreement.

Remote Working Arrangements

Remote working is not an entitlement or a District-wide benefit. The ability to work remotely is completely at the discretion of the District. Except where specifically provided by an applicable collective bargaining agreement, employees will not be permitted to file a grievance as a result of a denial of their request to work remotely.

Upon request, an employee's supervisor, in conjunction with the Superintendent or designee, may grant an employee a full-time, part-time, or short-term remote work arrangement provided that the employee's work is able to be performed remotely and the employee has consistently demonstrated the ability to effectively work independently.

Extraordinary Circumstances

In the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation, it may be necessary to establish remote working arrangements for some or all employees. In these circumstances, the District will notify employees of whether they are expected to work at home full-time, part-time, or not at all. The District retains the right to change the remote working arrangement for any employee at any time.

Continuity of Work

Unless specifically agreed upon, working remotely will not alter an employee's work schedule, job duties, compensation, benefits, or any other term and condition of employment. Further, while working remotely, employees will be required to remain available during their normal workhours via email, phone, or other means. Failure to respond in a reasonable time frame may result in discipline and/or termination of the remote work arrangement.

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.

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Students

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Students

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SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Statement of Overall Objectives

School attendance is both a right and a responsibility. The School 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. Because the School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, the School District will develop, review and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) To increase school completion for all students;
- b) To raise student achievement and close gaps in student performance;
- c) To identify attendance patterns in order to design attendance improvement efforts;
- d) To know the whereabouts of every student for safety and other reasons;
- e) To verify that individual students are complying with education laws relating to compulsory attendance;
- f) To determine the District's average daily attendance for State aid purposes.

Description of Strategies to Meet Objectives

The School 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 of Education, 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.
- e) Develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon our District's education and community needs, values and priorities, the School 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 ***the intent* 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 such reasons as may be approved by the Board of Education.**
- 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).

(Continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Student Attendance Recordkeeping/Data Collection**

The record of each student's presence, absence, tardiness and early departure shall 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.

Commencing July 1, 2003, attendance shall be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade eight (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall 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 shall also be recorded after the taking of attendance a second time upon the student's return from lunch.
- b) For students in grades nine through twelve 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 shall be recorded after the taking of attendance in each period of scheduled instruction except that where students do not change classrooms for each period of scheduled instruction, attendance shall be taken in accordance with paragraph "a" above.
- c) Any absence for a school day or portion thereof shall 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 kindergarten through grade twelve arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall 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 such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall 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 shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness or early departure shall be coded on a student's record in accordance with the established District/building procedures.

Notice of Students who are Absent, Tardy or Depart Early Without Proper Excuse

A designated staff member shall notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper excuse. The staff member shall explain the District's Comprehensive Student Attendance Policy, the District's/building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent/person in parental relation cannot be reached by telephone, the staff member will provide such notification by mail. Further, the District's Attendance Policy will be mailed to the parent/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/person in parental relation, a school conference shall be scheduled between the parent/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.

(continued)

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**Disciplinary Consequences**

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but are not limited to, in-school suspension, detention and denial of participation in interscholastic and extracurricular activities. Parents/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/grade levels will address procedures to implement the notification process to the parent/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:

- 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/person in parental relation will be contacted ;
- c) Discuss strategies to directly intervene with specific element;
- d) Recommend intervention to Superintendent or his/her 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/person in parental relation may request a building level review of their child's attendance record.

Building Review of Attendance Records

Commencing with the 2003-04 school year, 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 of Education

The Board of Education shall annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy and plan deemed necessary to improve student attendance.

Community Awareness

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of the each school year and promoting the understanding of such a policy to students and their parents/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 Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213

8 New York Code of Rules and Regulations (NYCRR) Sections 104.1, 109.2 and 175.6

Adopted by BOE 9/6/22

POLICY

2017

7115

Students

SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status or disability. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status or disability.

Title VII of the Civil Rights Act of 1964, 42 United States Code (U.S.C.) Section 2000-e, et seq.
Prohibits discrimination on the basis of race, color,
Religion, sex or national origin.

Title VI of the Civil Rights Act of 1964, 42 United States Code (U.S.C.) Section 2000-d, et seq.
Prohibits discrimination on the basis of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (U.S.C.) Section 794 et seq.
The Americans With Disabilities Act, 42 United States Code (U.S.C.) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

Title LX of the Education Amendments of 1972, 20 United States Code (U.S.C.) Section 1681 et seq.
Prohibits discrimination on the basis of sex.

New York State Civil Rights Law Section 40-c - Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

New York State Executive Law Section 290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability or marital status.

Age Discrimination in Employment Act, 29 United States Code Section 621

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS

The School District has developed a plan for the diagnostic screening of all new entrants and students with low test scores.

A new entrant means a student entering the New York State public school system, pre-kindergarten 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.

Such diagnostic screening will be utilized to determine which students:

- a) Have or are suspected of having a disability;
- b) Are possibly gifted; or
- c) Are possibly limited English proficient.

Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) By persons appropriately trained or qualified in the student's native 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 fifteen (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 thirty (30) days of the availability of the test scores.

New Entrants

For new entrants, diagnostic screening shall include, but not be limited to the following:

1. A health examination by a physician/physician's assistant or nurse practitioner or submission of a health certificate in accordance with Education Law Sections 901,903, and 904;
2. Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;
3. Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;
4. A determination of development in oral expression, listening comprehension, written expression, basic reading skills and reading fluency and comprehension, mathematical calculation and problem solving, motor development, articulation skills, and cognitive development using recognized and validated screening tools; and
5. A determination whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English and the native language.

Students with Low Test Scores

For students with low test scores, diagnostic screening shall include, but not be limited to:

- a) Vision and hearing screenings to determine whether a vision or hearing impairment is impacting the student's ability to learn; and
- b) A review of the instructional programs in reading and mathematics to ensure that explicit and research validated instruction is being provided in reading and mathematics.

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 such examination conflicts with their genuine and sincere religious beliefs.

(Continued)

SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)**Results and Reports**

The results of the diagnostic screening shall be reviewed and a written report of each student screened shall be prepared by appropriately qualified School District staff. The report shall include a description of diagnostic screening devices used, the student's performance on those devices and, if required, the appropriate referral.

If such screening indicates a possible disability, a referral, with a report of the screening, shall be made to the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/legal guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with Part 154 of the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing English as a Second Language (ESL) programs.

Reporting to Parents

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

Confidentiality of Information

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g) Education Law Sections 901,903,904,905,914 and 3208(5) Public Health Law Section 2164
8 New York Code of Rules and Regulations (NYCRR) Parts 117,136,142.2 and 154

NOTE: Refer also to Policies #7131-Education of Homeless Children and youth
#7512 -Student Physicals
#8240 -Instructional Programs: Driver Education, Gifted and Talented Education
and Physical Education

SUBJECT: DISTRICT SCREENING PROGRAM

Education Law and Commissioner's Regulations require local school districts to screen all new entrants to determine those students who may possibly be gifted, may possibly have a disability or may possibly be limited English proficient. In addition, school districts are required to screen students scoring below level two on the third grade reading or mathematics tests for New York State elementary schools and student who obtain a comparable percentile score on the Regents Preliminary Competency Test to determine those students who may possibly have a disability.

Definition:

Screening is a preliminary method of distinguishing from the general population those pupils who may possibly have a disability, those who may possibly be gifted or those who may possibly be limited English proficient.

Students who Should be Screened:

1. New entrants including children who are beginning kindergarten.
2. Transfer students into the public schools from nonpublic school within New York State, from other states and from other countries.
3. A child who has been identified as disabled prior to school entry should be referred directly to the Committee on Special Education. Screening is not required.
4. Pupils scoring below level two on third grade reading or mathematics tests.
5. Pupils scoring below the twelfth percentile on the Regents Preliminary Competency Test.

Responsibility for Screening:

General responsibility for screening lies with the building principals who will delegate responsibilities as required. General guidelines for screening are as follows:

1. The principal shall develop and implement a plan for the screening of kindergarten entrants. When possible, screening will be completed prior to the school year but no later than December 1st of the school year.
2. New entrants shall be referred by persons responsible for registration to both a guidance counselor and a school nurse for screening. Screening shall be completed within fifteen school days.
3. The principal of the school(s) which houses third grades shall refer those who score below the second stanine on PEP tests for screening and to the school nurse.
4. The eighth grade guidance counselor shall cooperate with the school nurse to complete screening of pupils who score below the twelfth percentile on the Preliminary Competency Tests.

Screening Report Forms:

1. The screening form shall report the results of kindergarten screening.
2. Screening of new elementary school entrants and low scoring PEP pupils will be reported on a form prepared by the elementary principal.
3. Screening of new secondary school entrants and low scoring PCT pupils will be reported on a form prepared by the guidance department.

REGULATION

2017

7121R

2 of 2

Students

SUBJECT: DISTRICT SCREENING PROGRAM (continued)

Screening Instruments:

Principals and guidance counselors shall cooperate to select appropriate screening instruments.

Developmental Areas to be Screened:

1. Physical development.
2. Cognitive development.
3. Receptive and expressive language development.
4. Articulation skills.
5. Motor development.

Other Screening Requirements:

1. Students will be screened individually.
2. Students will be screened in their native languages.
3. Screening information shall be kept confidential.
4. Screening results shall be available to parents who may request a conference to the information.

Referring Students as a Result of Screening:

1. Children who may possibly have a disability shall be referred to the Committee on Special Education.
2. Children who may possibly be gifted shall be referred to the Superintendent and the building principal.
3. Children who may possibly be limited English proficient shall be provided appropriate transitional bilingual or free-standing ESL programs.

FORM

7121F

Students

SAMPLE NOTICE OF NORMAL SCREENING RESULTS

Date: _____

Dear Parent:

Your child, _____, was recently screened by the school in accordance with the New York State Education Law. The purpose of this testing is to identify students who may have disabilities, may be gifted or may be of limited English proficiency and in need of special services.

The results of our screening indicate that your child performed within the normal range of development. He/she is in no need of special education services at this time.

Sincerely,

FORM

7121F.1

Students

SAMPLE NOTICE OF NORMAL SCREENING RESULTS

Date: _____

Dear Parent:

Your child, _____, was recently screened by the school in accordance with the New York State Education Law. The purpose of this testing is to identify students who might be considered as having a disability and in need of special services.

The results of our screening indicate that your child is experiencing difficulties in certain areas. We would like to have your meet with us at your earliest convenience to discuss this and what action we need to take to be help your child.

We have set aside an appointment for you at the time and date indicated below. If you are unable to meet with us at the scheduled time, please contact us and we will reschedule you for a time which is more convenient.

Sincerely,

Time: _____ Date: _____

Place: _____

Telephone Number: _____

REGULATION

2017

7122R

Students

SUBJECT: ATTENDANCE RECORDS

1. According to Education Law, a student who becomes six years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen years of age. All children who are residents of the Fabius-Pompey Central School District and who are of compulsory attendance age must receive full-time instruction in a school.
2. Anyone in the District over five and under twenty-one years of age may attend the Fabius-Pompey Central Schools, as designated by the Fabius-Pompey Central School District Board of Education.
3. The School District is responsible for keeping and verifying records of enrollment and attendance in accordance with the form and manner prescribed by the Commissioner.
4. Students returning from an absence will present a written excuse signed by the parent or guardian. If the written excuse is not presented within three school days, the absence will be classified as illegal.
5. The Superintendent will designate individuals at each building and in the central office to maintain accurate attendance records.
6. Tuition paying students shall be subject to the same rules, regulations and procedures as resident students attending the Fabius-Pompey Central School District.

Adopted by BOE 12/5/17

PROCEDURE

2017

7122P

Students

SUBJECT: ATTENDANCE: ENROLLMENT OF PUPILS

Responsibility

Office Clerk

Action

1) a. Determines if pupil lives with parents in District. If pupil lives in foster home, or individuals other than parents, or there is any other question about the legal residence, refers' pupil and parent to building principal. No further action is to be taken until Central Administration authorizes.
b. Obtains copy of birth certificate (if pupil is entering kindergarten, he/she must be 5 on or before December 1).
c. Establishes legal name of student from birth certificate or other appropriate document.

Parents/Pupil

2) Completes the following forms:
a. Immunization Certificate;
b. Health History Form;
c. Emergency Card;
d. Guidance Form;
e. Parental Release Form.

School Nurse

3) Checks immunization for compliance requirements. If child does not, parent is informed. Pupils will be excluded if compliance is not met. Nurse records necessary information from health history form.

Office Clerk

4) a. Refers to pupil guidance office or building administration for placement.

REGULATION

2017

7122.1R

Students

SUBJECT: TRUANCY AND EXCESSIVE ABSENCES

School attendance is required for all children who are of compulsory attendance age.

Absences from School Which are Considered Legal:

1. Personal illness
2. Death in family
3. Illness in the family
4. Medical appointments
5. Dental appointments
6. Impassable roads
7. Weather
8. Religious observance
9. Required to be in court
10. Quarantine
11. Music lessons
12. Attendance at health clinics
13. Approved college visits
14. Military obligations
15. Administrative approval/Emergency situations - covers unexpected events which keep a student from attendance. Such cases will be considered individually by the principal.
16. Educational trip
17. Planned evidence of an acceptable educational experience

The following are not considered legal absences for New York State:

1. Visiting
2. Hair cut
3. Obtain learner's permit/road test
4. Overslept
5. Babysitting
6. Needed at home
7. Hunting
8. Trip with or without parents - recreational purposes
Because vacation periods are provided within the school calendar, trips taken at other times during the school year will be considered illegal absences and will be subject to penalties enforced with a student is truant, unless the trip is approved by the Superintendent of Schools or his/her designee.
9. Truancy is absence or other leave from school without parental permission.

Extended Illness

Students who have an extended illness may be placed on home-tutoring and would not be counted as absent during the extended absence.

1. A doctor's statement indicating the need, the dates and the length of the home- tutoring must be submitted by the parent/guardian before approval by the administration.
2. When the request is approved, it will be forwarded to the Superintendent who will make the arrangements for the home-tutoring.
3. Under the directions of the tutor, the student will complete all missed assignments and continue assigned course work. When the assignments are satisfactorily completed and approved by the teacher, the student will then be marked in attendance for the days missed due to illness.
4. Home-tutoring will be deemed to have started at the time the request is formally received by the school.

REGULATION

2017

7122.2R

Students

SUBJECT: STUDENT DISMISSAL PRECAUTIONS

The principal of each school in the District shall maintain lists of individuals who are authorized to obtain the release of students in attendance at the school. No student may be released in the custody of any individual who is not the parent or guardian of the student unless the individual's name appears under the list.

Parents or guardians may submit a list of individuals authorized to obtain the release of their children from school at the time of the child's enrollment. The signature of the parent or guardian must be notarized.

A parent or guardian may amend a list submitted pursuant to this regulation at any time, in writing, with a properly notarized signature of the parent or guardian.

Certified copies of any court order or divorce decrees provided by the custodial parent, which restrict a parent's ability to seek the release of his/her child, shall be maintained by the principal of each school.

If any individual seeks the release from school of a student, he or she must report to the school office and present identification deemed satisfactory by the school principal. The principal must check the authorized list and relevant court orders or divorce decrees before a student may be released.

In the event of an emergency the principal may release a student to some individual not appearing on the approved list only if the parent or guardian has been contacted by the principal and has approved the release, and the principal determines that an emergency exists.

POLICY

2017

7125

Students

SUBJECT: SCHOOL CENSUS

In small city school districts, the Board of Education shall constitute a permanent census board in each such city. The Board shall, 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 shall occur among children within the prescribed census age ranges and as other children come within such 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 shall always be on file with the Board of Education a complete census giving the facts and information required pursuant to law.

With the exception of the cities of New York, Buffalo and Rochester, as well as small city school districts, all other school districts are authorized, rather than obligated, to take a census of all children from birth to 18 years of age.

The census must indicate the names of all children between birth and 18 years of age, and of children with disabilities between birth and 21 years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

A parent, guardian or other person having under his/her control or charge a child between birth and 18 years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Census data shall be reported as required by law.

Education Law Sections 3240-3243 and 4402(1)(a)

8 New York Code of Rules and Regulation (NYCRR) Section 200.2(a)

Adopted by BOE 12/5/17

Students

SUBJECT: ~~ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY~~

~~Ages of Attendance/Compulsory Attendance Age~~

~~According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.~~

~~However, in accordance with Education Law Section 3205(3), the Board of Education in **any** school district shall have the power to require minors from sixteen (16) to seventeen (17) years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.~~

~~All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.~~

~~Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law.~~

~~Proof of Age~~

~~The State Education Department does not require districts to collect students' social security numbers for any purpose. While school districts may need to collect certain data pursuant to State and/or federal laws, they should do so **after** a student has enrolled in school so as not to inadvertently give the impression that information related to immigration status will be used in making registration/enrollment determinations.~~

~~In accordance with Education Law, where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age for purposes of enrollment/registration in school. Should none of these be available, the District may consider certain other documentary or recorded evidence to determine a child's age.~~

~~The following are examples of documentation that may be used to establish a student's age. This list is not intended to be exhaustive, nor is it a list of required documentation.~~

- ~~a) School photo ID with date of birth;~~
- ~~b) Hospital or health records;~~
- ~~c) State or other government-issued ID;~~
- ~~d) Military dependent ID card;~~
- ~~e) Native American Tribal document;~~
- ~~f) Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs);~~
- ~~g) Consulate identification card; and~~
- ~~h) Official driver's license.~~

~~Determination of Student Residency~~

~~The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.~~

~~A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.~~

(continued)

SUBJECT: ~~ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY~~**Children Living With Noncustodial Parents**

~~A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.~~

Homeless Children

~~The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.~~

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. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.~~

Emancipated Minors

~~A determination of whether a student is to be designated as an emancipated minor in the Base School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/persons in parental relation. To establish emancipation, a minor may submit documentation of his/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/her parents/persons in parental relation.~~

~~These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.~~

Children Living With Persons Not Their Parents -- Guardianship or Custody

~~In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.~~

~~Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.~~

~~McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001~~

~~Domestic Relations Law Section 74~~

~~Education Law Sections 2045, 3202, 3205, 3209, 3212(4), and 3218(1)(b), 3218(1)(d)~~

~~Family Court Act Section 657~~

~~8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)~~

~~NOTE: -- Refer also to Policy #7000 -- Education of Homeless Children and Youth~~

Adopted by BOE 5/3/11 – BOE revised / replaced 3/10/15

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY**Entitlement to Attend**

All persons residing within the District who are between the ages of five (5) years and twenty-one (21) years and who have not obtained a high school diploma are entitled to enroll in the District.

A student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Each student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age. Additionally, any student from sixteen (16) to seventeen (17) years of age who is not employed *and has not graduated* will be required to attend full-time instruction until the end of the school year in which such student turns seventeen (17) years of age.

Evidence of a prospective student's age and residency must be presented in such form as is permitted by state and federal law and regulation.

Determination of Student Residency

"Residence," for purposes of this policy, is established by a child's physical presence as an inhabitant within the District and his/her intent to reside in the District.

A child's residence is presumed to be that of his/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 (2) 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/her parents or legal guardians may be rebutted upon demonstration that custody of such 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/her parents or legal guardians may also be rebutted upon demonstration that such child is an emancipated minor. To establish emancipation, a minor may submit documentation of his/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/her parents or persons in parental relation.

(Continued)

SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)

Notwithstanding the foregoing, all determinations of student residency will be made consistent with applicable state and federal laws and regulations.

Undocumented Children

The District is mindful that 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 or require on any enrollment or registration form, in any meeting, or in any other form of communication, any documentation and/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 such information, the District will do so after the child has been enrolled. In no instance will such 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. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

Homeless Children

Determinations regarding whether a child is entitled to attend the District's schools as a homeless child or youth will be made in accordance with Section 100.2(x) of the Commissioner's Regulations, as well as applicable District policy and regulation.

Education Law Sections 3202, 3205 and 3218
Family Court Act Section 657
8 NYCRR Sections 100.2(x) and (y)

Adopted by BOE 12/5/17

REGULATION

2017

7130R

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Students

SUBJECT: RESIDENCY GUIDELINES

Residence is based, in part, upon an individual's physical presence as an inhabitant within the District as his/her actual and only place of residence.

A student's residence is presumed to be that of his/her parents/persons in parental relation. This presumption can be rebutted by the parents/persons in parental relation or the District, however.

To determine whether the presumption that a student resides with his/her parents/persons in parental relation has been rebutted, the following factors are relevant:

- 1) Is the current address and living arrangement the student's actual and only address?
- 2) Does the student intend to remain permanently in the District?
- 3) Are the parents/persons in parental relation exercising custody or control over the student?
- 4) Do the parents/persons in parental relation continue to support the student?
- 5) Is there sufficient evidence that the parents/persons in parental relation have transferred custody and control of the child to the individual with whom the child is living? (e.g., who claims the student as an income tax exemption?)
 - a. Although the District cannot require a court ordered change of guardianship, it can require a sworn statement or affidavit from the parents/persons in parental relation and/or the claimed custodian residing in the District acknowledging the transfer of custody to the custodian unless the student is an emancipated minor. (see subheading "Emancipated Minors" in this regulation)
 - b. If the student claims to be an emancipated minor, the District cannot require any court documentation to that effect but can require the student to complete a sworn affidavit or statement attesting to emancipated status. (see subheading "Emancipated Minors" in this regulation)
- 6) Why is the student living with others? Where the sole reason for living with others is to take advantage of the services available in the District, the Commissioner has held that the student has not established residence.

When a court order awards custody to one parent/person in parental relation, the student's residence is presumed to be that of the custodial parent/person in parental relation.

When a student lives with a noncustodial parent/person in parental relation in the District, the District must consider whether the student's actual and only residence is with the custodial parent/person in parental relation. In making that determination, the District must consider the same factors as those listed above, but the custodial document would be strong evidence that the child's actual and only residence is with the custodial parent/person in parental relation.

In cases in which a student's time is divided between two households and both parents/persons in parental relation assume the day-to-day responsibilities for the student, (such as in a "50-50" joint custody arrangement), the custodial parent/person in parental relation or parents/persons in parental relation must designate the student's residence within one or the other of the districts in which the two parents/persons in parental relation reside.

(Continued)

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2017

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Students

SUBJECT: RESIDENCY GUIDELINES (Cont'd.)

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/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.~~

~~The District requires proof of the parent's/person's in parental relation notice of call to active duty and verification of the family's temporary residence outside the District.~~

Emancipated Minors

~~Students beyond the compulsory attendance age who are independent and living apart from their parents/persons in parental relation may be considered emancipated for purposes of making a determination as to the student's legal residence within the District and, therefore, his/her entitlement to a tuition-free education.~~

~~In such cases, where the applicant is living with others, whether the adults with whom the student lives have assumed responsibility for the student is irrelevant.~~

~~The basic question is whether the students claiming emancipation have in fact established a residence in which they maintain themselves beyond the support and control of their parents/persons in parental relation.~~

~~The actions and intentions of the parents/persons in parental relation of a student under eighteen (18) years of age are relevant to a determination of emancipation because parents/persons in parental relation still execute legal control of the student. In that case, if necessary, the District may request an affidavit from the parents/persons in parental relation. However, a statement from the parents/persons in parental relation of an emancipated minor describing the nature of their relationship to the child may not be required where, based upon the facts of the case, it places an unreasonable burden on the prospective student.~~

~~The District should require an affidavit from the student as proof of emancipation and residence, in addition to requesting supporting documentation of the student's age, means of support, home address and circumstances surrounding the student's emancipation (e.g., a statement from the person with whom the student is living, rent receipts, pay stubs, driver's license, letter from the Department of Social Services).~~

~~Where a student is emancipated and living with a noncustodial parent/person in parental relation within the District, no issue of whether the residence is the student's actual and only residence arises, and a designation of the student's residence by the custodial parent/person in parental relation is unnecessary.~~

~~(NOTE: Refer also to Form #7000F -- Affidavit of Emancipation)~~

Children Living With Persons Not Their Parents -- Guardianship or Custody

~~In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where he/she and the child reside.~~

~~Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.~~

(Continued)

SUBJECT: RESIDENCY GUIDELINES (Cont'd.)**Children Lacking a Permanent Address**

Other children who are not "homeless" or "runaway and homeless" nonetheless might lack a permanent address because they (if they are emancipated) or their families might lose their primary homes due to circumstances beyond their control and might be forced to make temporary living arrangements outside their usual district of residence. These students cannot be deprived of the right to attend school, and residency determinations must be made on a case-by-case basis, focusing upon the student's or student's family's intent to return to the district of residence. Temporary absence from the district of residence does not necessarily constitute the establishment of residence in a district elsewhere or the abandonment of permanent residence. Because the lack of a permanent address does not in and of itself constitute a legitimate basis for denying admission, students are entitled either to continue to attend in the district they attended before losing their permanent home or in a district where they are located temporarily.

Residency Determination

Prior to making a residency determination, the Board of Education or its designee must afford the student's parent/person in parental relation the opportunity to submit information concerning the student's right to attend District schools.

If it is determined that the student is neither a resident nor entitled to attend as a nonresident, written notice of the determination must be provided within two (2) business days to the parent/person in parental relation or the student. The written notice must include the basis for the determination; the date the student will be excluded from the District, and a statement regarding the right to appeal an adverse decision to the Commissioner of Education within thirty (30) days. The notice must indicate that the procedure for taking the appeal can be obtained from the Office of Counsel, State Education Department, Albany, New York.

Undocumented Children/Social Security Numbers and Data Collection

Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by Federal and State laws. In accordance with Education Law Section 3202, residence is established based on two (2) factors: physical presence as an inhabitant within the district and the intent to reside in the district.

Neither Federal nor State laws require that students have a Social Security number or present a Social Security number to enroll in school. Moreover, undocumented children are ineligible for Social Security numbers. Therefore, during the enrollment/registration process, the District shall not ask for a child's Social Security number.

While the District may need to collect certain data pursuant to State and/or Federal laws, such data shall not be required during the enrollment/registration process so as not to inadvertently give the impression that information related to immigration status will be used in making enrollment determinations.

The State Education Department does not require the District to report students' social security numbers or their status as "legal" or "undocumented" immigrants; however, several State and federal laws require certain student demographic data to be collected by the Department and/or the District in certain circumstances. For example, in order to receive funding under certain federal Title III programs, states and school districts must collect and report data on "immigrant children and youth" served by them. (20 United States Code (USC) Section 6961 et seq.).

(Continued)

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2017

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Students

SUBJECT: RESIDENCY GUIDELINES (Cont'd.)

~~A child's residence is presumed to be that of his/her parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.~~

~~The following are examples of documentation that may be used to establish a student's residency. This list is not intended to be exhaustive, nor is it a list of required documentation.~~

- ~~1) Pay stub;~~
- ~~2) Income tax form;~~
- ~~3) Deed or lease to house or apartment;~~
- ~~4) Utility or other bills sent to the student's home address;~~
- ~~5) Membership documents - such as library cards - based upon residency;~~
- ~~6) Voter registration document;~~
- ~~7) Official driver's license, learner's permit or non-driver ID;~~
- ~~8) State or other government-issued ID.~~

Homeless Children and Youth

~~Please refer to Regulation #7000R - Education of Homeless Children and Youth.~~

Adopted by BOE 12/5/17

SUBJECT: RESIDENCY AND ENROLLMENT GUIDELINES**Student Registration and Enrollment**

When a child's parent, the person in parental relation to the child, or the child, as appropriate, requests enrollment of the child in the School District, such child will be enrolled and will begin attendance on the next school day, or as soon as practicable. Within three (3) business days of such initial enrollment, the Board or its designee will determine whether the child is entitled to attend the District's schools. Prior to making a determination of entitlement to attend its schools, the Board or its designee will afford the child's parent, the person in parental relation to the child, or the child, as appropriate, an opportunity to submit information concerning the child's right to attend school in the District.

Proof of Student Age

Where a certified transcript of a birth certificate or record of baptism (including a certified transcript of a foreign birth certificate or record of baptism) giving the date of birth is available, no other form of evidence will be used to determine a child's age. Where a birth certificate or record of baptism is not available, a passport (including foreign passport) may be used to determine a child's age. Should none of these be available, the District will consider certain other documentary or recorded evidence in existence two (2) years or more to determine a child's age. Such other evidence includes but is not limited to the following:

- 1) Official driver's license;
- 2) State or other government issued identification;
- 3) School photo identification with date of birth;
- 4) Consulate identification card;
- 5) Hospital or health records;
- 6) Military dependent identification card;
- 7) Documents issued by federal, state or local agencies (e.g., local social service agency, federal Office of Refugee Resettlement);
- 8) Court orders or other court-issued documents;
- 9) Native American tribal document; or
- 10) Records from non-profit international aid agencies and voluntary agencies.

(Continued)

SUBJECT: RESIDENCY AND ENROLLMENT GUIDELINES (Cont'd.)Proof of Student Residency

A parent or person in parental relation must submit documentation and/or information establishing physical presence of the parent or person in parental relation and the child in the School District. Such documentation may include but shall not be restricted to: a copy of a residential lease or proof of ownership of a house or condominium, such as a deed or mortgage statement; a statement by a third-party landlord, owner or tenant from whom the parent or person in parental relation leases or with whom they share property within the District, which may be either sworn or unsworn; or such other statement by a third party establishing the parent's or person in parental relation's physical presence in the District. If such information is not available, the District will consider other forms of documentation and/or information establishing physical presence in the District, including but not limited to:

- 1) Pay stub;
- 2) Income tax form;
- 3) Utility or other bills;
- 4) Membership documents (e.g., library cards) based upon residency;
- 5) Voter registration document(s);
- 6) Official driver's license, learner's permit or non-driver identification;
- 7) State or other government issued identification;
- 8) Documents issued by federal, state or local agencies (e.g., local social service agency, federal Office of Refugee Resettlement); or
- 9) Evidence of custody of the child, including but not limited to judicial custody orders or guardianship papers.

Additional Documentation

The District reserves the right to require the parent or person in parental relation to provide an affidavit either:

- 1) Indicating that they are the parent with whom the child lawfully resides; or

(Continued)

SUBJECT: RESIDENCY AND ENROLLMENT GUIDELINES (Cont'd.)

- 2) Indicating that they are the person in parental relation to the child, over whom they have total and permanent custody and control, and describing how they obtained total and permanent custody and control, whether through guardianship or otherwise. The District will also accept other proof, such as documentation indicating that the child resides with a sponsor with whom the child has been placed by a federal agency. The District will not require submission of a judicial custody order or an order of guardianship as a condition of enrollment.

The District will not request on any enrollment/registration form(s), or in any meeting or other form of communication, social security cards, social security numbers, or any information regarding or tending to reveal the immigration status of a child, a child's parent or the person in parental relation, including but not limited to copies of or information concerning visas or other documentation indicating immigration status. While the District may need to collect certain data pursuant to state and/or federal laws, such data shall not be required during the enrollment/registration process so as not to inadvertently give the impression that information related to immigration status will be used in making enrollment determinations.

Nothing in this administrative regulation or its underlying policy should be construed to require the immediate attendance of an enrolled student lawfully excluded from school temporarily due to a communicable or infectious disease that poses a significant risk of infection of others, or of an enrolled student whose parent or person in parental relation has not submitted proof of immunization within the periods prescribed by New York Public Health Law Section 2164, or of an enrolled student who is suspended from instruction for disciplinary reasons pursuant to New York Education Law Section 3214. Moreover, nothing in this policy should be construed to conflict or interfere with the recordkeeping and reporting requirements of the federal Student and Exchange Visitor Program (SEVP) in grades 9 through 12, or to relieve nonimmigrant alien students seeking nonimmigrant student visa status (F-1 or M-1) from fulfilling their obligations under federal law and regulation.

Residency Determinations

At any time during the school year, the Board or its designee may determine that a child is not a District resident entitled to attend the District's schools. When such a determination is made, the Board or its designee will, within two (2) business days, provide written notice of its determination to the child's parent, to the person in parental relation to the child, or to the child, as appropriate. Such written notice will state:

- 1) That the child is not entitled to attend the public schools of the District;
- 2) The specific basis for the determination that the child is not a resident of the School District, including but not limited to a description of the documentary or other evidence upon which such determination is based;

(Continued)

SUBJECT: RESIDENCY AND ENROLLMENT GUIDELINES (Cont'd.)

- 3) The date as of which the child will be excluded from the schools of the District; and
- 4) That the determination of the Board may be appealed to the Commissioner of Education, in accordance with Education Law, Section 310, within thirty (30) days of the date of the determination, and that the instructions, forms and procedures for taking such an appeal, including translated versions of such instructions, forms and procedures, may be obtained from the Office of Counsel at www.counsel.nysed.gov, or by mail addressed to the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234 or by calling the Appeals Coordinator at (518) 474-8927.

All such determinations will be made consistent with applicable state and federal law.

Public Availability of Enrollment and Registration Information

The District will make publicly available its enrollment forms, procedures, instructions and requirements for determinations of student residency and age. Such publicly available information will include a non-exhaustive list of the forms of documentation that may be submitted to the District by parents, persons in parental relation or children, as appropriate. Such information will be included in the District's existing enrollment/registration materials and will be provided to all parents, persons in parental relation or children, as appropriate, who request enrollment in the District, and will be posted on the School District's website.

FORM

7130F

Students

Superintendent of Schools
Fabius-Pompey Central School District

Dear _____:

This is to state that I no longer reside with my parents and declare myself an emancipated youth.

My residence is _____

My birth date is _____ Telephone _____

The last school I attended was _____

Address _____

My parent(s) reside at _____

I plan to register and continue my studies at _____

Fabius, New York 13063 as soon as permissible I'm aware of the rules, regulations, and behavior responsibilities expected of Fabius-Pompey students and agree to abide by same.

Further, I take full responsibility for my personal care and school attendance from this date forward.

On the _____ day of _____ in the year _____ before me personally came
_____ to me known, being by me duly sworn did disclose and say the
foregoing statements and acknowledges the same to be true.

Sworn to and subscribed before me this _____ of _____, 20_____.

County, Fabius, New York

Notary Public

FORM

7130F.1
1 of 2

Students

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT

Superintendent of Schools

CUSTODIAL GUARDIANSHIP AFFIDAVIT

This is to authorize _____ to act during the school
year 20____ - 20____, as Custodial Guardian of _____
Name of Child

Address

We further agree to transfer all parental rights and responsibilities to the above named while the child resides
at _____.

Address of Custodial Guardian

Signature of Parent

Address of Parent

State of New York)
) ss.
County)

On the _____ day of _____ in the year _____ before me personally came
_____ to me known, being by me duly sworn did depose and say that he/she is
the parent of the above named child; that he/she has read the foregoing statement and acknowledges the
same to be true.

Sworn to and subscribed before me this _____ of _____, 20_____.

_____ County _____ Notary Public

(continued)

FORM

7130F.1
2 of 2

Students

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT

Superintendent of Schools

CUSTODIAL GUARDIANSHIP AFFIDAVIT (continued)

This is to certify that the full-time residence of:

_____ is at _____
Name of child Address

for the school year of 20____ - 20_____.

This is to further certify that the above named child will reside at the above address permanently for the school year named and that the undersigned will act as Custodial Guardian and assume all responsibilities relating to care, school attendance and such other problem which may arise while the child is residing at the above address.

Signature of Custodial Guardian

State of New York)
) ss.
County)

On the _____ day of _____ in the year _____ before me personally came _____ to me known, being by me duly sworn did depose and say that he/she resides at _____: that he/she has read the foregoing statement and acknowledges the same to be true.

Sworn to and subscribed before me this _____ of _____, 20_____.

_____ County _____ Notary Public

SUBJECT: NON-RESIDENT STUDENTS**I. Students who move out of the District mid-school year.**

If a student in the Senior Class moves out of the District but wishes to continue attendance, the Superintendent may grant permission provided that both school districts agree and the following stipulations are met:

1. Student is a good school citizen (i.e., does not have a history of truancy, complies with the District's Code of Conduct, and puts forth academic effort).
2. The parents may request transportation if they live within fifteen (15) miles of the school, not exceeding two (2) miles outside of the District's boundary, space is available on the bus, and they pay the annual approved rate per mile determined by the Board of Education. Otherwise, the parents will provide transportation.

Students in other classes who move out of the District after April 1 of a given year may be allowed to finish the year provided they meet the stipulations noted above. It is important to note that this process is not automatic. The parent must make direct application to school authorities in each case.

II. Non-Resident Students.

Any non-resident student will pay tuition. Students from other school districts will be permitted to attend the Fabius-Pompey Central Schools provided that the following stipulations are met:

1. Student is a good school citizen (i.e., does not have a history of truancy, does not have a record of violating the student's school's code of conduct, and has a history of putting forth academic effort.)
2. Space is available in the building, grade and class to which the student will be assigned. If the student's attendance is likely to result in the need to create another class or to hire additional personnel, or is likely to cause the District to be in such a position if additional District resident(s) were to enroll in that building, grade, or class for the school year in question, the non-resident student will not be permitted to attend.
3. The parents may request transportation if they live within fifteen (15) miles of the school, not exceeding two (2) miles outside of the District's boundary, space is available on the bus, and they pay the annual approved rate per mile determined by the Board of Education. Otherwise, the parents will provide transportation.

Application for attendance at the Fabius-Pompey Central School District as a non-resident student should be made to the Superintendent of Schools and should include a copy of the student's most recent report card and the student's discipline record from the student's current school of attendance. Application must be made on an annual basis.

All non-resident students attending the Fabius-Pompey Central School District will be required to pay tuition; said amount to be determined by current Education Law or regulation of the Commissioner of Education, or at a rate determined by the Board of Education.

(Continued)

SUBJECT: NON-RESIDENT STUDENTS (CONTINUED)

Non-resident students who enroll in the Fabius-Pompey Central School District will not be precluded from attending educational programs offered by the Onondaga Cortland Madison BOCES ("BOCES") for which they qualify. However, since the Fabius-Pompey Central School District is charged on a per student basis for each of its students attending such programs, the tuition cost for the non-resident student will be increased by the anticipated net amount that the District is required to pay BOCES for the non-resident student to participate in the BOCES program.

The District will notify all non-resident students in writing of any change in tuition for the following school year. Such notification will be made by March 1st.

Tuition will be invoiced in ten equal installments on a monthly basis, beginning the month of September of the school year and ending with the month of June of the same school year. The Superintendent of Schools may make exceptions to the tuition due dates upon a showing of special circumstances warranting a different payment schedule.

III. Non-resident Children of Current Employees.

Non-resident children of current employees may attend the Fabius-Pompey Central School District without the payment of tuition in accordance with the employee's applicable collective bargaining agreement.

IV. Foreign Exchange Students.

Foreign exchange students temporarily residing with a host family within the District pursuant to a District recognized foreign exchange program may attend the District's schools without the payment of tuition.

V. Foreign Tuition Students

Foreign tuition students, residing with a host family or Board approved residential facility within the district may attend the District's school upon written contract agreed to by the School Board.

Education Law Sections 2045 and 3202 Commissioner's Regulations Section 174.2

Adopted 6/16/20

REGULATION

2018

7131R

Students

SUBJECT: NON-RESIDENT STUDENTS

Students of other school districts may be admitted to the School District upon formal request and compliance with the following conditions:

1. Parents must work out transfer conditions with home school district.
2. There must be ample room to accommodate the request for enrollment.
3. Enrollment is in the best interest of the student.
4. The enrollment of the student will not create a problem for the local school student body, faculty, and administration.
5. Transportation from outside the District boundaries cannot be provided.
6. The student must maintain a good standing at all times; scholastically, citizenship-wise, etc.
7. The student's enrollment must be approved by the Superintendent, and ratified by the Board of Education.
8. All rules and regulations in effect for District students will be applicable to non-District students.
9. The rate of tuition determined by the Board of Education is \$3,000 per year for the first student in a family, and \$500 per year for each student thereafter.
10. The Board of Education reserves the right to limit non-resident enrollment depending on the District's resources.
11. Fabius-Pompey Central School district is charged on a per student basis for attending BOCES.
12. The District will notify all non-resident students in writing of any change in tuition for the following student school year. Notification will be made by March 1".

Adopted by BOE 9/4/18

FORM

2018

7131F
1 of 2**Students**

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
Fabius, New York 13063

NON-RESIDENT STUDENT ENROLLMENT APPLICATION

Parent/Guardian(s): _____

Address: _____ Phone Number: _____

Student Name: _____ M _____ F _____

Date of Birth: _____ Current grade level: _____

School District currently attending/residing: _____

Principal's Name: _____ Phone Number: _____

Guidance Counselor's Name: _____ Phone Number: _____

Reason(s) for making application to attend Fabius-Pompey Central School District: (use back if necessary)

List activities student has taken part in at home school:

Explain: _____

By signing this application, the non-resident family understands and agrees to the following conditions:

1. Transportation must be provided by the non-resident family. It is not the responsibility of the Fabius-Pompey School District.
2. Tuition amount will be determined by current Education Law, or at a rate determined by the Board of Education.
3. The District will notify all non-resident students in writing of any change in tuition for the following year. Such notification will be made by March 1st.

Parent/Guardian(s) Signature

Date

Principal's Signature - Denotes Approval of Application

Date

Superintendent's Signature - Denotes Approval of Application

Date

Adopted by BOE 9/4/18

(continued)

FORM

2018

7131F
2 of 2

Students

FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
Fabius, New York 13063

NON-RESIDENT STUDENT ENROLLMENT APPLICATION
TUITION INFORMATION

The tuition for the school year _____ will be \$ _____. By signing this application, the parent or guardian accepts responsibility for paying this amount of tuition for the _____ school year.

Date of School Board approval of this request for non-residence enrollment:

Parent/Guardian(s) Signature

Date

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.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

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.

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.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)

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;
- b) The student meets the eligibility criteria for the activity; and
- c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

Dispute Resolution Process

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.

(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 1/7/20

POLICY

2017

7133

Students

SUBJECT: TUITION PAYMENTS: POST GRADUATE STUDENTS

Post Graduate Students who wish to attend a BOCES class may do so by paying tuition to the Fabius-Pompey Central School District. Tuition will be payable on a monthly basis to be paid at least five (5) days prior to the first day of each month from September to June. Failure to pay in advance will cause the student to be dropped from the rolls of the class he or she has participated in and reinstatement can only be made when tuition has been paid up to one month in advance.

The above policy shall remain in effect until changed by the Board of Education of the Fabius-Pompey Central School District and as long as the present policy of BOCES, of billing separately on a monthly basis for only the months that the Post Graduate Student is in attendance, remains in effect. If the above policy of BOCES should change, then the student will be liable for tuition payments as the Fabius-Pompey Central School is responsible for payments of tuition to BOCES.

A contract will be drawn up between the students and School District stating the above conditions as part of the registration procedure.

Adopted by BOE 12/5/17

POLICY

2017

7140

Students

SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 3214(5) and 1709(3)

Adopted by BOE 12/5/17

SUBJECT: EDUCATIONAL SERVICES FOR ADULT/MARRIED/PREGNANT STUDENTS**Adult Students**

Students who are over 19 years of age before September 1 are subject to State regulations in regard to athletic participation.

Students who are 21 years of age or over may attend school upon such recommendation by the Superintendent to the Board of Education after proper investigation of the circumstances. Ordinarily a 21-year-old will not be admitted.

Married Students

The Board of Education will comply with state law in reference to married students attending school.

Pregnant Students

The New York State Education Law requires that minors attend full-time day instruction from the first day that the District schools are in session in September of the school year in which the child becomes six (6) years of age until the last day of session of the school year in which the child becomes sixteen (16) years of age and that resident students over five (5) and under twenty-one (21) are entitled to attend school in the district in which they reside. The law further requires that a school district provide for this instruction and also to provide for home instruction for those students of legal age who are unable to profit from instruction in school.

In view of the above, the Board of Education directs the Superintendent of Schools to provide instruction as required by the New York State Education Law for students who become pregnant. The Superintendent, or his/her designee, is directed to consult with the school physician and the student's personal physician in determining the form of instruction.

The form of instruction may be any of the following or a combination of the following:

- a. Remain in school with provisions for special instruction, scheduling, and counseling where needed.
- b. Receive home instruction.
- c. Attend BOCES programs.

Education Law Sections 1604(20), 3202-1, 3205-1, 4401-1, 4402-2

Adopted by BOE 12/5/17

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
 - (1) 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 local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
 - (2) 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.

The term "**homeless child**" shall not include a child in foster care or receiving educational services pursuant to Education Law Section 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Enrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a. Transportation;
- b. Immunization requirements;
- c. Residency requirements;
- d. Birth certificates, medical records, IEPs, school records and other documentation;
- e. Guardianship issues;
- f. Comprehensive assessment and advocacy referral processes;
- g. Resolution of disputes regarding school selection;
- h. Proof of social security numbers;
- i. Attendance requirements;

(Continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- j. Sports participation rules;
- k. Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms;
or
- l. Other enrollment issues.

Educational Programs and Services

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from school wide and targeted-assistance school programs.

Transportation

- a) A social services district 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 social services district requests that Fabius-Pompey Central School District provide or arrange for transportation for a student in temporary housing in the circumstances above, Fabius-Pompey Central School District shall provide or arrange for the transportation and directly bill the social services district so that the district will be fully and promptly reimbursed for the cost of the transportation. *NY Education Law §3209(4)(a)*
- b) If Fabius-Pompey Central School District is the designated school district of attendance, Fabius-Pompey Central School District shall provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if such 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 such purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where Fabius-Pompey Central School District provides transportation for a student living in a Runaway and Homeless Youth ("RHY") facility, the district will promptly request reimbursement using the Runaway and Homeless Youth

(continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

Act Transportation Form, which is available from the Homeless Education Program Office (518-473-0295) and online at www.nysteachs.org. *NY Education Law §3209(4)(b)*

- c) Fabius-Pompey Central School 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. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(iv)*
- d) When Fabius-Pompey Central School 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, Fabius-Pompey Central School 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. *NY Education Law §§3209(4)(d) & (6)(b); 8 NYCRR §100.2(x)(6)(iii)*
- e) If the student in temporary housing designates Fabius-Pompey Central School District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner of the State Education Department determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*
- f) Where Fabius-Pompey Central School District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, such 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. *NY Education Law §3209(4)(e); 8 NYCRR §100.2(x)(6)(v)*
- g) Where Fabius-Pompey Central School 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; and
 - 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. *NY Education Law §3209(4)(f); 8 NYCRR §100.2(x)(6)(vi)*
- h) Where Fabius-Pompey Central School District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the social services district is responsible for providing transportation. After the student becomes permanently housed, Fabius-Pompey Central School 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. *NY Education Law §3209(4)(i); 8 NYCRR §100.2(x)(6)(iv)*

[FOR SCHOOL DISTRICTS NEAR OTHER STATES]

- i) Where a student in temporary housing must cross state-lines to attend a school of origin, Fabius-Pompey Central School District will coordinate with the LEA 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,

(continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

- a. The student is temporarily living in a neighboring state and continues to attend school in New York State.
- b. *NY Education Law §§3209(4)(g)-(h)*

School District Liaison for Homeless Children and Youth

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

Training

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment. School nutrition staff, school nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

Outreach

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

Dispute Resolution

The District shall establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian.

If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty **(30)** days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty **(30)** days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.

Record and Reporting Requirements

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

(continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act of 2001
42 United States Code (USC) Section 11431 et seq. Education Law Section 3209
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

Adopted by BOE 7/11/19

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**Homeless Child**

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence; including a child who is:

1. Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Abandoned in hospitals;
4. Awaiting foster care placement; or
5. A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" includes a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
6. 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 local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive 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.

The term "**homeless child**" shall not include a child in foster care or receiving educational services pursuant to Education Law Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Designator

"Designator" means:

1. The parent or person in parental relation to a homeless child; or
2. The homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or
3. The director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program.

School district of origin means the school district within New York State in which the homeless child was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless, which is different from the school district of current location.

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.

Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the Commissioner of Education.

Unaccompanied youth means a homeless child for whom no parent or person in parental relation is available.

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REGULATION

2019

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Students

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (continued)

Local educational agency liaison is the staff person designated by the School District, who may also be a coordinator for other federal programs, as the person responsible for carrying out the duties assigned to the liaison pursuant to the McKinney-Vento Act as well as state law and regulations, and applicable guidance issued by the U.S. and New York State Education Departments.

Choice of District

The designator shall have the right to designate one of the following as the school district within which a homeless child shall be entitled to attend upon instruction:

- 1) The school district of current location;
- 2) The school district of origin; or
- 3) A school district participating in a regional placement plan.

Depending on which designated category is applicable to the School District, attendance areas/school building, duration of attendance, and transportation requirements shall be in accordance with law and/or regulation.

Transportation

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for providing the student's transportation. However, the school district of origin is responsible for the *cost* of transportation provided by the designated district. Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Where a homeless student designates the school district of current location as the district the student will attend, that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin, the district of current location, at the request of a parent/guardian, shall provide or arrange for transportation to and from the school of origin in accordance with law and/or regulation even if the district does not provide transportation to non-homeless students (except for preschoolers). Transportation must be provided during the pendency of enrollment disputes. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

Reimbursement

If the School District is designated the district of attendance and the District is either the school district of current location or a school district participating in a regional placement plan, and the homeless child's school district of origin is within New York State, the District is eligible for reimbursement by the State Education Department for the direct cost of educational services. Pursuant to Commissioner's Regulations, the school district of origin (if not designated the district of attendance) shall reimburse the State Education Department in accordance with law.

Designation Form

A designation form provided by the Commissioner of Education shall be completed by the appropriate designator as defined above. Upon receipt of a designation form, the School District (if designated the district of attendance) shall immediately:

1. Review the designation form to assure that it has been completed;
2. Admit the homeless child even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation;
3. Provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;
4. Immediately contact the school district where the child's records are located for a copy of such records;

(continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (continued)

5. If the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth shall immediately refer the parent or guardian of the homeless child or youth to the District liaison who shall assist in obtaining necessary immunizations or immunization or medical records.

The designation form shall be forwarded to the Commissioner of Education and, where applicable, the school district of origin.

Within five days of the receipt of a request for school records, the school district receiving such request shall forward a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization or medical records, and guardianship papers, if applicable.

School District ResponsibilitiesEnrollment, Retention and Participation in the Educational Program

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
 - b) Immunization requirements;
 - c) Residency requirements;
- (Birth certificates, medical records, IEPs, school records and other documentation;
- d. Guardianship issues;
 - e. Comprehensive assessment and advocacy referral processes;
 - f. Resolution of disputes regarding school selection;
 - g. Proof of social security numbers;
 - h. Attendance requirements;
 - i. Sports participation rules;
 - j. Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms;
 - or
 - k. Other enrollment issues.

The School District shall:

1. Ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and
2. To the extent feasible and consistent with the applicable requirements in Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child or youth's parent or guardian.

To facilitate immediate enrollment, the School District may consider, but is not limited to, the following practices:

1. Training all school enrollment staff such as secretaries, guidance counselors, school social workers, and principals on the legal requirements regarding immediate enrollment;
2. Reviewing all District policies and regulations to ensure that they comply with federal and state requirements pertaining to the education of homeless children and youth;
3. Collaborating with community-based or public agencies to provide uniformity within and among neighboring districts;
4. Contacting the previous school for records and assistance with placement decisions; and
5. Expeditiously following up on any special education referrals or services and language assistance services.

(continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (continued)Educational Programs and Services

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program.

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

Dispute Resolution

The School District shall establish procedures, in accordance with the McKinney-Vento Act, for the prompt resolution of disputes regarding school selection or enrollment of the homeless child or youth. The District shall provide a written explanation, including a statement regarding the right to appeal as enumerated in the McKinney-Vento Act, to the homeless child or youth's parent or guardian if the School District sends such child or youth to a school other than the school of origin or school requested by the parent or guardian.

Pursuant to the McKinney-Vento Act, if a dispute arises over school selection or enrollment in a school:

1. The child or youth shall be immediately admitted to the school in which enrollment is sought, pending the resolution of the dispute;
2. The parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal. The decision;
3. The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.
4. The child, youth, parent, or guardian shall be referred to the District liaison who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
5. In the case of an unaccompanied youth, the District liaison shall ensure that the youth is immediately enrolled in the school pending resolution of the dispute.

(continued)

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (continued)**Duties of the District Liaison**

The District liaison for homeless children and youth shall ensure that:

1. Homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
2. Homeless children and youths enroll in, and have full and equal opportunity to succeed in schools in the District;
3. Homeless families, children, and youths receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs administered by the District; and referrals to health care services, dental services, mental health services, and other appropriate services;
4. The parents or guardian of homeless children and youths 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;
5. Public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services pursuant to the McKinney-Vento Act, such as in schools, family shelters, and soup kitchens;
6. Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act, as well as other applicable laws and regulations;
7. The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, pursuant to law and/or regulation; and is assisted in accessing transportation to the school that is selected;
8. In the case of an unaccompanied youth, assistance is provided in placement or enrollment decisions, considering the views of such unaccompanied youth, and providing notice to such youth of the right to appeal pursuant to law and regulation.

The School District shall inform school personnel, service providers and advocates working with homeless families of the duties of the District liaison.

Coordination

The School District shall coordinate the provision of services as enumerated in the McKinney-Vento Homeless Education Assistance Act with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act. Further, the District shall coordinate with other school districts on interdistrict issues, such as transportation or transfer of school records.

Reporting

The School District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such 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 himself/herself 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 pursuant to this law shall 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 General Obligations Law Title 15-A, and shall include specified information as enumerated in law for designations of thirty (30) days or less, as well as additional information required for designations of more than thirty (30) days. The designation of a person in parental relation may be presented to any school that requires such designation by either the parent or designee. The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with law. However, a designation specifying a period of more than thirty (30) days shall be notarized.

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

- a. The expiration of thirty (30) days from the date of signature if the designation does not the requirements for designations of more than thirty (30) days, or
- b. Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

Scope of Designation

A designation made pursuant to 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.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of such revocation shall not make revocation ineffective.

(Continued)

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**Effect of Designation**

- a. A designee shall possess all the powers and duties of a person in parental relation pursuant to Public Health Law Sections 2164 and 2504 and Education Law Sections 2 and 3212, unless otherwise specified in the designation.
- b. A designation shall not impose upon a designee a duty to support pursuant to Family Court Act Section 413.
- c. A designation shall 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 shall 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 shall terminate and be revoked upon the death or incapacity of the parent who signed the designation.
- e. The decision of a designee shall 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 in fact authorized the designee to provide such consent may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/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 Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided within the statute where such designation is not otherwise required by law, rule or regulation.

General Obligations Law Title 15-A
Education Law Sections 2 and 3212
Public Health Law Sections 2 164 and 2504
Family Court Act Section 413
Mental Hygiene Law Section 80.03

Adopted by BOE 12/5/17

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

Power of a Parent to Designate a Person in Parental Relation

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months.

However, such 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 himself/herself 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 pursuant to this law shall not be valid unless both parents have given their consent.

Form of Designation

Designations in General

A designation of a person in parental relation pursuant to this law shall be in writing and shall include:

1. The name of the parent;
2. The name of the designee;
3. The name of each minor or incapacitated person with respect to whom such designation is made;
4. The parent's signature; and
5. The date of such signature.

The designation may specify a period of time less than six (6) months for which such designation shall 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 thirty (30) days shall also conform to the following provisions as enumerated in law.**

Designations for More Than Thirty (30) Days

A designation specifying a period of more than thirty (30) days shall also include:

1. An address and telephone number where the parent can be reached;
2. An address and telephone number where the designee can be reached;
3. The date of birth of each minor or incapacitated person with respect to whom such designation is made;
4. The date or contingent event on which the designation commences;
5. The written consent of the designee to such designation; and
6. 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 thirty (30) days shall be notarized.

Designations Not Specifying a Time Period

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

1. The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
2. Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION

Scope of Designation

A designation made pursuant to this law may specify:

1. The treatment, diagnosis or activities for which consent is authorized;
2. Any treatment, diagnosis or activity for which consent is not authorized; or
3. Any other limitation on the duties and responsibilities conveyed by the designation.

Revocation of Designation

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school, health care provider, or health plan to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to this law.

A designee who receives notification from a parent of any such revocation shall immediately notify any school, health care provider, or health plan to which a designation has been presented. A parent may directly notify any such school, health care provider, or health plan of the revocation, in which case the failure of the designee to notify such entities of the revocation shall not make revocation ineffective.

Effect of Designation

1. A designee shall possess all the powers and duties of a person in parental relation pursuant to Sections 2164 and 2504 of the Public Health Law and Sections 2 and 3212 of the Education Law unless otherwise specified in the designation.
2. A designation shall not impose upon a designee a duty to support pursuant to the Family Court Act Section 413.
3. **A designation shall 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 shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.**
4. A designation shall terminate and be deemed revoked upon the death or incapacity of the parent who signed the designation.
5. The decision of a designee shall 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 in fact authorized the designee to provide such consent pursuant to the provisions of this law may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/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 Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided in this law where such designation is not otherwise required by law, rule or regulation.

Adopted by BOE 12/5/17

FORM

2017

7160F
1 of 3

Students

DESIGNATION OF PERSON IN PARENTAL RELATION

In accordance with General Obligations Law Title I5-A.

- 1) I/We, _____
(print Name of Parent)

(Print Name of Second Parent -if applicable)

hereby state that I am/we are the parent(s) of the minor(s) or incapacitated person(s) named below and there are no court orders in any jurisdiction currently in effect that would prohibit me/us from making the designation specified in this form.

- 2) I am/We are temporarily designating _____
(Print Name)
who resides at _____ and can
be reached at _____, as a person in parental relation for the care
(Telephone Number)

of the following minor(s) or incapacitated person(s):

_____ (Print Name)	_____ (Date of Birth)
_____ (Print Name)	_____ (Date of Birth)

3. Any authority granted to a designee pursuant to this form shall be valid [check the appropriate box, initial and fill in any relevant blanks; specified time period may not exceed six (6) months].

[] a. From _____ (date or contingent event on which designation commences) until and including _____ (date), or until the date of revocation, whichever occurs first; or

[] b. For six (6) months from _____ (date or contingent event on which designation commences) until and including _____ (date), or until the date of revocation, whichever occurs first.

A designation specifying a period of more than thirty (30) days shall be notarized.

4. If no time period is specified in the designation, it shall be valid until the earlier of revocation; or
- The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
 - Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

(Continued)

DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

5. As to the above named minor(s) or incapacitated person(s), the person in parental relation designated above shall abide by the following conditions (parent should enumerate the specific authorization(s) or prohibition(s) governing the designation of such person in parental relation):

- a) The treatment, diagnosis or activities for which consent is authorized:

(Use additional paper if more space is necessary.)

- b) Any treatment, diagnosis or activity for which consent is not authorized:

(Use additional paper if more space is necessary.)

- c) Any other limitation on the duties and responsibilities conveyed by the designation:

(Use additional paper if more space is necessary.)

6. NOTICE TO PARENTS AND PERSONS IN PARENTAL RELATION --REVOCATION OF DESIGNATION

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation.

(Continued)

DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)

A designee who receives notification from a parent of any such revocation shall immediately notify any school to which a designation has been presented. A parent may directly notify any such school of the revocation, in which case the failure of the designee to notify the school of the revocation shall not make revocation ineffective.

7. Signature, Date, Address, and Telephone Number_____
(Parent Signature)_____
(Date)_____
(Address)_____
(Telephone Number)_____
(Second Parent Signature -if applicable)_____
(Date)_____
(Address)_____
(Telephone Number)

(In cases of court order that parents must agree on education or health decisions, signatures of both parents are necessary.)

A designation specifying a period of more than thirty (30) days shall be notarized.

State of New York)

County of _____)ss:

On the _____ day of _____ in the year 20____ before me personally came _____ to me known, being by me duly sworn, did depose and say that he/she has read the foregoing statements and acknowledges the same to be true.

Sworn to and subscribed before me this _____ of _____, 20____

Notary Public

State of New York

County of _____)ss:

On the _____ day of _____ in the year 20____ before me personally came _____ to me known, being by me duly sworn, did depose and say that he/she has read the foregoing statements and acknowledges the same to be true.

Sworn to and subscribed before me this _____ of _____, 20____

Notary Public

SUBJECT: STUDENT EVALUATION**Placement**

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator or Building Principal will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration. Parents may request, in writing, teacher attributes that would best serve their child's learning needs; however, requests for specific teachers will not be honored.

Promotion and Retention

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated. Building Principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

Testing Program

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

Alternative Testing Procedures

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall 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 Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

Reporting to Parents/Guardians

Parents/guardians shall receive an appropriate report of student progress at regular intervals.

Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as interim reports, conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 et seq.
Education Law Section 1709(3)
8 NYCRR Sections 100.2(g), 117 and 154

REGULATION

2017

7210R

Students

SUBJECT: STUDENT PLACEMENT

Principals are responsible for student placement in classes and courses for the subsequent school year. Class assignments are based on a variety of factors, including class size, student learning needs, and demographics. Teacher and parent input are vital to ensuring well-balanced classes that meet the needs of all learners. While the District does not honor parent requests for specific teachers, parents may provide the Principal with information on teacher attributes that best support the learning needs of their children. For example, Principals may take into account information on student interests and activities, academic factors, learning styles, social skills, classroom environment, and academic goals. If desired, parents can submit such requests, in writing, to the Building Principal addressing the learning needs of their children. Such requests must be submitted by May 15 of each year for the next school year. If such letters include requests for specific teachers, the letter will be returned to the parents with instructions to revise the letter with a focus on the child's learning needs.

In an effort to communicate this process to parents, Principals may choose to remind parents of the established placement process in the newsletter each spring, on the school website, in the student handbook, and/or on the parental portal if the school has one. Parents and students will be notified of class placement by August.

Once student schedules have been finalized and released, requests for changes in student placement will not be honored unless there are extenuating circumstances. Moving students at any time during the school year is disruptive and not conducive to student academic progress. The final decision regarding student placement lies with the Principal.

Adopted by BOE 12/5/17

POLICY

2017

7211

Students

SUBJECT: FIFTH GRADE RECOGNITION PROGRAM

It is the policy of the Fabius-Pompey School District to recognize students who have successfully completed the Elementary School program. Such recognition will take place at the completion of the fifth grade. The recognition program will be developed by the Elementary School Principal.

Adopted by BOE 12/5/17

SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS

To graduate from the District, a student must meet or exceed the requirements set forth in Part 100 of the Commissioner's regulations. The Board may establish graduation requirements that exceed the minimum standards set by the Board of Regents. The District will award the appropriate diploma, credential, or both to students.

Pathways to Graduation

Students must pass the required number of Regents examinations or approved alternative exams and meet any further graduation requirements; these requirements may include passing an approved pathways assessment, other assessment, or an additional exam that measure an equivalent level of knowledge and skill. Students who fail certain Regents examinations may appeal the result in accordance with Commissioner's regulations.

Early Graduation

A student may be eligible for early graduation (fewer than eight semesters) if the student completes all requirements for graduation, excluding physical education. The District will consult with appropriate personnel, the student, and persons in parental relation, and consider factors such as the student's grades, performance in school, future plans, and benefits to graduation early in making its decision.

Accelerated Programs**Eighth Grade Acceleration for Diploma Credits**

Eighth grade students may take appropriate high school courses. The Superintendent or designee will determine whether an eighth grade student is eligible to take high school courses using criteria that examines each student's readiness. By the end of seventh grade, accelerated students must receive instruction designed to facilitate their attainment of the state intermediate learning standards in each subject area in which they are accelerated.

Advanced Placement (AP)

Advanced Placement examinations afford students the opportunity to earn credit or advanced standing in many colleges and universities. The College Board administers a variety of AP examinations in May of each year. The District will determine a student's readiness for enrollment in any AP class.

(Continued)

SUBJECT: GRADUATION OPTIONS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)**Dual Credit for College Courses**

Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with the District. Students who wish to enroll in college-level coursework must meet all academic, grade level, and coursework requirements. These opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. The administration will review and approve any college courses before they are taken during the school day. The Board will not pay tuition and other related costs for those high school students enrolled in college courses.

Online Coursework

The District may offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

To receive credit for online coursework, students must successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam or other assessment in the subject area.

8 NYCRR §§ 100.1(i), 100.2(f), 100.4(d), 100.5, 100.6, and 200.5

NOTE: Refer also to Policies #7221 -- Participation in Graduation Ceremonies and Activities
#7222 -- Diploma or Credential Options for Students with Disabilities

Adopted 9/6/22

SUBJECT: GRADUATION GUIDELINES FOR FOREIGN EXCHANGE AND INTERNATIONAL STUDENTS

All foreign exchange and international students shall adhere to the following graduation guidelines:

1. Foreign exchange and international students who meet state requirements for a Regents Diploma, by taking all the necessary Regents courses and/or Regents exams, high school Principal may grant a Regents Diploma.
2. Foreign exchange and international students who do not meet the requirements for a Regents diploma will receive a document recognizing attendance.

All foreign exchange and international students will be recognized at graduation. They will be included in the ceremony and will wear a cap and gown

POLICY

2017

7221

Students

SUBJECT: EARLY GRADUATION

A student shall be eligible for early graduation following the completion of all requirements for graduation. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements.

The District, upon request from the student's parent/legal guardian, may choose to grant the student a high school diploma prior to his/her completion of the eighth semester.

Commissioner's Regulations Section 100.5(3)

Adopted by BOE 12/5/17

POLICY

Students**SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The District will provide students with disabilities appropriate opportunities to earn a diploma or non-diploma high school exiting credential in accordance with Commissioner's regulations. Students with disabilities may be eligible for one or more of the following:

Diploma Options

- a) Regents Diploma, including with honors, an advanced designation, a career and technical education endorsement, and/or any other designation or endorsement as may be available.
- b) Local Diploma, including with any endorsement as may be available.

Existing Credentials Options

- a) Career Development and Occupational Studies (CDOS) Commencement Credential, which may be earned as a supplement to a Regents or local diploma or as a student's only exiting credential.
- b) Skills and Achievement Commencement Credential.

Specific requirements and detailed information for each diploma and non-diploma high school exiting credential are specified in the Commissioner's regulations and various guidance materials issued by the New York State Department of Education.

8 NYCRR §§ 100.1, 100.2, 100.5, and 100.6

NOTE: Refer also to Policies #7220 -- Graduation Options/Early Graduation/Accelerated Programs
#7221 -- Participation in Graduation Ceremonies
#7641 -- Transition Services

Adopted 1/7/20

~~SUBJECT: INDIVIDUALIZED EDUCATION PROGRAM (I.E.P.) DIPLOMA POLICY~~

~~The Board of Education 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 for children with disabilities which includes:~~

- ~~a) 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, as appropriate.~~
- ~~b) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.~~
- ~~c) Consideration of the location of a school program(s) to a student's () residence, before placement into an educational program.~~
- ~~d) 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.~~

~~To ensure students with disabilities are provided appropriate opportunities to attain diplomas, the Board of Education supports the awarding of diplomas to students with disabilities.~~

- ~~a) Eligible students will be notified by the Committee on Special Education (CSE) chairman in writing of their eligibility to request an IEP diploma prior to their Annual Review during the spring.~~
- ~~b) A request for an IEP diploma will be made during the Annual Review process and, if approved, will be written as part of the student's IEP for the subsequent year.~~
- ~~c) In order for a student to be considered as a successful candidate for graduation, the student must:~~
 - ~~1. Have achieved the education goals specified in such student's individualized education program in effect during the school year in which such a diploma is awarded. Assessment of successful completion of goals will be determined by the high school principal with input from the teachers involved, and the Committee on Special~~
 - ~~2. Have attended school for at least twelve years, excluding kindergarten, or received a substantially equivalent education.~~
- ~~d) Each high school individualized education program diploma shall be identical in form to the local high school diploma issued by the School District, except that there shall appear on the front of such diploma a clear annotation to indicate that the diploma is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current individualized education program as recommended by the Committee on Special Education.~~
- ~~e) Each IEP diploma awarded shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend the public schools of the District in which the student resided until the student has earned a high school diploma or until the end of the school year of such student's 21st birthday, whichever is earlier. A written letter will come from the high school principal.~~
- ~~f) The Superintendent of the School District shall report to the State Education Department, within 15 days after the June graduation, the total number and the names of the students awarded diplomas by each high school in that school year.~~

~~Commissioner's Regulations Sections 100.6 and 100.9~~

~~Adopted by Board of Education 12/14/10 BOE approved to omit 11/18/14~~

~~SUBJECT: AWARDING OF LOCAL CERTIFICATES TO PUPILS WITH DISABILITIES~~

~~The Fabius-Pompey Board of Education may award a local certificate to a student with a disability, provided the following criteria are met:~~

- ~~a. The student has achieved the education goals specified in the Individualized Education Program (IEP) followed for the school year in which the certificate is awarded; and,~~
- ~~b. The student has attended school for at least thirteen (13) years, excluding kindergarten, or has received a substantially equivalent education in accordance with section 3204(2) of the Education Law for such period of time. The exception to this qualification is the student identified as meeting all of the criteria of section 200.1(cc)(4) of the Commissioner's Regulations.~~

~~Each certificate shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend the public schools of the School District in which the student resides until the student has earned a high school diploma or until the end of the school year of such student's 21st birthday, whichever is earlier.~~

~~The Superintendent shall report to the State Education Department, within fifteen (15) days after the June graduation, the total number and the names of the students awarded certificates by the high school in that school year.~~

~~Commissioner's Regulations Section 100.6~~

Adopted by the BOE 11-16-10
BOE approved to omit 11/18/14

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Commissioner's Regulations Section 100.5. However, when necessary, the District may award high school individualized education program (IEP) diplomas to students with disabilities*exiting commencement credential*.

High School Diplomas

Students pursuing either a Regents or a local high school diploma must acquire a certain number of units of credit in specified courses and also meet subject sequence requirements. It is critical that students with disabilities be provided access to the required courses and testing programs needed for graduation with these awards.

Regents Diploma Requirements

To earn a high school Regents diploma, all students need to take and pass five (5) specific Regents examinations with a score of 65 or higher and earn twenty-two (22) units of credit. The required Regents Examinations are English, Mathematics, Science, Global History and Geography, and U.S. History and Government.

High School Individualized Program (IEP) Diplomas

~~Each individualized education program (IEP) diploma awarded shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend school until the student has earned a high school diploma or until the end of the school year of such student's twenty-first (21st) birthday, whichever is earlier.~~

~~The Superintendent shall report to the State Education Department, within fifteen (15) days after the June graduation, the total number and the names of the students awarded IEP diplomas that school year.~~

Local Diploma Safety Net Options for Students with Disabilities

Students with Disabilities Entering Grade 9 Prior to September 2011

Student with disabilities who first enter grade 9 prior to September 2011 may earn credit toward a Local Diploma by:

- a) *Low Pass Safety Net:* Achieving a score of 55-64 on any or all Regents Examinations required for graduation (English, Mathematics, Science, Global History and Geography, and/or U.S. History and Government); or
- b) ~~Passing the corresponding Regents Competency Test (RCT) of a failed required Regents Examination.~~ *Compensatory Safety Option: except for scores on ELA and math exams, students may use one Regents exam score of 65 or above to compensate for a Regents exam score of 45-54. Students must score at least 55 (or successfully appeal a score of 52-54) on both the ELA and a math exam;

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

- c) Superintendent's determination: students who are unable to demonstrate their proficiency on standard state assessments because of one or more disabilities may be able to graduate upon the Superintendent's review and written certification of their eligibility. The Superintendent will make a determination after receiving a written request from an eligible student's parent or guardian.*

Examination.

~~The school may administer the RCT before or after the Regents Examination, but in all cases the student MUST take the required Regents Examination in order to earn the Local Diploma.~~

~~The RCT Examinations shall remain available until the student graduates or reaches the age of twenty-one (21). This provision of law applies only to students with disabilities who are entitled to attend school pursuant to Education Law Section 3202 or 4402(5).~~

Students with Disabilities Entering Grade 9 After September 2011

~~The option to take the Regents Competency Test (RCT) will not be available for any students entering grade 9 beginning in September 2011 and thereafter. The student's grade level is based on the grade in which the student was enrolled during the school year (September to June) prior to September~~

~~2011. While the RCT safety net ends with the class of students that entered grade 9 during the 2010-2011 school year, the local diploma option remains available to all students with disabilities provided they earn a score of 55-64 on one (1) or more required Regents examinations.~~

***Career Development and Occupational Students commencement credential (CDOS):** any student who is not assessed using the New York State Alternate Assessment (NYSAA) may earn the CDOS commencement credential as a supplement to a Regents or local diploma or as his or her only exiting credential if the student attended school for at least 12 years, excluding kindergarten. The student must meet criteria specified by the State Education Department (SED) confirming that he or she has attained the standards-based knowledge, skills, and abilities necessary for entry-level employment.

Skills and Achievement commencement credential: students with severe disabilities who are assessed using the NYSA A may earn the SA commencement credential. They must attend school for at least 12 years, excluding kindergarten. The District must document the student's skills, strengths, and levels of independence in academic, career development, and foundation skills needed for post-secondary life.*

Information regarding graduation requirements, including the local diploma option and the appeals process, may be found at: <http://www.p12.nysed.gov/part100/pages/1005.html>

www.p12.nysed.gov/specialed/gradrequirememnts/home.html

Education Law Sections 3202 and 4402(5)

8 New York Code of Rules and Regulations (NYCRR) Sections 100.5(a-f) and 100.9

NOTE: Refer also to Policy #7220 -- Graduation Requirements/Early Graduation/Accelerated Programs
Adopted by BOE 3/6/18

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES

An important determination in the annual review process for students with disabilities is whether the anticipated outcome of the secondary program is a Regents diploma, local high school diploma*, CDOS* or ~~high school individualized education program (IEP) diploma*~~ exiting commencement credential*. Such decision will be considered as early as possible in order to ensure that students receive access to the required courses and participate in the mandated testing program, where appropriate, in order to make a successful transition to post-high school activities.

High School Diplomas

Students pursuing either a Regents or local high school diploma must acquire a certain number of units of credit in specified courses, and also meet subject sequence requirements. It is critical that students with disabilities be provided access to the required courses and testing programs needed for graduation with these awards.

- 1) Administration is responsible for coordinating activities with guidance and BOCES staff to ensure that students with disabilities are meeting credit and sequence requirements and that vocational opportunities are considered.
- 2) Instructional techniques and materials may be modified to provide students with disabilities the opportunity to meet diploma requirements. Such modifications will be included on the IEP so that they can be implemented consistently throughout a student's program.
- 3) The instructional programs of special education classes will be reviewed by administration to determine equivalency to the same courses taught in the regular education program to ensure that students meet the needed requirements for a high school diploma.
- 4) Administration will be responsible for coordinating communication between special and regular education staff so that required skills and competencies are understood and equivalency of instruction in appropriate special education classes can be determined.

Regents Diplomas

To earn a high school Regents diploma, all students (students with and without disabilities) need to take and pass the required course work and five (5) specific Regents examinations with a score of 65 or higher and earn twenty-two (22) units of credit. The required Regents Examinations are English, Mathematics, Science, Global History and Geography, and U.S. History and Government.

~~High School Individualized Education Program Diplomas*~~Exiting Commencement Credential*

Not all students with disabilities will pursue the requirements for a Regents or local diploma. Some students will be awarded an ~~IEP diploma*~~ exiting commencement credential* based on achieving the ~~educational goals specified in their IEP*~~ standards based on knowledge, skills, and abilities necessary for employment and are assessed using New York State Alternative Assessment (NYSAA)*. These educational goals are set by the Committee on Special Education (CSE), with parental input, and must be linked to the learning standards and to appropriate performance indicators for the student.

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

~~Each individualized education program (IEP) diploma awarded shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend school until the student has earned a high school diploma or until the end of the school year of such student's twenty-first (21) birthday, whichever is earlier.~~

The Superintendent shall report to the State Education Department, within fifteen (15) days after the June graduation, the total number and the names of the students awarded ~~IEP~~*exiting commencement credentials* diplomas that school year. Such report shall be in a form prescribed by the Commissioner and shall contain such information as the Commissioner may require. A copy of the School District's policies and procedures adopted pursuant to Commissioner's Regulations shall be on file in the District Office and available for review by the Commissioner.

The Board of Education supports the awarding of high school ~~IEP diplomas~~*exiting commencement credential* to students with disabilities provided that:

- 1) Such student has attained the age of twenty-one (21) and has achieved the educational goals specified in his/her current individualized education program; or
- 2) Such student has attended school or has received a substantially equivalent education elsewhere for at least twelve (12) years, excluding kindergarten ~~and has achieved the educational goals specified in his/her current individualized education program.~~*The District must document the student's skills, strengths and levels of independence in academic career development and foundation skills needed for post secondary life.*

~~Each high school IEP diploma*exiting commencement credential* shall be identical in form to the high school diploma issued by the _____ School District, except that there shall appear on the front of such diploma a clear annotation to indicate that the diploma is awarded on the basis of the student's successful achievement of the educational goals specified in the student's current IEP as recommended by the Committee on Special Education.~~

Local Diploma Safety Net Options for Students with Disabilities**Students with Disabilities Entering Grade 9 Prior to September 2011**

Students with disabilities who first enter grade 9 prior to September 2011 (during the 2010-2011 school year) may earn credit toward a Local Diploma by:

- a) Achieving a score of 55-64 on any or all Regents Examinations required for graduation (English, Mathematics, Science, Global History and Geography, and/or U.S. History and Government); or
- ~~b) Passing the corresponding Regents Competency Test (RCT) of a failed required Regents Examination.~~

SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)

~~— The school may administer the RCT before or after the Regents Examination, but in all cases the student MUST take the required Regents Examination in order to earn the Local Diploma.~~

~~— The RCT Examinations shall remain available until the student graduates or reaches the age of twenty-one (21). This provision of law applies only to students with disabilities who are entitled to attend school pursuant to Education Law Sections 3202 or 4402(5).~~

Students with Disabilities Entering Grade 9 in September 2011 and Thereafter

~~— The option to take the Regents Competency Test (RCT) will not be available for any students entering grade 9 beginning in September 2011 and thereafter. The student's grade level is based on the grade in which the student was enrolled during the school year (September to June) prior to September 2011. While the RCT safety net ends with the class of students that entered grade 9 during the 2010-11 school year, the local diploma option remains available to all students with disabilities provided they earn a score of 55-64 on one of more required Regents examinations.~~

Appeal of Regents Examination Score Option

School districts must provide unlimited opportunities for all students (students with and without disabilities) to retake required Regents examinations to improve their scores so that students may graduate with a Regents diploma. A student with or without a disability who fails, after at least two (2) attempts, to attain a score of 65 or above on a required Regents examination for graduation must be given an opportunity to appeal such score in accordance with the provisions of section 100.5(d)(7)(i) of the Regulations of the Commissioner of Education. No student may appeal his/her score on more than two (2) of the five (5) required Regents examinations. A student whose appeal is accepted for one (1) required Regents examination, and who has attained a passing score of 65 or above on each of the four (4) remaining required Regents examinations, earns a Regents diploma. A student whose appeal is accepted for two (2) required Regents examinations, and who has attained a passing score of 65 or above on each of the three (3) remaining required Regents examinations, earns a local diploma.

Detailed information regarding graduation requirements, including the local diploma option and the appeals process, may be found at: <http://www.p12.nysed.gov/part100/pages/1005.html>

www.p12.nysed.gov/specialed/gradrequirements/home.html

POLICY

2018

7230

Students

SUBJECT: MATRICULATION POLICY

All senior students who have successfully fulfilled the requirements to enter into their senior year and have demonstrated intellectual and social maturity, may choose to matriculate at any one of the colleges that have a cooperative agreement with our School District. These opportunities might include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by school official is necessary before any college courses may be taken during the school day.

Adopted by BOE 2/27/18

REGULATION

2018

7230R

Students

SUBJECT: DUAL CREDIT FOR COLLEGE COURSES

District students wishing to take a college course(s) and obtain high school credit must meet the following administrative criteria:

1. The student shall be enrolled in the School District. This program is not intended for remediation purposes, i.e., seniors who fail to graduate.
2. A student must secure approval from the Superintendent of Schools and the high school principal prior to enrollment in any college course.
3. The Dual Credit Program may be taken on by any student at the twelfth grade level (or an eleventh-grader who has applied for early graduation). Students must have thoroughly discussed the program with the counsel or, his/her parents, and the college coordinator for early admissions.
4. The student, the high school, and the college shall abide by the guidelines of the early admissions program.
5. A typical three-hour college course would be the equivalent of a one-half Carnegie unit of credit.
6. Each student in the Dual Credit Program shall be enrolled in the District's Independent Study Program. All assurances that the student meet the requirements for District credit shall be made prior to the commitment (provided he/she successfully completes his/her program). A copy of the college course description shall be required for the school's files.
7. The student shall make available to the high school a copy of his/her mid-semester grade report.
8. At the completion of the semester, the student shall request from the Office of the Registrar at the college an official transcript of his/her grade report. This will certify the satisfactory completion of the course(s).
9. All tuition and other related costs associated with college level coursework shall be borne by the individual student;
10. High school credit shall not be granted for a college course in which a student receives a failing grade.

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The School District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (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 School 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 such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). 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. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, 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.

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (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 such records with respect to third parties.

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**Access to Student Records**

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 such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

ExceptionsDirectory Information and Limited Directory Information Disclosure

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, but restrict disclosure for more potentially dangerous purposes. The District shall 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.

Health and Safety Emergency Exception

School districts must balance the need to protect students' personally identifiable information 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.

School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school 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.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)Release of Information 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 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 such 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, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Audit/Evaluation Exception

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, and State or local educational authorities ("FERPA permitted" entities). 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 (audit, evaluation, or enforcement or compliance activity).

The District may, from time to time, disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also, from time to time, 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.

Studies Exception

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, from time to time, disclose PII from education records without consent to such organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may, from time to time, 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 such programs with the goal of providing the best instruction.

(Continued)

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**Required Agreements for the Studies or Audit/Evaluation Exceptions**

To the extent required by law, the District shall 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 shall use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, 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 such inaccurate, misleading, or otherwise inappropriate data contained therein.

Disclosures to Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education) an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

- a) If the student is claimed as a dependent for Federal income tax purposes by either parent;
- b) In connection with a health or safety emergency;
- c) If the student attends an institution of postsecondary education, is under twenty-one (21) years of age and the disclosure is regarding the student's violation of law, an institutional rule or policy governing the use of alcohol or a controlled substance at that institution; or
- d) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

Release of Information to the Noncustodial Parent

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232g
34 Code of Federal Regulations (CFR) Part 99

BOE Adopted 11/17/20

SUBJECT: ACCESS TO STUDENT RECORDS**Definitions**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 such 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. As such, they are subject to the confidentiality provisions of both Acts.

The definition of education Records does not include the following:

- 1) Personal notes made by teachers or other staff, if these notes 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.
- 2) Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that **are not directly related** to the individual's attendance as a student.
- 3) Grades on peer-graded papers before they are collected and recorded by a teacher.

Attendance

"Attendance" includes, but is not limited to:

- 1) Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
- 2) The period during which a person is working under a work-study program.

Personally Identifiable Information

The term "personally identifiable information" includes, but is not limited to:

- 1) The student's name;
- 2) The name of the student's parent or other family members;
- 3) The address of the student or student's family;
- 4) A personal identifier, such as the student's social security number, student number, or biometric record ("Biometric record" is defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting);
- 5) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

(Continued)

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

- 6) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- 7) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

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.

Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.

Directory information does **not** include a student's:

- 1) Social security number; or
- 2) Student identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, or that is displayed on a student ID card or badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user.

Disclosure of Records

"Disclosure" is to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Limited Directory Information Disclosure

"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, but restrict disclosure for more potentially dangerous purposes.

Parent/Guardian Access Rights

- 1) The School District, hereinafter referred to as "the District," shall, upon request of a parent/guardian, permit the parent/guardian to inspect, review, or copy any education record relating to the child or children of that parent/guardian when such record is collected, maintained, or used by the District. The District shall fulfill the request within forty-five (45) days after the request is received.

(Continued)

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

- 2) The right to inspect, review, or copy education records includes:
 - a. The right of a parent/guardian to request of and receive from the District a reasonable explanation of information contained in the education records of the child;
 - b. The right of a parent/guardian to be provided, on request, with a copy of all or part of the education records of the child; and
 - c. The right of a parent/guardian to designate a representative who will inspect, review, or copy the records.
- 3) If a parent/guardian requests copies of education records from the District, the District may charge the parent/guardian a reasonable cost which will not exceed the actual expense of the duplication. However, no cost shall be charged to a parent/guardian for inspecting and reviewing the record or records. No cost shall be charged to a parent/guardian for the search for or retrieval of records.
- 4) A parent/guardian shall have the right to request a list of the types and the location of the child's educational records collected, maintained, or utilized by the District.
- 5) At the discretion of the District and for verification and record keeping purposes only, the District may require all parents/guardians to put into writing:
 - a. Their oral requests to inspect, review, copy or receive copies of education records;
 - b. Their oral designations of a representative; and
 - c. Their oral requests for a list of the types and location of records.
- 6) Student access rights

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent/guardian of the student shall thereafter only be accorded to and required of the student (except as otherwise provided below).

Disclosures to Parents of Eligible Students

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education) an educational agency or institution may disclose education records to an eligible student's parents, without the student's consent:

- 1) If the student is claimed as a dependent for Federal income tax purposes by either parent;
- 2) In connection with a health or safety emergency;
- 3) If the student attends an institution of postsecondary education, is under twenty-one (21) years of age and the disclosure is regarding the student's violation of law, an institutional rule or policy governing the use of alcohol or a controlled substance at that institution; or
- 4) If the disclosure falls within any other exception to the consent requirements under FERPA or its Regulations, such as the disclosure of directory information or in compliance with a court order or lawfully issued subpoena.

(Continued)

SUBJECT: ACCESS TO STUDENT RECORDS (Cont'd.)**Access Record**

- 1) The District shall keep a record of parties who have obtained access to the education records of a student. The access record shall include the name of the party, the date of access, and the purpose for which the party was allowed to use the records.
- 2) A parent/guardian shall have the right to inspect the access record for the education records of his/her child.
- 3) The District shall maintain, for public inspection, a current list of the names and positions of those employees who are authorized by the District to have access to personally identifiable information.

Maintenance of RecordsOfficials

The District shall designate an employee of the District as the official who shall be responsible for insuring that the education records confidentiality policies and procedures are enforced and administered. This official shall:

- 1) Notify parents/guardians of the policies and procedures regarding student education records and their rights regarding access.
- 2) Develop the plan for education records, including safeguards which protect the confidentiality of personally identifiable information at the point of collection, storage, release, and destruction.
- 3) Provide inservice training to all staff in the implementation of Federal and State record access and confidentiality policies.
- 4) Maintain the current listing of employees who are authorized to have access to personally identifiable information.

Release of Information

Under the Family Educational Rights and Privacy Act (FERPA), unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent/guardian or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- 1) Identifies and authenticates a particular person as the source of the electronic consent; and
- 2) Indicates such person's approval of the information contained in the electronic consent.

(Continued)

SUBJECT: ACCESS TO STUDENT RECORDS (Cont'd.)**Exceptions**Health and Safety Emergency Exception

School districts must balance the need to protect students' personally identifiable information 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. School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school 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.

Release of Information 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 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 such 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, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Directory Information

- 1) 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.
- 2) The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response.
- 3) Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.
- 4) The District shall limit disclosure of its designated directory information as otherwise specified in its public notice to parents and eligible students.

(Continued)

SUBJECT: ACCESS TO STUDENT RECORDS (Cont'd.)Audit/Evaluation Exception

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, and State or local educational authorities ("FERPA permitted" entities). 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 (audit, evaluation, or enforcement or compliance activity).

The District may, from time to time, disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also, from time to time, 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.

Studies Exception

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, from time to time, disclose PII from education records without consent to such organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may, from time to time, 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 such programs with the goal of providing the best instruction.

Right to Request Amendment of Education Records

The District shall, on parent/guardian request, provide the parent/guardian with an opportunity for a hearing to challenge information in education records if the parent/guardian alleges that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing shall be conducted according to the following provisions:

- 1) The hearing shall be held within a reasonable time after the District receives the request for a hearing from the parent/guardian.

(Continued)

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

- 2) The parent/guardian shall be notified in writing of the date, place and time of the hearing reasonably in advance of the hearing.
- 3) The hearing shall be conducted by any individual, including a school district official, who does not have a direct interest in the outcome of the hearing.
- 4) The parent/guardian shall be afforded a full and fair opportunity to present evidence relevant to the issues.
- 5) The parent/guardian may, at the hearing, be assisted or represented by persons of his/her choice at his/her own expense; such persons may include legal counsel.

Decision after Hearing

The Hearing Officer shall render a written decision on the issues presented at the hearing within a reasonable time after the conclusion of the hearing. The decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Decision to Amend

If, as a result of the hearing, the Hearing Officer decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall amend the education records accordingly and so inform the parent/guardian in writing.

Decision not to Amend

If, as a result of the hearing, the Hearing Officer decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall inform the parent/guardian of his/her right to place in the education record of the student a statement which sets forth the written comments of the parent/guardian regarding the information in the education records or reasons for disagreeing with the decision of the Hearing Officer or both written comments and reasons.

- 1) The statement of the parent/guardian shall be appended by the agency to the education records so long as the record or the contested portion thereof is maintained by the District.
- 2) If the education records of the students or the contested portion thereof are released by the District to any party, the statement of the parent/guardian shall also be released to the party.

Nothing in this section shall be interpreted to mean that the parent/guardian and the District may not, by mutual agreement, meet prior to either a parent/guardian request for a hearing or the hearing itself in order to discuss the concerns of the parent/guardian regarding the accuracy or inaccuracy of the records of the student.

MODEL NOTICE FOR DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that [School District], with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, [School District] may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the [School District] to include this type of information from your child's education records in certain school publications. Examples include:

1. A playbill, showing your student's role in a drama production;
2. The annual yearbook;
3. Honor roll or other recognition lists;
4. Graduation programs; and
5. Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories - names, addresses and telephone listings - unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. ⁽¹⁾

If you do not want [School District] to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by [insert date]. [School District] has designated the following information as directory information: [Note: an LEA may, but does not have to, include all the information listed below.]

- 1) Student's name
- 2) Participation in officially recognized activities and sports
- 3) Address
- 4) Telephone listing
- 5) Weight and height of members of athletic teams
- 6) Electronic mail address
- 7) Photograph
- 8) Degrees, honors, and awards received
- 9) Date and place of birth
- 10) Major field of study
- 11) Dates of attendance
- 12) Grade level

The most recent educational agency or institution attended

Footnotes:

1. These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

NOTE: This form is also posted on the following website: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/mndirectoryinfo.html>

MODEL NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- 1) *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)-
 - a) Political affiliations or beliefs of the student or student's parent;
 - b) Mental or psychological problems of the student or student's family;
 - c) Sex behavior or attitudes;
 - d) Illegal, anti-social, self-incriminating, or demeaning behavior;
 - e) Critical appraisals of others with whom respondents have close family relationships;
 - f) Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 - g) Religious practices, affiliations, or beliefs of the student or parents; or
 - h) Income, other than as required by law to determine program eligibility.
- 2) *Receive notice and an opportunity to opt a student out of* -
 - a) Any other protected information survey, regardless of funding;
 - b) Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 - c) Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- 3) *Inspect*, upon request and before administration or use -
 - (a) Protected information surveys of students;
 - (b) Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

[School District will/has develop[ed] and adopt[ed]] policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **[School District]** will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. **[School District]** will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. **[School District]** will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

1. Collection, disclosure, or use of personal information for marketing, sales or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5920

**PPRA MODEL NOTICE AND CONSENT/OPT-OUT FOR SPECIFIC ACTIVITIES
[LEAS SHOULD ADOPT THE FOLLOWING MODEL FORM AS APPROPRIATE]**

The Protection of Pupil Rights Amendment (PPRA), 20 USC Section 12321, requires **[School District]** to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas ("protected information surveys"):

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes ("marketing surveys"), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the **[School District]** will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

Date: On or about (Date)
Grades: Five and Six
Activity: ABC Survey of At-Risk Behaviors.
Summary: This is an anonymous survey that asks students questions about behaviors such as drug and alcohol use, sexual conduct, violence, and other at-risk behaviors. The survey also asks questions of a demographic nature concerning family make-up, the relationship between parents and children, and use of alcohol and drugs at home.

Consent [for ED funded, protected information surveys only]: A parent must sign and return the attached consent form no later than [insert return date] so that your child may participate in this survey.

Opt-out [for any non-ED funded protected information survey]: Contact **[school official]** at **[telephone number, email, address, etc.]** no later than **[date]** if you do not want your child to participate in this activity.

Date: On or about (Date)
Grades: One through Six
Activity: Flu Shots
Summary: The County Department of Public Health Services will administer flu shots for influenza types A and B.

Opt-out: Contact **[school official]** at **[telephone number, email, address, etc.]** no later than **[date]** if you do not want your child to participate in this activity.

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Students

Below are two examples dealing with the collection, use and distribution of personal information for student-based commercial services. Administrators should *particularly* note the difference in the type of consent required for each activity depending on what personal information is being collected, used or distributed.

[Survey A: Limited to personal information designated as "directory information"]

Date: 2006-2007 School Year

Grades: Nine through Twelve

Activity: Student-Based Commercial Services

Summary: **[School]** collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, and telephone listings. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

Opt-out: Contact **[school official]** at **[telephone number, email, address, etc.]** no later than **[date]** if you do not want your child to participate in this activity.

[Note to schools: This information - names, addresses, and telephone listings - may be designated and disclosed as "directory information" under the Family Educational Rights and Privacy Act (FERPA). Instead of using this Model Notice format, schools *may* meet PPRA notice requirements for specific marketing activities that involve only designated "directory information" by allowing parents to opt of "directory information" at the start of each school year, which would include all marketing activities.]

[Survey B: Collects personal information beyond designated directory information]

Date: 2006-2007 School Year

Grades: Nine through Twelve

Activity: Student-Based Commercial Services

Summary: **[School]** collects, or allows businesses to collect, use, and disclose personal information on students, including names, addresses, telephone listings and social security numbers. These businesses provide student-based products and services, such as computer equipment, sports clothing, school jewelry, and entertainment products.

Consent: A parent must sign and return the attached consent form no later than **[insert return date]** so that your child may participate in this activity.

[Note to schools: While some of the information - names, addresses, and telephone listings - may be designated and disclosed as "directory information" under the Family Educational Rights and Privacy Act (FERPA), schools that permit marketing activities that involve the collection, use, and disclosure of students' social security numbers may not use an opt-out procedure and must obtain prior written consent in accordance with 34 CFR Section 99.30 of the FERPA regulations.]

If you wish to review any survey instrument or instructional material used in connection with any protected information or marketing survey, please submit a request to **[school official, address]**.

[School official] will notify you of the time and place where you may review these materials. You have the right to review a survey and/or instructional materials before the survey is administered to a student.

I, [parent's name] give my consent for [child's name] to take the ABC Survey of At-Risk Behaviors on or about (Date).

Parent's Signature

Please return this form no later than **[insert date]** to the following school official: **[Provide name and mailing address.]**

SUBJECT: STUDENT 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.

The District shall publish an annual public notice informing parents or eligible students (i.e., a student eighteen (18) years of age or older or who is attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indication of the time period for their response. Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Educational Rights and Privacy Act (FERPA) defines student directory information as any of the items as indicated in the following list. The Fabius-Pompey Central School District will release the following defined directory information as checked below:

- ☐ name
- ☐ grade level
- ☐ participation in sports and activities
- ☐ weight and height (for members of athletic teams)
- ☐ honors, degrees and awards
- ☐ photograph

Directory information **does not** include:

- a) A student's social security number; or
- b) A student's identification (ID) number, except as provided below.

Directory information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, or that is displayed on a student ID card or badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user. Parents and eligible students may not, by opting out of disclosure of directory information, prevent a school from requiring a student to wear or present a student identification card or a badge that displays information that may be directory information.

Limited Directory Information Disclosure

Limited Directory Information Disclosure means that that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. Allowing limited directory information disclosure may permit the District to use student directory information for such limited purposes as school yearbooks, honor roll lists, graduation programs, playbills and other similar uses, without obtaining individual consent. Limiting the disclosure of such information may be beneficial when the District perceives such disclosure as putting students at risk of becoming targets of marketing campaigns, news media or possible victims of criminal acts. The District shall limit its disclosure of its designated directory information as specified in its public notice to parents and eligible students.

(Continued)

SUBJECT: STUDENT DIRECTORY INFORMATION (Cont'd.)**Military Recruiter Access**

The release of student directory information is not to be confused with the release of names, addresses and telephone listings of eligible students (i.e., a student seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher) to Military Recruiters. In compliance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and the National Defense Authorization Act, the School District shall notify parents that by law it routinely releases this information to Military Recruiters upon request subject to a parents'/eligible students' written request not to disclose such information.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99

BOE Adopted 11/17/20

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
NOTIFICATION OF RIGHTS UNDER FERPA****Rights**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- 1) The right to inspect and review the student's education records within forty-five (45) days of the day the School receives a request for access.

Parents or eligible students should submit to the School Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- 2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the School Principal (or appropriate school official), clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- 3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (see below for examples of such exceptions).
- 4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

(Continued)

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
NOTIFICATION OF RIGHTS UNDER FERPA (Cont'd.)****Disclosures that Elementary and Secondary Schools May Make Without Consent**

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure is:

- 1) To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests.

A "school official" is a person employed by or under contract with the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include contractors, consultants, volunteers or other parties outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist. "School official" also includes a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. 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.

- 2) To officials of another school, school system or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer.

[Optional: Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.)]

- 3) To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- 4) In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.

(Continued)

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
NOTIFICATION OF RIGHTS UNDER FERPA (Cont'd.)**

- 5) To organizations conducting studies for, or on behalf of, the school, in order to:
 - a. Develop, validate, or administer predictive tests;
 - b. Administer student aid programs; or
 - c. Improve instruction.
- 6) To accrediting organizations to carry out their accrediting functions.
- 7) To parents of an eligible student if the student is a dependent for IRS tax purposes.
- 8) To comply with a judicial order or lawfully issued subpoena.
- 9) To appropriate officials in connection with a health or safety emergency.
- 10) Information the school has designated as "directory information."

(NOTE: A District may wish to include its directory information public notice here within the required annual notification of rights under FERPA.)

This form has been adapted from the Model Notification of Rights under FERPA for Elementary and Secondary Schools from the U.S Department of Education Family Policy Compliance Office Web site.

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
NOTICE OF DIRECTORY INFORMATION/MILITARY RECRUITER ACCESS**

Student Directory Information

Directory information is information contained in an educational record of a student that would not generally be considered harmful or an invasion of privacy if released.

In compliance with Family Educational Rights and Privacy Act (FERPA), a Federal law, this serves as the annual public notice to parents or eligible students (i.e., students eighteen (18) years of age or older or who are attending an institution of post-secondary education) of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information, and indication of the time period for their response. Following such public notice and a reasonable response period, the District may release such information without individual consent.

The primary purpose of directory information is to allow the Fabius-Pompey Central School District to include this type of information from the student's education records in certain school publications. Examples include:

- 1) A playbill, showing a student's role in a drama production;
- 2) The annual yearbook;
- 3) Honor roll or other recognition lists;
- 4) Graduation programs; and
- 5) Sports programs, such as for wrestling, showing weight and height of team members.

The School District may also release Directory Information to outside organizations that include, but are not limited to, companies that manufacture class rings or publish yearbooks.

The Fabius-Pompey Central School District has designated the following information as directory information:

- 1) Student's name;
- 2) Participation in officially recognized activities and sports;
- 3) Weight and height of members of athletic teams;
- 4) Photograph;
- 5) Degrees, honors, and awards received;
- 6) Grade level;

(Continued)

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
NOTICE OF DIRECTORY INFORMATION/MILITARY RECRUITER ACCESS (Cont'd.)**

Option: For School Districts that choose to use "Limited Directory Information Disclosure"

Limited Directory Information Disclosure

Limited Directory Information Disclosure means that that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both.

*Suggested Language (the District **shall customize** if they elect to limit the disclosure of Directory Information):*

The District shall limit disclosure of designated directory information as specified below:

The School District **will/will not** disclose directory information to _____, (party)
for the following purposes _____.

Sample language has been provided for your review:

*For example: The School District will **not** disclose Directory Information to outside vendors for commercial purposes, other than those specifically approved by the district.*

DIRECTORY INFORMATION OPT OUT REQUEST

*(This language must be included whether the District has chosen
to limit its disclosure of Directory Information or not.)*

If you do not want the Fabius-Pompey Central School District to disclose directory information from your child's education records to any parties for any purposes, other than those required by law, without your prior written consent, you must notify the Building Principal in writing by ____/____/____*.

NOTE: Parents and eligible students **may not**, by opting out of disclosure of directory information, prevent a school from:

- 1) Disclosing or requiring a student to disclose the student's name, identifier, or school e-mail address (if any) in a class in which the student is enrolled; or
- 2) Requiring a student to wear or present a student identification card or a badge that displays information that may be directory information.

(Continued)

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
NOTICE OF DIRECTORY INFORMATION/MILITARY RECRUITER ACCESS (Cont'd.)**

Military Recruiters and Institutions of Higher Learning Access to Directory Information

The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the federal No Child Left Behind Act of 2001 (NCLB), and/or the National Defense Authorization Act for Fiscal Year 2002, requires local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act (ESEA) of 1965 to provide military recruiters and institutions of higher learning, upon request, with three directory information categories - names, addresses and telephone listings - unless the parent/eligible student has advised the School District that the student's information shall not be disclosed without parental written consent. Eligible student under ESEA and the National Defense Authorization Act is defined as a secondary student who is seventeen (17) years of age or older or in the eleventh grade (or its equivalent) or higher.

**MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING
OPT OUT REQUEST**

If you do not want the Fabius-Pompey Central School District to disclose your child's name, address, or telephone listing from your child's education records to military recruiters or institutions of higher learning without your prior written consent, you must notify the Building Principal in writing by ____/____/____.

SUBJECT: FEES FOR THE COPYING OF EDUCATION RECORDS

The Fabius-Pompey Central School District will not deny parents or eligible students any rights to copies of records because of the following fee schedule. Where the fee represents an unusual hardship, the fee may be waived in part or in its entirety by the custodian of those records.

The District does reserve the right to charge a fee for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The Fabius-Pompey Central School District may deny copies of records (except for those required by the "Family Educational Rights and Privacy Act of 1974") under these conditions:

- a) The student has an unpaid financial obligation to the school.
- b) There is an unresolved disciplinary action against the student which warrants the denial of copies.

The "Family Educational Rights and Privacy Act" requires the School District to provide copies of records:

- a) When the refusal to provide copies effectively denies access to the records by a parent or eligible student.
- b) At the request of the parent or eligible student when the School District has provided the records to third parties by the prior consent of the parent or eligible student.
- c) At the request of the parent or eligible student when the School District has forwarded the records to another school where the student seeks or intends to enroll.

The fee for copies provided under the "Family Educational Rights and Privacy Act" may not include the costs for search and retrieval. This fee will be from no cost to 25 cents per page. This schedule considers the actual copying cost less any hardship factor.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience will be 25 cents per page (actual search, retrieval, and copying cost) plus postage if involved.

POLICY

2018

7243

Students

SUBJECT: RECORD OF REQUESTS FOR ACCESS AND DISCLOSURE MADE FROM EDUCATIONAL RECORDS

The Fabius-Pompey Central School District will maintain an accurate record of all requests for it to disclose information from, or to permit access to a student's education records. The District will also maintain a record of information it discloses and access it permits. (There are some exceptions, which are noted below).

The record will include at least:

- a. The name of the person or agency that made the request.
- b. The interest the person or agency had in the information.
- c. The date the person or agency made the request.
- d. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District shall maintain this record for as long as it maintains the student's education record.

The record will not include requests for access or access granted to parents of the student or to an eligible student or to the officials of the Fabius-Pompey Central School District who have a legitimate educational interest in the student. The record will also not include requests for or disclosures of information contained in the student's education record if the request is accompanied by the prior written consent of a parent of the student or the eligible student or the disclosure is authorized by such prior consent, or for requests for, or disclosures of directory information designated for that student.

SUBJECT: USE OF STUDENT RECORDS BY SCHOOL OFFICIALS

In order to carry out their responsibilities, school officials shall have access to student education records for legitimate educational purposes. The Fabius-Pompey Central School District shall use the following criteria to determine who are school officials.

An official shall be considered:

- a. A person duly elected or appointed to the Board of Education.
- b. A person certified by the State and appointed by the School Board to an administrative or supervisory position.
- c. A person certified by the State and under contract to the School Board as an instructor or related service provider.
- d. A person employed by the School Board as a temporary substitute for administrative, supervisory or instructional personnel for the period of his/her performance as a substitute.
- e. A person employed by or under contract to the School Board to perform a special task, such as a secretary, a clerk, the school attorney or auditor for the period of his or her performance as an employee or contractor.

School officials as defined above will have access to a student's education records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need to know in order to:

- a. Perform an administrative task required in the school employee's position description approved by the School Board.
- b. Perform a supervisory or instructional task directly related to the student's education.
- c. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

The Fabius-Pompey School District will only release information or permit access to a student's education record with a parent or eligible student's prior written consent except that the School Superintendent or a person designated in writing by the Superintendent may permit disclosure:

- a. When a student seeks or intends to enroll in another school district or a post-secondary school. The District will not further notify parents or eligible students prior to such a transfer of records. Parents and eligible students have a right to obtain copies of records transferred under this provision.
- b. When certain Federal and State officials need information in order to audit or enforce legal conditions related to Federally supported education programs in the District.
- c. To parties who provide or may provide financial aid to a student to:
 - a. Establish the student's eligibility for aid.
 - b. Determine the amount of financial aid.
 - c. Establish the conditions for the receipt of the financial aid.
 - d. Enforce the agreement between the provider and the receiver of financial aid.
- d. If a State law adopted before November 19, 1974 required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials.
- e. When Fabius-Pompey Central School District has entered into a written agreement or contract for an organization to conduct studies on the School District's behalf to develop tests, administer student aid, or improve instruction.

SUBJECT: USE OF STUDENT RECORDS BY SCHOOL OFFICIALS (Cont'd.)

- f. To accrediting organizations to carry out their accrediting functions.
- g. To parents of eligible students if the parents claim the student as a dependent as defined by the Internal Revenue Service.
- h. To comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the student's parents or the eligible student before making a disclosure under this provision.
- i. If the disclosure is an item of directory information and the student's parent or the eligible student has not refused to allow the District to designate that item as directory information for that student.

The Fabius-Pompey Central School District will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

- a. He or she deems it is warranted by the seriousness of the threat to health or safety of the student or other persons.
- b. The information is necessary and needed to meet the emergency.
- c. The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.
- d. Time is an important and limiting factor in dealing with the emergency.

The Fabius-Pompey Central School District officials may release information from a student's education record if the student's parent or the eligible student gives his/her prior written consent for the disclosure. The written consent must include at least:

- a. A specification of the records to be released.
- b. The reasons for the disclosure.
- c. The person or the organization or the class of persons or organizations to whom the disclosure is to be made.
- d. The parent or eligible student's signature.
- e. The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parent or the student may obtain a copy of any records disclosed under this provision.

The Fabius-Pompey Central School District will not release information contained in a student's education records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be re-disclosed without the parent or eligible student's prior written consent.

SUBJECT: CONFIDENTIALITY OF STUDENT RECORDS - PUPILS WITH DISABILITIES

The Fabius-Pompey Board of Education affirms its compliance with Part 99 of Title 34 of the Code of Federal Regulations - Family Educational Rights and Privacy Regulations. Any personally identifiable data, information or records pertaining to pupils shall not be disclosed by any employee of the Fabius-Pompey Central Schools, except in accordance with the provisions set forth in the Family Education Rights and Privacy Act (FERPA).

With respect to those records generated as a part of the assessment and identification of those pupils suspected of having a disability, the following procedures are implemented:

- a. A student's confidential Committee on Special Education record is maintained independent of cumulative school records.
- b. The student's CSE record is located in the CSE office and is secured in locked files.
- c. An access log is placed in each student record, indicating those professionals that have reviewed the contents of the record, the dates of such review, and the type, if any, of information that was released from the record at that time.
- d. No information shall be released from the student's CSE file, unless the procedures as outlined in FERPA are followed.
- e. Access by District employees is limited to those professionals having a legitimate educational interest in the student's record at that time.

Family Education Rights and Privacy Act (FERPA) 34 CFR Part 95

Adopted by BOE 2/27/18

SUBJECT: STUDENT DATA BREACHES

A student data breach is defined as any instance in which there is an unauthorized release of or access to personally identifiable information (PII) or other protected information of students not suitable for public release.

School districts have a legal responsibility to protect the privacy of education data, including personally identifiable information (PII) of its students. The Family Education Rights and Privacy Act of 1974, commonly known as FERPA, protects the privacy of student education records. Although FERPA does not include specific data breach notification requirements, it does protect the confidentiality of education records and requires districts to record each incident of data disclosure in accordance with 34 CFR 99.32 (a)(1). In addition, under state law, direct notification of parents and/or affected students may be warranted depending on the type of data compromised, such as student social security numbers and/or other identifying information that could lead to identity theft.

The District has implemented privacy and security measures designed to protect student data stored in its student data management systems. These measures include reviewing information systems and data to identify where personally identifiable information is stored and used; monitoring data systems to detect potential breaches; and conducting privacy and security awareness training for appropriate staff. In the event of an alleged breach, the District will promptly take steps to validate the breach, mitigate any loss or damage, and notify law enforcement if necessary.

The Superintendent will develop and implement regulations for prevention, response and notification regarding student data breaches.

34 CFR 99.32 (a)(1)
Technology Law Sections 202 and 208

NOTE: Refer also to Policies #5678 -- Information Security Breach and Notification
#7240 -- Student Records: Access and Challenge

SUBJECT: STUDENT DATA BREACHES: PREVENTION, RESPONSE AND NOTIFICATION

School Districts have a legal responsibility to protect the privacy of education data, including personally identifiable information (PII) of its students, in both paper and electronic formats. Although the Family Education Rights and Privacy Act (FERPA) does not include specific data breach notification requirements, it does protect the confidentiality of education records by requiring districts to record each incident of data disclosure in accordance with 34 CFR 99.32 (a)(1). A breach of student data maintained electronically would be considered such a "disclosure" that must be recorded. In addition, under state law, direct notification to parents and/or affected students may be warranted depending on the type of data compromised, such as student social security numbers and/or other identifying information that could lead to identity theft.

The following guidelines will assist the School District in efforts to prevent student data breaches and guide the response and notification protocol should a student data breach occur.

Definitions

"Data Breach" is any instance in which there is an unauthorized release of or access to Personally Identifiable Information (PII) from student education records or other protected information about students not suitable for public release.

"Education Records" are records directly related to a student and maintained by an education agency or institution, or by a party acting on behalf of the agency or institution.

"Personally Identifiable Information (PII)" from education records includes information, such as a student's name or identification number, that can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information. PII includes an individual's name, identification number, social security number, date and place of birth, mothers' maiden name, biometric records, etc.

Also refer to Regulation #7240R -- [Access to Student Records](#) for additional definitions and information related to student records and FERPA.

Prevention of Student Data Breaches
Incident Response Team

The District may choose to assemble an incident response team within the District to deal with possible data breaches. The team may designate a manager who will be in charge of incident response and at least one (1) other person who can assume authority in the absence of the manager. Staff will be notified of the team and the method of contact in the event of a breach. The team will also be available

to staff to answer questions and develop strategies to prevent and detect a breach. The team will establish roles and responsibilities, specify access credentials, work with the Superintendent to coordinate the flow of information, and manage the District's public message in the event of a breach.

Review Information Systems and Data

The District, in conjunction with appropriate staff (such as the Chief Information Officer, the Records Officer, and/or technology coordinator) will review information systems and data to identify where personally identifiable information (PII) is stored and used. The review may involve:

(Continued)

SUBJECT: STUDENT DATA BREACHES: PREVENTION, RESPONSE AND NOTIFICATION (Cont'd.)

- 1) Documenting what PII and other sensitive information is maintained by the District, where it is stored (including backup and archived data), and how it is kept secure;
- 2) Conducting regular risk assessments and evaluating privacy threats for the District;
- 3) Reviewing those approved for access to PII and/or other sensitive information and checking user activity status to determine which accounts should be deactivated after a pre-determined period of inactivity;
- 4) Reviewing separation of duties to help ensure integrity of security checks and balances;
- 5) Implementing mitigation controls designed to prevent and detect unauthorized access, theft, or misuse of PII and/or other sensitive data;
- 6) Implementing security controls, such as encryption of sensitive data in motion and at rest (where feasible); and
- 7) Regularly reviewing and updating data destruction policies to minimize the risk of data breaches through unauthorized access to archived records or computers that are no longer in use.

Monitor Sensitive Data Leakage and Loss

The District will also monitor for PII and other sensitive data leakage and loss. This may include:

- 1) Employing automated tools, such as intrusion detection and prevention systems, next generation firewalls, and anti-virus and anti-malware tools, to monitor and alert about suspicious or anomalous activity;
- 2) Using data loss prevention solutions to track the movement and use of information within the District's system, to detect and prevent the unintentional disclosure of PII and/or other sensitive data, for both data at rest and data in motion;
- 3) Conducting regular searches of the information system and physical storage areas to identify PII that may be outside of approved areas (i.e., scan networks for policy violations or occasionally police open areas for PII left unattended on desks);
- 4) Conducting internet searches to locate (and, whenever possible, remove) information that is already in the public domain or visible to the public; and
- 5) Periodically testing and checking privacy and information security controls (i.e., through the use of "real-life" exercises) to validate their effectiveness as part of a risk management program.

Conduct Privacy and Security Awareness Training

The District may conduct privacy and security awareness training. This may include:

- 1) Providing privacy and information security training on a recurring basis to appropriate staff involved in data-related activities;

(Continued)

SUBJECT: STUDENT DATA BREACHES: PREVENTION, RESPONSE AND NOTIFICATION (Cont'd.)

- 2) Posting and communicating privacy policies to parents, students, staff and other users (i.e., on the District Web page, on a bulletin board at the office, or through statements inserted in documents or emails, etc.); and
- 3) Clearly defining and making easily accessible processes for reporting privacy incidents and complaints.

Response to Student Data Breaches

In the event that information from student education records may have been compromised or inadvertently disclosed, the District may take one or more of the following steps suggested by the U.S. Department of Education, as deemed necessary under the particular circumstances. The following list is not meant to be linear or all inclusive:

- 1) Validate or confirm the data breach and determine exactly what information was compromised (i.e., names, addresses, social security numbers, ID numbers, credit card numbers, grades, and the like).
- 2) Assemble an incident response team to coordinate all aspects of the breach response.
- 3) Take steps immediately to determine affected devices, retrieve data, and prevent any further disclosures.
- 4) Identify all affected records and students. Locate, obtain, and preserve for examination all written and electronic logs and records applicable to the breach.
- 5) Determine how the incident occurred, including which school officials had control of and responsibility for the information that was compromised. Determine whether the incident occurred because of a lack of monitoring and oversight.
- 6) Determine whether institutional policies and procedures were breached, including organizational requirements governing access (user names, passwords, PINs, etc.); storage; transmission; and destruction of information from education records.
- 7) Conduct a risk assessment and identify appropriate physical, technological, and administrative measures to prevent similar incidents in the future.
- 8) Consult with the District's School Attorney to ensure compliance with any applicable federal, state and/or local laws or regulations related to data breaches, reporting or notification requirements.
- 9) Report the incident to law enforcement authorities if criminal activity is suspected. If law enforcement is involved, coordinate investigations and evidence collection to avoid compromising outcomes.

(Continued)

SUBJECT: STUDENT DATA BREACHES: PREVENTION, RESPONSE AND NOTIFICATION (Cont'd.)**Notification of Student Data Breaches**

In the event of a student data breach, the District will determine whether notification is warranted or required and when it should be made, pursuant to federal, state, and local laws. If the compromised data includes student social security numbers in combination with other identifying information that could lead to identity theft, the District may directly notify affected students and/or their parents of the breach and notify students and their parents that the U.S. Education Department's Office of Inspector General maintains a website describing steps students may take if they suspect they are a victim of identity theft at: <http://www.ed.gov/about/offices/list/oig/misused/idtheft.html> and <http://www.ed.gov/about/offices/list/oig/misused/victim.html>.

The District shall maintain a record of each incident of data disclosure in accordance with 34 CFR 99.32 (a)(1).

Consider Notification of FPCO and PTAC

The incident response team may consider notifying the Family Policy Compliance Office (FPCO) about the breach. The FPCO can assist School Districts by helping to determine the potential for harm from the release of the information. The incident response team may also consider seeking technical assistance from the Privacy Technical Assistance Center (PTAC) for support with security and breach prevention. Additional information from PTAC is available at www.ed.gov/ptac.

If the breach involves student data protected under state law, or data other than student educational records, refer to Regulation #5678R -- Data Breach Investigation and Notification Process.

NOTE: *A portion of the above guidelines have been adapted from the "Data Breach Response Checklist" from the U.S. Education Department's Privacy Technical Assistance Center. This information should be used as a general guide, and is meant to be customized to the School District's unique operational security needs in consultation with appropriate legal counsel.*

POLICY

2018

7250

Students

SUBJECT: CHALLENGE POLICY (HIGH SCHOOL)

According to the Commissioner's Regulations, Section 100.5(d)(l), a student may earn a maximum of 6 ½ units of credit for either a Regents or local diploma without completing units of study for units of credit. The Board shall direct the Superintendent to develop administrative regulations to implement this policy.

Adopted by BOE 2/27/18

POLICY

2018

7310

Students

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board of Education of the Fabius-Pompey Central School District has adopted and implemented a written policy on school conduct and discipline designed to promote responsible student behavior. This policy was developed locally in consultation with teachers, administrators, other school service professionals, students and parents/legal guardians, and includes:

- a. A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b. A discipline code for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such code, that is publicized and explained to all students and provided in writing to all parents/legal guardians on an annual basis. Such code shall describe the roles of teachers, administrators, Board of Education members and parents/legal guardians;
- c. Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with section 2801 of the Education Law and accepted principles of due process of law;
- d. Procedures within each building to involve student service personnel, administrators, teachers, parents/legal guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, the policy includes procedures for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e. Alternative educational programs appropriate to individual student needs;
- f. Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with section 3214 of the Education Law; and Guidelines and programs for staff education to ensure effective implementation of school policy on school conduct and discipline.

The Board of Education will review this policy on school conduct and discipline annually and amend it when appropriate. The policy shall be filed in each school building, and shall be available for review by any individual.

Commissioner's Regulations Section 100.2(1)

Adopted by BOE 2/27/18

SUBJECT: DISCIPLINE

- 1) All employees must constantly promote an honest and open communication system which involves students, parents, all other employees, and the community-at-large. Such a system can result in a mutual understanding of the rights and responsibilities which belongs to each and a more pleasant and successful climate can be created.

One means by which communication will be enhanced is through each school distributing handbooks for students, parents and faculty. Such handbooks clearly define the law, Board of Education policy, and administrative regulations as well as provide guidelines for the development of self discipline and the maintenance of order. The content of such handbooks must be consistent throughout the District, yet recognize the need for which it is intended. All policy and regulations pertaining to discipline and student behavior must be contained therein and distributed and reviewed annually.

- 2) Administrators and faculty must constantly seek to provide alternative educational programs and facilities to respond to the needs of the disruptive student.
- 3) Students must be properly supervised at all times by the proper individual charged with this responsibility, i.e. teacher, bus driver, etc. If at any time it is necessary for the individual to be away from the students, the responsible individual must make proper arrangements to ensure temporary supervision.
- 4) Building administrators are responsible for enforcing the laws, policies and regulations to ensure appropriate student behavior and a conducive educational climate. In turn, the teachers are responsible to maintain appropriate student behavior in their classrooms and throughout their school. Classrooms and schools should be so administered that at all times the objectives of training for self-discipline, individual responsibility and favorable climate for learning might be realized.
- 5) When a discipline problem occurs, the teacher should exhaust all possibilities and resources available to him/her for its solution. Finding this unsuccessful, the teacher needs to seek further assistance through the administration of the school. All parties to the problem, i.e. student, teacher, parents, administrators, guidance, must be involved as early and as completely as is necessary to resolve it. All problems are to be dealt within a firm, fair, legal and timely manner.
- 6) The building administrator and staff must make every reasonable effort to assist students to adjust properly, using to good advantage their experience and knowledge of child growth and development. Depending on the nature of the case, they may discipline the student directly in relation the offense; they may call in the parents for a conference; they may refer the case for the attention of the support personnel; or they may use a combination of these procedures - as well as other resources or techniques - in accordance with their best judgment.
- 7) Administrators, teachers and counselors are to contact and involve the parents as early as possible in the resolution of a problem. This is of extreme importance, as parents can exert the most influence on the student in helping him/her adjust to school. Parents are expected to cooperate with the schools in working toward a solution to the problem.

(continued)

SUBJECT: DISCIPLINE (continued)

- 8) Whenever possible, administrators and teachers throughout the District are to adhere to the following for dealing with student misbehavior:
- a. The teacher must exhaust all resources in dealing with a problem. This means that there must be at least one or more private conferences between the teacher, the student, and the parent(s), to attempt to resolve the problem. The administrator and/or counselor should be informed of the problem.
 - b. The teacher may consider detaining the student after school for a conference and assistance, and parents are to be notified. Such detention may be scheduled for the following day from the infraction in order to inform parents and provide transportation.
 - c. The teacher should refer a student to the administrator and/or counselor for a conference and/or corrective measures. Parents are to be notified by school authorities and involved in the resolution of the problem.
 - d. The continuation of the student's misbehavior can result in the following:
 - (1) Required parent conference.
 - (2) Placement of student in an alternative program (a program for secondary students who are denied attendance in the regular day school). Parents must be notified and parent conference is required.
 - (3) Suspension out of school by building principal for a period of time not to exceed five (5) days. Parents must be notified within 24 hours, and parent conference is required.
 - e. A student may be suspended:
 - (1) Who is insubordinate or disorderly, or whose conduct otherwise endangers the safety, morals, health and welfare of others, OR
 - (2) Whose physical or mental condition endangers the health, safety or morals of himself/herself or of other minors.
 - (3) a. When a student is suspended from school for a period of five days or less, administration shall immediately notify the parents/legal guardians in writing that the student has been suspended. Notice will be sent to the last known address of the student's parents/legal guardians in such manner as to assure receipt of the notice within 24 hours of the student's suspension. Where possible, notification shall also be provided by telephone.
b. The notice shall describe the incident(s) which resulted in the suspension and shall inform the parents/legal guardians 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 informal conference shall be in the dominant language or mode of communication used by the parents/legal guardians.
 - (4) Suspension out of school by the Superintendent of Schools for a period of time exceeding five (5) days. Parents must be notified, presumably by telephone and registered mail, that prior to the suspension in excess of five days, the parent and student shall have the right to a hearing. At such hearing, the student shall have the right to be represented by an attorney, the right to present witnesses and/or other evidence on his/her own behalf, and the right to cross examine witnesses against him/her.
 - (5) When a student has been suspended and is compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

(continued)

SUBJECT: DISCIPLINE (continued)

- (6) The notice of the hearing must advise the student of the grounds for the charges in specific enough terms to enable him/her to anticipate reasonably the subject content of the proposed hearing and to prepare a defense.
- (7) The student should be allowed to remain in school prior to the hearing unless his/her presence in school poses a clear danger to his/her physical or emotional safety, to other students, faculty or institutional property, or to the continuation of the learning process.
- (8) At the hearing, persons having direct knowledge of the facts should be called to testify. Hearsay evidence alone is not sufficient. There must be some direct evidence of guilt of the charges. As in court, the burden of providing guilt rests upon the administrator making the charge, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved. The student may testify in his/her own behalf, and is free to cross-examine witnesses against him/her.
- (9) The administrator bringing the charges must furnish the Superintendent of Schools with all records and written report on the facts and charges.
- (10) Both the Superintendent of Schools and the Board of Education are authorized to appoint a hearing officer to conduct disciplinary hearings. The report of the hearing officer is advisory only, and the Superintendent of Schools or Board of Education may accept or reject all or any part of such report.
- (11) A stenographic record and/or tape recording should be made of the entire hearing. The student should be provided a copy upon his/her written request.
- (12) Any decision by the Superintendent of Schools can be appealed to the Board of Education, and from the Board of Education to the Commissioner of Education, or through the courts.

If a suspended student is under the compulsory attendance age, the Board of Education must provide alternative instruction for him/her.
- 9) Building administrators and/or the Transportation Supervisor are empowered to suspend bus transportation privileges of students who are disorderly or insubordinate. The parents in these cases are then responsible for the safe transportation of their children to and from school.
- 10) Student discipline records are to be maintained by building administrators, but all data more than four year old should be destroyed.
- 11) The use of the term "corporal punishment" in this regulation shall be defined as any act of physical force upon a pupil for the purpose of punishing that pupil. Corporal punishment is prohibited. However, reasonable physical force can be used for any of the following purposes:
 - a. To protect oneself from physical injury;
 - b. To protect another pupil or teacher or any other person from physical injury;
 - c. To protect the property of the school or of others; or
 - d. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of School District functions, powers or duties, if that pupils has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

(continued)

SUBJECT: DISCIPLINE (continued)

Any use of corporal punishment must be reported both verbally and in writing just as soon as possible to the individual's immediate supervisor. Such report must include all necessary facts leading to the use of corporal punishment as the means of correcting the problem. Any use of corporal punishment or any complaint of such use must be investigated by appropriate personnel of the District and written report submitted to the Superintendent.

- 12) Suspension of a student with a disability for longer than five days is viewed as a "change in placement" and cannot take place without appropriate involvement of the District Committee on Special Education.

When a student with a disability is referred in writing to the District Committee on Special Education for disciplinary infractions which would result in long term suspension, the referral shall document the infractions and request an immediate District Committee on Special Education meeting.

The District Committee on Special Education meeting will be held within five days of the first day of suspension to determine:

- a. Whether the student's behavior was related to the disability.
- b. Whether the student's behavior presents a serious danger to himself/herself or others.
- c. Whether the student's classification, placement, and/or program, needs to be changed to better meet the student's needs.

Where the District Committee on Special Education determines that the student's actions are related to his/her disability, the Committee must provide alternate placement and/or program changes. If the District Committee on Special Education determines that the behavior is not related to the disability, disciplinary action will be determined by normal disciplinary procedures.

In all cases, the due process rights pertaining to the placement of a child with a disability and the due process rights pertaining to suspension of a student will be granted to the student and his/her parents.

- 13) Smoking by students in and on school property shall be prohibited. The Board of Education supports a strong anti-smoking program within the school curriculum.
- 14) Board of Education policy, administrative regulations and guidelines are to be given wide dissemination. This is necessary so that all parties involved -- students, parents, teachers and administrators -- will know what is expected of them.

Early Identification and Resolution of Student Discipline - Problems

Pupil service personnel, administrators, teachers, and others should communicate about students when they believe such students present a possible discipline problem. Appropriate personnel will conduct an investigation of the reports and/or communicate, which may include conferences with the student, parents, teachers, other pupil service personnel or others, as he/she deems appropriate for the early identification and resolution of the suspected problem. If an administrator suspects that the problem may be a manifestation of a disability, he or she will refer the matter to the Committee on Special Education in the manner prescribed by 200.4 of the Commissioner's Regulations and by District policy.

The Superintendent will direct the development of any forms necessary for the implementation of this regulation after consulting with each building principal.

(continued)

SUBJECT: DISCIPLINE (continued)**Discipline Code for Students**

Students must conduct themselves at all times in the following manner:

- 1) So as not to interfere with the teaching/learning process or the orderly operation of the school;
- 2) So as to obey laws and rules to respect others and the property of others;
- 3) So as to maintain courteous relations with teachers and fellow students;
- 4) So as to assume responsibility for themselves, their conduct and their learning;
- 5) So as to maintain an excellent attendance record to class and school by avoiding unnecessary absence or tardiness;
- 6) So as to make a sincere effort to always perform in the best manner possible.

The following list of student misbehaviors, though not intended to be all-inclusive, is cause for disciplinary action by school authorities:

1. Possession, use, distribution or sale of drugs on school grounds or at school events;
2. Possession, use, or sale of alcohol on school grounds or at school events;
3. Disrespectfulness;
4. Physical assault on teachers, students or school employees;
5. Vandalism;
6. Truancy or excessive tardiness;
7. Fighting;
8. Stealing;
9. Disobedience;
10. Continual disruptive misbehavior;
11. Profane and/or obscene language or actions;
12. Storing, possessing or carrying dangerous weapons;
13. Endangering another or impugning another's rights;
14. Continual unexcused absenteeism;
15. Intimidation;
16. Extortion;
17. Immorality;
18. Acts of violence;
19. Forgery;
20. Arson;
21. Continual infractions of school rules;
22. Dishonesty ;
23. Insubordination;
24. Smoking in unauthorized places.

A student may be suspended from school or subjected to other disciplinary action when the student:

- 1) Engages in conduct which is:
 - a. Disorderly, .e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, by:
 - (1) Fighting or engaging in violent behavior;
 - (2) Making unreasonable noise;
 - (3) Using abusive or obscene language or gestures;

(continued)

SUBJECT: DISCIPLINE (continued)

- (4) Obstructing vehicular or pedestrian traffic; or
- (5) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose; or
- (6) Vandalizing school property or property of others;
- (7) Stealing.
- b. Insubordinate, i.e. failing to comply with the lawful directions of a teacher, school administrator or other school employee in charge of the student, or
- 2) Endangers the safety, morals, health or welfare of others by any act, including but not limited to:
 - *a. Selling, using or possessing alcohol, drugs, or other controlled substances or drug paraphernalia;
 - *b. Selling, using or possessing weapons, fireworks, or other dangerous instruments or contraband;
 - c. Selling, using or possessing obscene materials
 - d. Using profane, vulgar or abusive language (including ethnic slurs);
 - e. Smoking in non-designated areas;
 - f. Gambling;
 - g. Hazing;
 - h. Engaging in lewd behavior, or any behavior unbecoming young adults in a public school, i.e. excessive display of affection, or

*A violation of this nature is severe enough to automatically warrant a suspension.
- 3) Engages in any of the following forms of academic misconduct:
 - a. Lateness for, missing or leaving school or class without permission or excuse;
 - b. Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion), or
 - c. Plagiarism, or
- 4) Engages in conduct violating the Board's rules and regulations and local laws for the maintenance of public order on school property.

The range of disciplinary measures which may be imposed by staff and/or administration for violations of the student disciplinary code include the following:

- 1. Verbal warning;
- 2. Written warning;
- 3. Written notification to parents;
- 4. Counseling;
- 5. Probation;
- 6. Reprimand;
- 7. Detention;
- 8. In school suspension;
- 9. Suspension from transportation;
- 10. Suspension from athletics participation;
- 11. Suspension from social or extra curricular activities;
- 12. Suspension of other privileges;
- 13. Exclusion from a particular class;
- 14. Involuntary transfer;
- 15. Suspension from school.

(continued)

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Students

SUBJECT: DISCIPLINE (continued)

Depending upon the nature of the violation, it is the Board's desire that student discipline be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the Board's desire that the staff member/administrator take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination.

These regulations and penalties are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

Student Disciplinary Proceedings

- 1) Any teacher, administrator, Board member, parent or other person may report a violation of the student disciplinary code to the building principal or designee. The principal or designee will then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the Committee on Special Education, as he/she deems necessary.
- 2) Any teacher may detain a student without first referring the case to a building administrator. The teacher must give the student notice of the reasons for the detainment and an opportunity to discuss these reasons.
- 3) This regulation and the Board's rules and regulations for the maintenance of public order on school property will be publicized and explained by the teaching staff to all students and provided in writing to all parents on an annual basis. In order to insure the effectiveness of this student disciplinary code, the Board of Education requests the continuing assistance of parents in explaining and enforcing the code.

Professional Staff Development Opportunities for Effective Application of the Discipline Policy and Regulations

Continuing professional growth and increasing effectiveness on the part of the entire staff are essential for the success of educational programs and the effective application of the school conduct and discipline policy and regulations. In-service programs, to familiarize the professional staff with the provisions and purposes of this policy and regulations, shall be conducted in each school of the District by the principal or other appropriate administrator at least annually. The professional staff shall be encouraged to make use of available in-service opportunities. Such opportunities shall include, within budgetary limitations, special in-service courses and workshops, summer study grants, school visitations, and attendance at professional conferences and meetings.

The Superintendent will have the authority to approve released time for conferences and visitations, and reimbursements for expenses, provided such activities are within budget allocations.

NOTE: Refer also to Regulations #7313R -- Guidelines Leading To Suspension, #7313R. 1 -- Superintendent's Hearing and #7615R -- Disciplinary Guidelines For Students With Disabilities.

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Students

SUBJECT: STAFF AWARENESS AND IN-SERVICE

The following guidelines should be used to insure the effective implementation of school policy on conduct and discipline.

- 1) It will be the responsibility of all administration to meet with their staff during the first month of the school year to review the District's policies on conduct and discipline.
- 2) Administrators should continue to meet with their staff on a semester basis throughout the school year to review the discipline efforts as stated in the written policy.
- 3) Administrators should meet with individual staff members, grade level staff, or by department throughout the year in order to provide them with assistance in implementing the District's policy. These meetings should focus upon problems that are unique to that department or grade level with emphasis being placed upon strategies leading to solutions.
- 4) A formal review of the policy should take place at the end of each school year. Each administrator should be responsible for such a review with his or her personal staff. The administrator should make recommendations for any changes in policy to the Board of Education.
- 5) The administrator will inform all substitute teachers and new staff members of the school conduct and discipline code.
- 6) There will be periodic meetings with bus drivers to review and discuss the implementation of school policy on conduct and discipline.

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 (10) and under the age of eighteen (18) where such 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.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed \$5,000. Under certain circumstances, prior to the entering of a judgment in the sum total of \$500.00 or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of \$500.00, and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than \$500.00.

False Reporting of an Incident and/or Placing a False Bomb

A school 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 (10) and under the age of eighteen (18) where such 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 shall mean the funds reasonably expended by the School District in responding to such 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 enumerated in law.

In seeking restitution, the School District shall file with the court, 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 covered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112
Penal Law Section 60.27

POLICY

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Students

SUBJECT: STUDENT DRESS CODE

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire is not destructive to school property, complies with requirements for health and safety, and does not interfere with the educational process. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, white socks, shorts, tee shirts, they may not prescribe a specific brand which students must buy.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy.

Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a. Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b. Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c. Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Student Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

Title IX of the Education Amendments of 1972, 20 United States Code (U.S.C.) Section 1681 et seq.
34 Code of Federal Regulations (C.F.R.) Section 100 et seq.
Title VII of the Civil Rights Act of 1964, 42 United States Code (U.S.C.) Section 2000e et seq.
The Civil Rights Act of 1991 42 United States Code (U.S.C.) Section 1981(a)
29 Code of Federal Regulations (C.F.R.) Section 1604.1 1 (a)
Executive Law Sections 296 and 297

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

The District has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors and/or vendors. The Board of Education shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented 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 shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

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 Code of Conduct shall include, at a minimum, the following:

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board of Education and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:
 - 1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
 - 2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated School District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)(c) or the period of removal expires, whichever is less;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- g) Provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function pursuant to clause (b) of this subparagraph;
- h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;
- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

- o) 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 such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;
- p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and
- r) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

The District's Code of Conduct shall be adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The Fabius-Pompey CSD Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its Code of Conduct and the District's response to Code of Conduct violations. The School Board shall reapprove any updated Code of Conduct or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its Code of Conduct and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

(Continued)

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY (Cont'd.)

The Board of Education shall 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 to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

Privacy Rights

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 801-a, 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 NYCRR Section 100.2(l)(2)

NOTE: Refer also to *District Code of Conduct on School Property*

Adopted by BOE 2/27/18

SUBJECT: DEVELOPMENT GUIDELINES FOR CODES OF CONDUCT ON SCHOOL PROPERTY

The School District has developed and will amend, as appropriate, a written Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors. The District shall further provide for the enforcement of such Code.

For purposes of this regulation and the implemented 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 as defined in Vehicle and Traffic Law Section 142; and a school function shall mean a school-sponsored extracurricular event or activity.

The District Code of Conduct has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel, and has been approved by the Board of Education.

The Code of Conduct shall include, at a minimum:

- 1) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property, including school functions; and conduct, dress and language deemed unacceptable and inappropriate on school property. Examples of potential items to be considered include:
 - a. Dress codes;
 - b. Bill of student rights and responsibilities (Refer also to #19 below).
- 2) Provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students, and visitors on school property, including school functions. Examples of potential items to be considered include:
 - a. Adoption of a Civility Policy;
 - b. Prohibition of swearing and/or use of abusive language;
- 3) The appropriate range of disciplinary measures which may be imposed for violation of such Code of Conduct.
- 4) The roles of teachers, administrators, other school personnel, the Board of Education, and parents/persons in parental relation to the student.
- 5) Standards and procedures to assure security and safety of students and school personnel.
- 6) Provisions for the removal from the classroom, and from school property and school functions, of students and other persons who violate the Code of Conduct. Examples of potential items to be considered include:
 - a. Grounds for teacher removal of "disruptive students" (as defined in accordance with Education Law and Commissioner's Regulations) from the classroom:
A "disruptive student" is defined as an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom (Refer also to #16 below.)
 - b. Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident by the teacher. However, no such "disruptive" student shall return to the classroom until the principal (or his/her designated School District administrator) makes a final determination, pursuant to Education Law Section 3214(3-a)(c) (see "c" below) or the period of removal expires, whichever is less.
 - c. The principal/designee shall not set aside the discipline imposed by the teacher unless the principal/designee finds that:
 1. The charges against the student are not supported by substantial evidence;
 2. The student's removal is otherwise in violation of law; or
 3. The conduct warrants suspension from school pursuant to Education Law and a suspension will be imposed.

(continued)

SUBJECT: DEVELOPMENT GUIDELINES FOR CODES OF CONDUCT ON SCHOOL PROPERTY (continued)

- d. Teachers are required to **immediately** report and refer "violent students" (as defined in accordance with Education Law) to the principal or Superintendent for a violation of the Code of Conduct and a minimum suspension period pursuant to Education Law Section 2801 (Refer also to #17 below.)
- 7) Disciplinary measures to be taken in incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, *harassment* and threats of violence.
- 8) Provisions for detention, suspension and removal of students from the classroom, consistent with the Education Law Section 3214 and other applicable federal, state, and local laws. Procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, *which shall include alternative educational programs appropriate to individual student needs.*
- 9) Procedures by which violations are reported and determined; and disciplinary measures imposed and carried out.
- 10) Provisions ensuring that the Code of Conduct, and its enforcement, are in compliance with state and federal laws relating to students with disabilities.
- 11) Procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime.
- 12) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations by their children.
- 13) Circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed.
- 14) Circumstances under and procedures by which referral to appropriate human service agencies shall be made.
- 15) Delineation of 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. However, the suspending authority may reduce the suspension period on a case by case basis consistent with any other state and federal law.
 - a. The determination of students who "repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom" shall be in accordance with definitions enumerated in Commissioner's Regulations. For purposes of this requirement:
"Repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher@) pursuant to Education Law Section 3214(3-a) and the provisions set forth in the Code of Conduct on four or more occasions during a semester, or three or more occasions during a trimester, as applicable.
- 16) Delineation of a **minimum** suspension period for acts that would qualify the student to be defined as a "violent student" pursuant to Education Law Section 3214(2-a)(a) and enumerated below. However, the suspending authority may reduce the suspension period on a case by case basis consistent with any other state and federal law.

Pursuant to Education Law, a "violent student" is defined as an elementary or secondary student

 - a. under 21 years of age who:
 - b. Commits an act of violence upon the teacher, administrator or other school employee;
 - c. Commits, while on School District property, an act of violence upon another student or any other person lawfully upon such property;

(continued)

SUBJECT: DEVELOPMENT GUIDELINES FOR CODES OF CONDUCT ON SCHOOL PROPERTY (continued)

- d. Possesses, while on School District property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
 - e. Displays, while on School District property, what appears to be a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing death or physical injury;
 - f. Threatens, while on School District property, to use any instrument that appears capable of causing physical injury or death;
 - g. Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other School District employee, or any person lawfully upon School District property; or
 - h. Knowingly and intentionally damages or destroys School District property.
- 17) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school shall 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.
- 18) *A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis.*
- 19) *Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline.*

The Code of Conduct has been adopted by the Board of Education only after at least one public hearing that provided for the participation of school personnel, parent/persons in parental relation, students, and any other interested parties.

Distribution of the Code of Conduct shall include, but not be limited to, the following methods of dissemination:

- a. Copies of a summary of the Code of Conduct shall be provided to all students at a general assembly held at the beginning of each school year.
- b. Copies of the Code of Conduct shall be made available to parents/persons in parental relation to students at the beginning of each school year.
- c. A plain language summary of the Code of Conduct shall be mailed to all parents/persons in parental relation to students **before** the beginning of each school year, and such summary of the Code shall be made available thereafter upon request.
- d. *Each existing teacher shall be provided with a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code, and new teachers shall be provided with a copy of the current Code upon their employment.*
- e. *Copies shall be made available for review by students, parents/persons in parental relation to students, non-teaching staff and other community members*
- f. The District shall further take reasonable steps to ensure community awareness of the Code provisions.

The District's Code of Conduct shall be reviewed by the Board of Education on an annual basis and updated as necessary, taking into consideration the effectiveness of Code provisions and the fairness and consistency of its administration. The District is authorized to establish a committee to facilitate the review of the Code of Conduct and the District's response to Code of Conduct violations.

Any such committee shall be comprised of similar individuals designated to develop the original Code of Conduct (see above).

The Board of Education shall re-approve any such updated Code of Conduct or adopt revisions only after at least one public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The District shall file a copy of its Code of Conduct and all amendments to the Code with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

*REQUIRED POLICY

SUBJECT: SUSPENSION OF STUDENTS

The Superintendent and/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.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

Suspension

Five Days or Less

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student may be suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parent/persons in parental relation.

Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parent/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/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 shall be in the dominant language or mode of communication used by the parent/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall 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 shall take place as soon after the suspension as is reasonably practical.

Teachers shall 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.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)More Than Five School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/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 shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall 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 weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) 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 such 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" shall be determined in accordance with the Regulations of the Commissioner.
- c. A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

Suspension of Students with Disabilities

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall 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 10 school days in a school year that do 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 (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, a manifestation determination must be made.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**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 (10) 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 shall 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.

The manifestation team shall review all relevant information in the student's file including the student's 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.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. 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 behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right of the parent/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 such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, 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.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself 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 under the jurisdiction of the District controlled substance while at school, on school premises, or 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 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 shall:

- 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
- b. Receive, as appropriate, a functional behavioral assessment 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 School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

(Continued)

SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**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 is to be considered as an act within the School 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 his/her designee.

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(I)]

18 United States Code (USC) Section 921 Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Sections 1400 et seq.

20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001

34 Code of Federal Regulations (CFR) Part 300 Education Law Sections 2801.3214 and 4402

Penal Law Section 265.01 8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2) and Part 201

SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS

- 1) Keep careful records of all violations of school regulations. This should include names, dates, circumstances, investigation and disposition.
- 2) Utilize support personnel to find ways of helping the student and/or parents/person(s) in parental relation to solve the problem (teachers, guidance, psychologists, social worker, attendance officer, etc.).
- 3) Utilize all school and community agencies which might prove helpful.
- 4) Record all attempts to deal with problems, including conferences with parents/person(s) in parental relation, teacher observations, record of referrals to other personnel and agencies and their reports.
- 5) Teachers shall 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.
- 6) A student may be suspended:
 - a. Who is insubordinate or disorderly, or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health and welfare of others, OR
 - b. Whose physical or mental condition endangers the health, safety or morals of himself/herself or of other minors.
- 7) When the principal has exhausted all available alternatives and resources and feels that the student's continued presence in school would constitute a threat or danger to himself/herself or other students or that the student is "violent and/or disruptive" as defined in accordance with law and Commissioner's Regulations, the matter should also be referred to the Superintendent of Schools.
 - a. A "violent student" is defined in Education Law Section 3214(2-a) as an elementary or secondary student under twenty-one (21) years of age who:
 - 1) Commits an act of violence upon a teacher, administrator or other school employee;
 - 2) Commits, while on School District property, an act of violence upon another student or any other person lawfully upon said property;
 - 3) Possesses, while on School District property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
 - 4) Displays, while on School District property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
 - 5) Threatens, while on School District property, to use any instrument that appears capable of causing physical injury or death;
 - 6) Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other School District employee or any person lawfully upon School District property; or
 - 7) Knowingly and intentionally damages or destroys School District property.Teachers are required to **immediately** report and refer violent students to the principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period pursuant to Education Law Section 2801. However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.
 - b. A "disruptive student" is defined in Education Law Section 2801 as an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS

As further enumerated in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by the teacher(s) pursuant to Education Law and the provisions set forth in the *District's Code of Conduct* on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable.

Pursuant to the *District's Code of Conduct*, a minimum suspension period shall be established for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom. However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

Suspension: Five School Days or Less

- 1) When the Superintendent or the principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension. When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may* be suspended from school.
- 2) Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.
- 3) Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/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 shall be in the dominant language or mode of communication used by the parent/person in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.
- 4) The notice and opportunity for informal conference shall 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 shall take place as soon after the suspension as is reasonably practical.
- 5) Regardless of the length of a student's suspension, if a parent/person in parental relation wishes to appeal the suspension of such student by the principal and/or Superintendent, such appeal must be made to the Board of Education, if necessary, prior to commencing an appeal to the Commissioner of Education.

Procedure after Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education 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.

SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM**Disruptive Students**

In accordance with Education Law, Commissioners Regulations and the District's Code of Conduct, teachers shall have the power and authority to remove disruptive students from their classrooms consistent with discipline measures contained in the Code of Conduct. The term "disruptive student," as defined pursuant to law, shall refer to an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Further, teachers shall abide by the provisions of the District's Code of Conduct with regard to the utilization of alternative classroom management techniques and student intervention services, as may be applicable and appropriate to the specific circumstances, prior to removal of the student from the classroom. Additionally, teachers shall have the authority to remove disruptive students from the classroom for each incident for a period of time no greater than as enumerated in the Code of Conduct.

Teachers must inform the student and the school principal/designee of the reasons for the removal.

- a. In most instances, the teacher shall, prior to removing the disruptive student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events.
- b. If the teacher finds that the disruptive student's continued presence in the classroom poses a continuing danger to persons or property or presents an ongoing threat of disruption to the academic process, the teacher shall provide the student with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four (24) hours of the student's removal.

No disruptive student shall return to the classroom until the principal/designee makes a final determination regarding the discipline imposed by the teacher as outlined in administrative regulations and pursuant to the provisions enumerated in Education Law Section 3214(3-a) or the period of removal expires, whichever is less. The District will ensure the provision of continued educational programming and activities for students removed from the classroom by a teacher.

The principal/designee shall inform the parents/person in parental relation to such student of the removal and shall, upon request, provide the student and the parent/person in parental relation an opportunity for an informal conference to discuss the reasons for the removal in accordance with the procedures enumerated in law. As applicable, the principal/designee shall render a determination regarding the discipline imposed by the teacher in accordance with the requirements mandated pursuant to law and/or regulation.

This policy, in accordance with statutory mandates, does not authorize removal of a student in violation of any state or federal law or regulation (e.g., IDEA, Section 504 of the Rehabilitation Act of 1973). It shall be the responsibility of the building principal/designee to ensure that teacher removal of students from the classroom complies with applicable laws and regulations.

Violent Students

Teachers are required to immediately report and refer a violent student, as defined pursuant to Education Law, to the principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period as determined by such Code, unless otherwise reduced by the suspending authority on a case by case basis to be consistent with any other state and federal law.

Education Law Sections 2501 and 3214 8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(2) and Part 201 Individuals with Disabilities Education Act (IDEA),
20 United States Code (U.S.C.) Sections 1400-1485
34 Code of Federal Regulations (CFR) Part 300 Section 504 of the Rehabilitation Act of 1973,
29 United States Code (U.S.C.) Section 794 et seq.

SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM**Disruptive Students**

Teachers shall have the power and authority to remove disruptive students from their classrooms consistent with discipline measures contained in the District's Code of Conduct. Additionally, teacher authority to remove disruptive students from the classroom for each incident shall be for a period of time no greater than as enumerated in the Code of Conduct. As defined pursuant to Education Law, the term "disruptive student" shall refer to an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Teachers must abide by the provisions of the Code of Conduct with regard to the utilization of alternative classroom management techniques and student intervention services, as may be applicable and appropriate to the specific circumstances, prior to removal of the disruptive student from the classroom. As a general rule, discipline will be progressive, so that a student's first violation will usually warrant a less severe disciplinary action, if any, than subsequent violations.

Student removal from the classroom for disciplinary reasons by the teacher applies to the class of the removing teacher only.

No disruptive student shall return to the classroom until the principal makes a final determination (see subheading below *"Reversal of Teacher"*), or the period of removal expires, whichever is less.

The District shall ensure the provision of continued educational programming and activities *by a certified teacher* for students removed from the classroom by a teacher for disciplinary reasons. Such continued educational programming and activities shall be provided in an alternate setting until the student is permitted to return to the classroom. Further, in accordance with statutory mandates, neither District policy nor administrative regulations authorize the removal of a student in violation of any state or federal law or regulation (e.g., IDEA, Section 504 of the Rehabilitation Act of 1973). The building principal/designee will be responsible for ensuring that teacher removal of disruptive students from the classroom complies with applicable laws and regulations. (Refer also to subheading below entitled *"Special Rules Regarding Disciplinary Removals of Students with Disabilities."*)

Each teacher must keep a complete log of all cases of disciplinary removals of disruptive students from his or her classroom. The building principal/designee must keep a building log of such disciplinary removals of students from the classroom by teachers.

Procedures

- 1) Teachers must inform the disruptive student and the school principal/designee of the reasons for the removal from class.
 - a. If the teacher finds that the disruptive student's continued presence in the classroom not pose a continuing danger to persons or property or does not present an ongoing threat of disruption to the academic process, the teacher shall, prior to removing the student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events.
 - b. If the teacher finds that the disruptive student's continued presence in the classroom does pose a continuing danger to persons or property or presents an ongoing threat of disruption to the academic process, the teacher shall provide the student with an explanation of the basis for the removal and informal opportunity to be heard within twenty-four (24) hours of the student's removal.

(continued)

SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM

- c. The teacher shall complete a District-established form addressing disciplinary removal from the classroom by the teacher and shall meet with the principal/designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the disciplinary removal of the student from the classroom and to present the removal form. If the principal/designee is not available by the end of the same school day, the teacher must leave the form with the principal's secretary and meet with the principal/designee prior to the beginning of classes on the next school day.
- 2) Within twenty-four (24) hours of the student's disciplinary removal from the classroom, the principal/designee must notify the student's parents/person in parental relation that the student has been removed from the classroom and state the reasons why. This twenty-four (24) hour notification of the student's removal must also inform the parents/person in parental relation that he/she has the right, upon request, to meet informally in conference with the principal/designee to discuss the reasons for the removal. The twenty-four (24) hour notification, if by telephone or in person, will be immediately followed by a written notice.
- 3) The principal/designee may require the teacher who ordered the removal of the student to attend the informal conference, provided that such teacher attendance is in accordance with applicable contractual requirements or such attendance is requested- by the teacher.
- 4) If, at the informal conference, the student denies the charges, the principal/designee must explain why the student was removed from the classroom and allow the student and/or parents/person in parental relation an opportunity to present the student's version of relevant events. The informal hearing must be held within forty-eight (48) hours of the student's removal by a teacher, unless otherwise extended as authorized permitted in accordance with law or regulation.

Reversal of Teacher

The principal/designee shall not set aside the discipline (i.e., removal from the classroom) imposed by the teacher unless the principal/designee finds that:

- 1) The charges against the student are not supported by *substantial evidence*;
- 2) The student's removal is otherwise in violation of law or the District's Code of Conduct; or
- 3) The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.

The principal/designee's determination regarding setting aside the discipline imposed by the teacher, as may be applicable, shall be made by the close of business on the day following the forty-eight (48) hour period for an informal hearing. No student removed from the classroom for disciplinary reasons by the teacher will be permitted to return to such classroom until the principal/designee makes a final determination as enumerated above, or the period of removal expires, whichever is less.

Violent Students

As defined pursuant to Education Law, the term "violent student" shall refer to an elementary or secondary student under twenty-one (21) years of age who:

- 1) Commits an act of violence upon a teacher, administrator or other school employee;
- 2) Commits, while on School District property, an act of violence upon another student or any other person lawfully upon such property;
- 3) Possesses, while on School District property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- 4) Displays, while on School District property, what appears to be a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing death or physical injury;

(continued)

SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM

- 5) Threatens, while on School District property, to use any instrument that appears capable of causing physical injury or death;
- 6) Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other School District employee, or any other person lawfully upon School District property; or
- 7) Knowingly and intentionally damages or destroys School District property.

Teachers are required to **immediately** report and refer violent students to the principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period as determined by such Code of Conduct, pursuant to Education Law and Commissioner's Regulations. However, the suspending authority may reduce the suspension period on a case by case basis to be consistent with any other state and federal law.

Special Rules Regarding Disciplinary Removals of Students with Disabilities

The District recognizes that, while it may be necessary to remove students with disabilities from the classroom for disruptive behavior, students with disabilities are guaranteed certain procedural protections by both federal and state law and regulation whenever school authorities intend to impose discipline upon them. Disciplinary removal of a student with a disability, or a student presumed to have a disability for discipline purposes, shall be in accordance with procedures as enumerated in the District's Code of Conduct and/or as expressly afforded by applicable federal and state law and regulation.

The procedures relating to the discipline of students with disabilities, as well as to those students presumed to have a disability for disciplinary purposes, require all school personnel with authority to suspend or remove students to work closely with the Committee on Special Education (CSE), establishing clear guidelines for communication and decision making on disciplinary matters. Specific questions regarding the discipline of students with disabilities, including teacher removal of disruptive students from the classroom, should be referred to the principal/designee and/or the Chairperson of the CSE, as appropriate.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Therefore, teachers, school officials and/or the CSE, as applicable, should share appropriate information regarding the disciplinary history of students with disabilities to ensure that the removal will not violate the student's rights under state or federal law or regulation.

In addition to continued educational programming and activities, students -with disabilities who are removed from the classroom may be entitled to receive additional educational services during the period of removal to ensure receipt of a free appropriate public education (FAPE), to the extent required by federal and state law and regulations.

SUBJECT: ALCOHOL, DRUGS, AND OTHER SUBSTANCES (STUDENTS)**Introduction**

The Board of Education of the Fabius-Pompey School District is committed to the prevention of alcohol, tobacco, and other substance use/abuse. This policy describes the philosophy of the District and the program elements the District will use to promote healthy life styles for its students and staff and to inhibit the use/abuse of alcohol, tobacco, and other substances.

No person may use, possess, sell or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school sponsored events, except drugs as prescribed by a physician. The terms "alcohol and other substances" shall be used throughout this policy to refer to the use of all substances including, but not limited to, alcohol, tobacco, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, lookalikes, and any of those substances commonly referred to as "designer drugs." The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Additionally, the following persons shall be prohibited from entering school grounds or school -sponsored events: any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol or other substances.

This policy will be reviewed on a biennial basis to determine its effectiveness, to implement changes as needed, and ensure that the sanctions are consistently enforced.

Philosophy

The District will use the following principles as guides for the development of its substance use/abuse prevention efforts and for any disciplinary measures related to alcohol and other substances:

- a. Alcohol, tobacco, and other substance use/abuse is preventable and treatable.
- b. Alcohol and other substance use/abuse inhibits the District from carrying out its central mission of educating students.
- c. The behavior of the Board of Education, the administration, and all school staff should model the behavior asked of students.
- d. While the District can and must assume a leadership role in alcohol, tobacco, and other substance use/abuse prevention, this goal will be accomplished only through coordinated, collaborative efforts with parents, students, staff, and the community as a whole.

Prevention Curriculum

The intent of primary prevention programming is to prevent or delay the onset of alcohol, tobacco, and other substance use by students. The components of this programming shall include:

- a. A sequential K-12 prevention curriculum that provides for:
 1. Accurate and age-appropriate information about alcohol, tobacco, and other substances, including the physical, psychological, and social consequences of their use/abuse.
 2. Information about the relationship of alcohol and other substance use/abuse to other health-compromising issues such as AIDS, teenage pregnancy, eating disorders, child abuse, suicide, and dropping out of school.
 3. Helping students develop appropriate life skills to resist the use of alcohol and other substances and to promote healthy lifestyles.
 4. Helping students identify personal risk factors for alcohol and other substance use/abuse and the steps needed for risk reduction.

(Continued)

SUBJECT: ALCOHOL, DRUGS, AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)

- b. Training school staff, parents, and guardians to use the information and skills necessary to reinforce the components of this policy in the home, school, and community.
- c. Community education about the issues of alcohol, tobacco, and other substance use/abuse as a basis for providing a consistent message to district youth.
- d. Positive alternatives to alcohol and other substance use/abuse, such as peer leadership programs, service projects, and recreational and extracurricular activities. Such activities will be planned collaboratively by students, school staff, parents, community members, and agencies.

Intervention and Aftercare

The intent of intervention programming is to eliminate any existing use/abuse of alcohol and other substances, and to identify and provide supportive services to kindergarten through 12th grade students at high risk for such use/abuse. The components of such programming shall include:

- a. Providing alcohol and other substance use/abuse assessment and counseling services for students.
- b. Developing a referral process between District schools and community providers.
- c. Identifying and referring students to appropriate agencies when their use/abuse of alcohol and/or other substances requires counseling/treatment.
- d. Providing services to students in or returning from treatment to assure that the school environment supports the process of recovery initiated in the treatment program.
- e. Providing individual, group, and family counseling on a short term basis with a referral component for students at high risk for alcohol and/or other substance use/abuse.
- f. Educating parents on when and how to access the District's intervention services.
- g. Confidentiality.

Disciplinary Measures

Disciplinary measures for students found to have used or to be using, in possession of, selling, or distributing alcohol and/or other substances and for students possessing drug paraphernalia are outlined in the District's Code of Conduct. Similar disciplinary measures for District staff are addressed in Education Law Sections 913, 1711 (5)(e), 2508 (5), and 3020-1.

Students who are disciplined for any of these infractions will be mandated to the intervention services established by this policy, or, in the case of District staff, will be referred to the Employee Assistance Program.

SUBJECT: ALCOHOL, DRUGS, AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)**Staff Development**

The Board recognizes that if the administrative, instructional, and non-instructional staff are to be responsible for understanding, implementing, and modeling this policy, they must be trained about the components of an effective alcohol and other substance prevention program. Staff training will be an on-going process including the following:

- a. For all staff : (a) an understanding of why individuals use and abuse alcohol and other substances; (b) their role in implementing this policy, including how to identify students who exhibit high risk behaviors or who are using/abusing alcohol and other substances, and how to refer these students to the appropriate services established by this policy; (c) awareness of personal risk factors for alcohol and other substance use/abuse so that they may identify personal use/abuse problems and seek assistance; and (d) awareness of the special needs of students returning from treatment.
- b. Additionally for teachers: the knowledge and skills necessary to implement the District's K-12 alcohol and other substance prevention curriculum.
- c. For intervention staff: appropriate staff training for those identified to carry out the intervention function to assure that their assessment, individual, group, and family counseling and referrals skills support the needs of high-risk, using, and abusing youth.
- d. For prevention staff: appropriate staff training to assure that they have the knowledge and skills to support the application of prevention concepts through programming targeted at the school, home, and community.

Dissemination

The Superintendent will assure that the policy and regulations pertaining to controlled substances shall be made directly available -- in their entirety and/or condensed versions which convey their full meaning -- to all District employees. Building principals will assure that, in like manner, all students are appropriately informed regarding the policy and regulations. Building principals will assure that instruction pertaining to controlled substances is provided through the regular curricular program and, as may be appropriate, through the co-curricular program.

During the first semester of each school year, administrators and supervisors will arrange for the presentation, to all staff members, of information on controlled substance abuse prevention. The program will be conducted by knowledgeable personnel and will include a clarification of District policies and regulations, instruction in the identification of commonly used controlled substances, and explanation of effective approaches which can be used in dealing with students. Within two weeks after a new employee has been hired, he/she will receive similar information as part of the orientation process.

Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226)

Adopted by Board of Education 10/18/11

REGULATION

1995

7320R

1 of 2

Students

SUBJECT: REGULATIONS RELATING TO CONTROLLED SUBSTANCES AND STUDENT USE OF MEDICATION

The following regulations will be used in implementing the Board of Education policies relating to controlled substances and student use of medication. As the policy notes, these regulations apply -in school, on school property, on school buses, and at school activities outside school hours on school property or away.

Prescription and Non-Prescription Drugs - Grades K-6

New York State mandates that all medications, including non-prescription drugs, authorization for which has been written by a medical practitioner, to be given during school hours, must be accompanied by a written permission from the parent. The medication in its original container with the label on must be brought to the nurse's office in the morning and will be dispensed at the appropriate times.

Prescription and Non-Prescription Drugs - Grades 7-12

Prescription Drugs - New York State mandates that all prescription medication, authorization for which has been written by a medical practitioner, to be given during school hours, must be accompanied by a written permission from the parents. The medication in its original container with the prescription on the label must be brought to the nurse's office in the morning and will be dispensed at the appropriate time.

Non-Prescription Drugs - Non-Prescription drugs will not be stocked in the nurse's office at school, including aspirin and Tylenol. All students needing to take non- prescription drugs during school hours will bring the medication in its original bottle t the nurse's office along with a signed parental permission slip for the medication, both to be kept on file by the nurse. These medications will be dispensed as indicated on the label. Parental permission forms will be available in the High School nurse's office.

Possession of Other Controlled Substances

All staff members shall report to the principal or his/her designee any suspicion or knowledge of possession of a controlled substance by a student. If possible and reasonable, professional staff members shall confiscate any substance they believe to be controlled and convey it to the principal or his/her designee.

When there is knowledge or a reasonable suspicion at a student possesses a controlled substance, a faculty member may confiscate the substance. A faculty member, the principal or his/her designee, after evaluating the evidence, may conduct a search of the student's person, the student's locker(s), and/or the student's personal possessions. A student who refuses to be personally searched shall be confined until the parent/guardian is informed and grants permission or is present to conduct such a search himself/herself. The presence of any controlled substance on the person of a student or in or on any of the student's personal property or lockers will generally be presumptive evidence of possession.

When there is reasonable evidence to support the allegation that a student knowingly possesses(ed) a controlled substance, the principal shall notify law enforcement authorities as required by law. Whatever legal charges can be justified will be brought by the principal.

Such a student shall also be suspended from school, in accordance with Education Law and Board Policy, from one to five days. Prior to the student's return to school following suspension for possession of a controlled substance, arrangements shall be made by the principal-in concert with the parent/guardian - for relevant specialized counseling or instruction by a school counselor. This counseling or instruction shall focus on helping the student understand and accept the medical, social, personal, psychological and/or legal consequences of possession and other abuse of controlled substances. Parents/guardians will be urged to educate themselves concerning controlled substances and their abuse. The community counselor will be available for such counseling or instruction.

The principal shall, whenever circumstances warrant and justify such an action, request a Superintendent's Hearing. The principal also shall, whenever circumstances warrant and justify such an action, suspend the student's privileges to participate in and/or attend co- and extracurricular activities and school-sponsored events and programs outside the regular school day.

(continued)

REGULATION

1995

7320R

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Students

SUBJECT: REGULATIONS RELATING TO CONTROLLED SUBSTANCES AND STUDENT USE OF MEDICATION

Distributing, Giving Away, Selling, or Using Controlled Substances

Teachers shall immediately confiscate any substance they assume to be controlled and assume to be in the process of transfer from or to any student or to be in use by any student. The substance(s) and the student(s) shall be immediately taken to the principal or his/her designee. The principal shall ascertain whether or not the substance is, in fact, controlled.

When a substance is identified by school authorities as controlled, the principal shall notify law enforcement authorities as required by law. Such a determination shall be made in conference with professional staff members knowledgeable in identifying such substances. (It is understood that an absolute determination can only be made by law enforcement or medical authorities.)

Whatever legal charges can be justified will be made by the principal. In addition, such a student shall be suspended from school (in accordance with Education Law) from three to five days.

Prior to the student's return to school following a suspension for distributing, giving away, selling, or using a controlled substance, arrangements shall be made by the principal, in concert with the parent/guardian, for relevant, specialized counseling or instruction by a school counselor. This counseling or instruction shall focus on helping the student understand and accept the medical, social, personal, psychological and/or legal consequences of possession and other abuse of controlled substances. Parents/guardians will be urged to educate themselves concerning controlled substances and their abuse. The community counselor will be available for such counseling or instruction.

The principal shall, whenever circumstances warrant and justify such an action, request a Superintendent's Hearing. The principal also shall, whenever circumstances warrant and justify such an action, suspend the student's privileges to participate in and/or attend co- and extracurricular activities and school-sponsored events and programs outside the regular school day.

Being Under the Influence of a Controlled Substance

It is understood that being under the influence of a controlled substance is a determination that can be competently made only by medical practitioners. All District employees who observe a student whose behavior and/or appearance suggest that the student is under the influence of a controlled substance should immediately notify the principal or his/her designee.

The principal or his/her designee will evaluate the situation as quickly and carefully as possible. Students under the influence, or suspected to be under the influence, will be detained by the principal or his/her designee until a parent/guardian is contacted to determine further action. The principal may also notify the counselor in charge of the drug program, and may notify the school doctor or the student's doctor. A blood-alcohol testing instrument will be used to determine the probability of a student being under the influence of alcohol.

The principal shall collect all available information. If circumstances warrant and justify such action, the principal will confer with the parent/guardian and urge appropriate measures be taken to assist the student and family in dealing with the use/abuse of controlled substances. Such measures may include recommendations or requirements regarding school or outside counseling, therapy, treatment, or education.

Reports of Violations of Controlled Substance Policy from Non-Staff Members

All District employees shall report to the principal or his/her designee any information or allegation by any student, parent, or other non-employee about student involvement with controlled substances.

The principal shall collect information from any relevant sources, including students, parents, faculty, nurse, counselors, classified personnel, or any other source. The principal shall evaluate the information and take those steps which are warranted and justifiable. These may include parent or guardian conferences; requiring medical examination; recommending and/or requiring evidence of school or outside counseling, therapy, treatment, or education; notifying law enforcement authorities; or concluding that no action is warranted.

NOTE: Refer also to Regulations #7420R -- Regulations Regarding Interscholastic Athletics and #7513R -- Prescriptive Medication.

POLICY

2011

7321

Students

SUBJECT: SMOKING (Student)

No smoking by any public school student is to be permitted in the school building or on school grounds at any time or school sponsored activities.

Adopted by Board of Education 10/18/11

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized School District official (as designated below) only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the District Code of Conduct).

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.

The Superintendent, Building Principals, Assistant Principals, and School Nurse 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.

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. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, 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 not permissible. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

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. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent.

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, administration may conduct investigations concerning reports of misconduct which may include, but are 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 by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/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/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

(continued)

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) 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/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Law Enforcement Officials

It shall be the policy of the School District that a cooperative effort shall 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 such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

Interrogation of Students by Law Enforcement Officials

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/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 should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

Child Protective Services' Investigations

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

Education Law Sections 1604(9), 1604(30), 1709(2), 1709(33) and 2801
Family Court Act Section 1024
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)

Adopted by Board of Education 10-4-11

REGULATION

2010

7330R
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Students

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS BY SCHOOL OFFICIALS

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband/prohibited items seized on school grounds or in a school building by an authorized School District official (as designated below) only when the School District official has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school (i.e., the District Code of Conduct).

Determination of Reasonable Suspicion

The reasonableness of any search involves a twofold inquiry:

- 1) Whether the action was justified at its inception, i.e., did the school official have reasonable grounds for suspecting the search will turn up evidence that a student has violated or is violating either the law or the rules of the school; and
- 2) Whether the search as actually conducted was reasonably related in scope to the circumstances which justified the interference in the first place, i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

To carry out this Regulation, the School District retains the right to examine its property at any time. In addition, school officials may search students and search and/or seize student property upon reasonable grounds for suspecting that the search will reveal evidence of a violation of law or a school rule. In evaluating the reasonable grounds for a search, designated school officials should consider the reliability of the information received, the availability of corroborating evidence, the severity of the suspected infraction, and the intrusiveness of the searched to be carried out.

Factors to Consider

The reasonableness of any search depends upon the particular facts of each case and a determination as to whether the scope of the search is justified in relation to the circumstances that motivated the search.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- 1) The age of the student;
- 2) The student's school record and past history;
- 3) The predominance and seriousness of the problem in the school where the search is directed;
- 4) The probative value and reliability of the information used as a justification for the search;
- 5) The school official's prior knowledge of and experience with the student; and
- 6) The urgency to conduct the search without delay.

Designated School Officials and Scope of Search

The Superintendent, Building Principals, Assistant Principals, and School Nurse 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.

Designated 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.

(Continued)

REGULATION

2010

7330R
2 of 3

Students

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS BY SCHOOL OFFICIALS (Cont'd.)

Prior to searching a student or the student's possessions, the student shall first be given the chance to admit that he or she possesses evidence that they violated the law or the Code of Conduct, or to voluntarily consent to the search. Coercion, either express or implied, such as threatening to contact parents or police, invalidates apparent consent. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

Random causeless searches are not permitted and school officials shall clearly document the need for any generalized search (e.g., a general locker search) based on a higher level of suspicion than if seeking to search an individual locker.

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 not permissible. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

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. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search and/or seizure of contraband/prohibited items at any time by school officials, without prior notice to students and without their consent.

Parent Notification

The student's parent or guardian shall 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 Regulation.

Documentation of Searches

The designated school official conducting the search shall be responsible for the custody, control and disposition of any illegal, prohibited or dangerous items taken from the student. The school official or his/her designee shall 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 shall also be responsible for promptly documenting information about the search including, but not limited to, the reasons for the search, the purpose of the search, the type and scope of the search, and the results of the search.

(Continued)

REGULATION

2010

7330R
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Students

SUBJECT: SEARCHES AND INTERROGATIONS OF STUDENTS BY SCHOOL OFFICIALS (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, administration may conduct investigations concerning reports of misconduct which may include, but are 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 by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/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/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such 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 (at least until after the questioning of students by school authorities has been conducted) 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/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

Dissemination of Information

Copies of this Regulation 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.

Adopted by Board of Education September 7, 2010

REGULATION

1995

7330R.1

Students

SUBJECT: SEARCH BY SCHOOL PERSONNEL

It is a student's responsibility to abide by the school's standards of conduct. These include the proper utilization of lockers as storage space for clothing, books and other school paraphernalia.

When principals have a reasonable suspicion that illegal objects or substances that threaten the health or welfare of the occupants of a school are on a student's person or in a student's locker, they may search the student or locker. The student may be informed of such search but his/her consent is not necessary.

When school officials have a reasonable suspicion that contraband is secreted upon a student or in a student's locker, they may act upon that suspicion and conduct a search. When a locker search is going to be conducted, the student should be informed that his/her locker is to be opened, told of the source of the request, be permitted to telephone a parent (or other person of choice) and be present when the locker is opened. School officials may request other persons to be present when the locker is opened.

If the student is absent or the presence of weapons, explosives or poisonous materials is suspected, such previous notification is not necessary.

The principal or a delegate shall be presented during a search.

Any material found on the student or taken from the locker shall be labeled and preserved until legal decision is made on its disposition. Police authorities may be summoned to the school grounds to prevent personal injury and serious property damage or to take appropriate legal actions.

POLICY

2011

7340

Students

SUBJECT: BUS RULES AND REGULATIONS

The Fabius-Pompey Central School District furnishes transportation to those students whose health or distance from the school make the service essential. Riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education and/or the administration (not the bus driver) has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. In these cases, the parents/legal guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus.

The Board directs the administration to establish rules and regulations for student conduct on buses. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

Authorization to Ride Buses

Only students enrolled in the Fabius-Pompey Central Schools and District employees are authorized to ride the buses to and from school. Visitors to the school may not ride the buses.

Commissioner's Regulations Section 156

Adopted by Board of Education 9/20/11

SUBJECT: BUS BEHAVIOR

The purpose of this printed set of rules and regulations is to inform the residents of the School District as to the type of conduct we expect from students who are being transported by a school vehicle. Two prime factors must be recognized in transporting students:

- 1) The bus driver has complete charge of students while they are entering, leaving, or riding the bus.
- 2) The school bus is an extension of the classroom and all rules pertaining to safety and courtesy should be observed.

Rules While Waiting for the Bus

- 1) Students shall wait for the bus at the nearest designated stop. Changing from one stop to another is prohibited unless permission has been granted by the transportation department. Students coming home from school should get off at the same point where they were picked up unless special permission has been granted by the building principal or his/her representative.
- 2) Discipline at bus stops is a parental responsibility. All students are expected to be courteous and to respect other people's property at all times.
- 3) When a bus approaches a pick-up point, students shall not push or shove while forming a line. Pushing or shoving could result in someone falling under a wheel. Students should stay back ten feet from the stop.

Rules While Riding the Bus

- 1) The bus driver has complete charge of students while they are entering, leaving, or riding on the bus. Students are expected to conduct themselves in a manner that does not distract the driver.
- 2) Any object that can be placed on the lap of a student and does not protrude into the aisle is permitted on the bus. No live animals of any sort are permitted.
- 3) While on the bus, students SHALL NOT:
 - a. Smoke
 - b. Eat/drink
 - c. Use profane language
 - d. Fight or quarrel, shout or engage in rough play
 - e. Change seats without permission
 - f. Litter, mar or in any way deface the bus
 - g. Stick arms, head, elbows or hands out of the windows
 - h. Stand in the step well or ahead of white line
 - i. Spit on persons, objects or through windows
 - j. Carry any type of glass container
 - k. Have on their person fireworks, firearms
 - l. Throw objects
- 4) When leaving the bus, all students who must cross the road must cross at least ten feet in front of the bus. When crossing in front of the bus, students must also wait for the driver's signal to cross. Crossing behind the bus is dangerous and is prohibited.
- 5) At no time is a student to leave the bus without the driver's permission.
- 6) Radios and tape players should not be carried or used on regular bus runs unless by prior written permission of the building principal or supervisor. Use of radios or tape players on special buses will be at the discretion of the drivers and the supervisor (coach, chaperone, etc.).
- 7) Continued disregard of the aforementioned rules and regulations could mean temporary or permanent suspension from being transported by school vehicles.

REGULATION

1995

7340R

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Students

SUBJECT: BUS BEHAVIOR

Disciplinary Consequences

Students can expect the following consequences if they break the bus rules.

- 1) A warning from the driver.
- 2) Informing the parent by telephone and/or letter.
- 3) Assignment to a permanent seat on the bus for better supervision with notification to building- principal and parents.
- 4) Fill out a written referral to the principal if behavior problem continues.
- 5) Detention.
- 6) Principal may suspend student from bus for a period up t o 5 days if steps 1-3 are unsuccessful in changing a student's behavior.
- 7) Persistent problems - referral to Superintendent. Possible suspension for greater period of time.

POLICY

2011

7341

Students

SUBJECT: USE OF VIDEO CAMERAS ON SCHOOL BUSES

School buses may be equipped with video cameras in order to monitor student behavior. Violations of the school code of conduct, as well as participation in any illegal activities, will be dealt with in accordance with applicable laws and school regulations.

A video tape used in relation to this policy shall be the sole property of the District, and the Superintendent or his/her designee shall be the custodian of such tape. Requests for viewing a tape must be made in writing to the Superintendent or his/her designee; and, if the request is granted, such viewing must occur in the presence of the District's designated custodian of the tape. Under no circumstances will the District's tape be duplicated and/or removed from District premises unless in accordance with court order and/or subpoena.

A copy of this policy shall be posted in all school buildings and will be discussed by classroom teachers with their students at the beginning of each school year.

Adopted by Board of Education 11/15/11

POLICY

2011

7350

Students

SUBJECT: CORPORAL PUNISHMENT

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee, or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self- protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Fabius-Pompey Central School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Rules of the Board of Regents Section 19.5 Commissioner's Regulations Section 100.2(1)(3)

Adopted by Board of Education 9/20/11

REGULATION

1995

7350R

Students

SUBJECT: PHYSICAL FORCE/CORPORAL PUNISHMENT

Building principals are to file a written report (using Form 7350F) to the Superintendent of any incident of an employee using physical force or corporal punishment within 5 days of knowledge of the incident.

In addition, the Superintendent should be advised verbally of the incident as soon as possible after the occurrence.

After consultation with the principal and, if necessary, the employee, parent and/or student, the Superintendent will determine if action toward the employee is appropriate.

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

With the exception of those students who receive prior written permission from the Board of Education 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 State and Federal law and the District's Code of Conduct. Such discipline may include a mandatory suspension for a period of not less than one (1) 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. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (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 sixteen (16) years old or older, or who is fourteen (14) or fifteen (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 enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001
18 USC Sections 921(a) and 930
Criminal Procedure Law Section 1.20(42)
Education Law Sections 809-a and 3214

REGULATION

2014

7360R

Students

SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT

With the exception of those students who receive prior written permission from the Board of Education 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.

For the purposes of this regulation and District policy adopted in conformance with the Gun-Free Schools Act the following definitions will apply:

- 1) The term "firearm" means:
 - a. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
 - b. The frame or receiver of any such weapon;
 - c. Any firearm muffler or firearm silencer; or
 - d. Any destructive device, including:
 - (1) Any explosive, incendiary, or poison gas--
 - a) Bomb;
 - b) Grenade;
 - c) Rocket having a propellant charge of more than four (4) ounces;
 - d) Missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce;
 - e) Mine; or
 - f) Device similar to any of the devices described in the preceding clauses.
 - (2) Any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
 - (3) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (1) or (2) and from which a destructive device may be readily assembled.
- 2) The term "weapon" means any device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 1/2) inches in length.

In the event the definitions in this regulation are inconsistent with Sections 921(a) and/or 930(g)(2) of Title 18 of the United States Code, those provisions of Federal law will be controlling.

This regulation shall not be construed so as to prohibit the District from disciplining students for violations of the District Code of Conduct or other policies and regulations adopted to safeguard District students, staff, visitors, and/or property.

BOE Adopted 4/28/14

SUBJECT: INTERNET ACCESS POLICY

The Internet is a worldwide network of computer networks. It is comprised of thousands of separately administered networks of many sizes and types. Each of these networks is comprised of as many as tens of thousands of computers; the total number of individual users of the Internet is in the millions. This high level of connectivity fosters an unparalleled degree of communication, collaboration, resource sharing, and information access. The Internet user has the ability to share information, do research projects and communicate with others -- capabilities which can add an exciting dimension to a student's educational experience.

Unfortunately, some of the systems on the Internet contain defamatory, inaccurate, abusive, offensive, illegal or adult-oriented material.

It is the intention of the Board to provide Internet access to students and staff to enrich the educational experience of each student. At the same time, the Board wishes to limit this access to appropriate information and materials to the greatest extent possible.

The Board also acknowledges that, at least initially, its Internet access will be provided by the Central New York Regional Information Center ("CNYRIC"), an institution housed within the Onondaga-Cortland-Madison BOCES. Thus, it is the intention of the Board to abide by any reasonable standards set forth by the CNYRIC governing the provision and use of this service, for as long as it provides said service to the District.

Accordingly, the Superintendent is hereby authorized to promulgate regulations which:

- 1) define and establish which staff and students may have access to the Internet through the District;
- 2) promote and facilitate communication and collaboration among Internet users on a local, national and international level;
- 3) define the acceptable Internet use standards for staff and students;
- 4) provide a mechanism for monitoring and limiting unauthorized use of the Internet by staff and students;
- 5) provide a clear disciplinary framework for such unauthorized use; and,
- 6) bring the District into compliance with any reasonable standards set forth by the CNYRIC governing the provision and use of CNYRIC's Internet access service.

REGULATION

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Students

SUBJECT: GUIDELINES FOR INTERNET ACCESS (#6180/#7370 - Internet Access Policy)

The District is offering students access to the Internet in order to enhance their educational experience by giving them the opportunity to conduct research thereon and communicate with others connected to the Internet around the world. In order to promote efficient and appropriate use of this resource, there are certain rules that students and employees must follow.

1. All Internet users must use legally-acquired computer resources (e.g. software, networks, data bases, etc.) when operating on the District's Internet connection.
2. District personnel shall monitor the use of Internet resources by students to promote the appropriate use thereof.
3. The District reserves the right to examine all personal electronic files in order to promote compliance with this regulation and with local, State, and/or Federal laws.
4. The District shall provide training and support to faculty, staff and students. Training shall be designed in part to provide users with knowledge of this regulation.
5. It shall be each individual user's personal responsibility to recognize and honor the intellectual property of others (e.g. copyrights, software licenses, etc.).
6. It shall be each individual user's personal responsibility to be aware of the potential for and possible effects of manipulating electronic information and to verify the integrity and authenticity of information that he or she compiles or uses.
7. Each individual user is responsible to respect and value the rights of privacy for all; to recognize and respect the diversity of the population and the opinions of other Internet users; to behave ethically; and to comply with legal restrictions regarding the use of information resources. **Accessing or disseminating information that is illegal, defamatory, abusive, racially offensive, and/or adult-oriented will be deemed a violation of this regulation which could result in disciplinary and/or legal action against the violator.**
8. Each individual user is responsible to refrain from acts that waste resources or prevent others from using them. These acts may include, but are not limited to, commercial advertising, mass mailings for other than educational purposes, political fund raising, and other activities that detract from the educational mission of the institution/connection. These actions may result in denial of access.
9. No user shall intentionally develop programs that harass others, infiltrate computer systems, or damage hardware or software.
10. It shall be considered a violation of this regulation for a user to attempt to circumvent any computer security measures imposed by the District or non-District organizations on the Internet. It shall also be considered a violation to obtain passwords belonging to others, to represent oneself as another user, and to attempt to ascertain security access codes, etc.
11. The District reserves the right to terminate any student's or employee's access to the Internet at any time, without prior notice, completely at the District's discretion.

Consequences for Violating Internet Access Policy and Regulation

In cases where the responsibilities of an individual for operating the Internet connection are suspected of not being met, the involved user(s) shall have his/her Internet connection rights immediately suspended at the discretion of the Superintendent or his designee.

Suspected misuse of the Internet connection shall be immediately reported to the school principal. The principal will, in turn, notify the parent(s) if the suspected misuse involves a student and review the specifics of the case. After reviewing the details of the case, the principal will make a recommendation to the

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1995

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Students

SUBJECT: GUIDELINES FOR INTERNET ACCESS (#6180/#7370 - Internet Access Policy) (continued)

Superintendent. Based upon all the facts and the principal's recommendation, the Superintendent will determine the final disciplinary or legal action to be taken.

Parental Notification

Parents shall be notified that students will have access to the Internet, to warn them of potential abuses thereof, and to advise them of the consequences associated with that misuse.

Internet and Electronic Mail Notification

We are pleased to offer students of the Fabius-Pompey Schools access to the District computer network for electronic mail and the Internet.

Access to e-mail and the Internet will enable students to explore thousands of libraries, databases, and bulletin boards while exchanging messages with Internet users throughout the world. Families should be warned that some materials accessible via the Internet may contain items that are illegal, defamatory, inaccurate or potentially offensive to some people. While our intent is to make Internet access available to further educational goals and objectives, students may find ways to access other materials as well. We believe that the benefits to students from access to the Internet, in the form of information resources and opportunities for collaboration, exceed any disadvantages.

Network storage areas may be treated like school lockers. Network administrators may review files and communications to maintain system integrity, to insure that users are using the system responsibly and to check their contents. **Users should not expect that files stored on District servers will be private.**

As outlined in Board policy and procedures on student rights and responsibilities copies of which are available in school offices, the following are not permitted:

- * Sending or displaying offensive messages or pictures
- * Using obscene language
- * Harassing, insulting or attacking others
- * Damaging computers, computer systems or computer networks
- * Violating copyright laws
- * Using another's password
- * Trespassing in another's folders, work or files
- * Intentionally wasting limited resources
- * Employing the network for commercial purposes.

Violations may result in a loss of access as well as other disciplinary or legal action.

Adopted by Board of Education November 21, 1995

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures 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. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking Web sites and in chat rooms, and regarding cyberbullying awareness and response. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board of Education'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 schools including the selection of appropriate teaching/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 all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/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 and World Wide Web *may* include, but shall 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 electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of e-mail, chat rooms, as well as social networking Web sites, may be blocked as deemed necessary to ensure the safety of such students;
- b) Monitoring logs of access in order to keep track of the web sites 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, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such 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 such students.

(Continued)

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon 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/regulations as may be appropriate and implemented pursuant to the District's educational mission.

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 School District.

The School District shall provide certification, pursuant to 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/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall 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.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking Web sites 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 such 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.

(Continued)

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

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.

Notification/Authorization

The District's Acceptable Use Policy and accompanying Regulations 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 (1) public hearing or meeting to address the proposed Internet Safety/Internet Content Filtering Policy prior to Board adoption. Additional public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future.

The District's Internet Safety/Internet Content Filtering 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.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the school for at least five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding.

47 United States Code (USC) Sections 254(h) and 254(l)
47 Code of Federal Regulations (CFR) Part 54
Education Law Section 814

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING GUIDELINES

Internet access on the District's computer system is provided for staff and students as a means to enhance the educational mission and instructional programs of the School System, to further District goals and objectives, and to conduct research and communicate with others. In accordance with such educational mission and the instructional goals and objectives of the District, technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) will be utilized on all District computers with Internet access to ensure the integrity of educational services and to address safety concerns regarding the online activities of minors. In accordance with The Children's Internet Protection Act (CIPA), the term "minor" shall mean any individual who has not attained the age of seventeen (17) years.

Consequently, the District, unless an authorized "override" (i.e., disabling of the blocking or filtering measure) is permitted as enumerated below, will block or filter Internet access for **both minors and adults** to visual depictions that are:

- 1) Obscene (as defined pursuant to CIPA and other applicable laws/regulations as may be appropriate);
- 2) Child pornography (as defined pursuant to CIPA and other applicable laws/regulations as may be appropriate);
- 3) For computers used by minors with Internet access, are harmful to minors. The term "harmful to minors" is defined, pursuant to CIPA, as any picture, image, graphic image file, or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
 - b. Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - c. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

In addition, the District will monitor, as deemed appropriate by the applicable building/program administrator and/or classroom teacher, access by minors to "inappropriate matter" on the Internet and World Wide Web. Per CIPA, the District is authorized to filter or block Internet access to other material determined to be inappropriate for minors. The determination of what is "inappropriate" for

(Continued)

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING GUIDELINES (Cont'd.)

minors shall be made in accordance with District guidelines and, as appropriate, on a case-by-case determination depending upon the factors such as the age of the student, the material involved, and the educational purpose/research for which such material is utilized.

However, no filtering or blocking technology has a one hundred percent (100%) guarantee that all sites accessed by staff and students are immediately filtered in compliance with law and District procedures. Consequently, if District personnel and/or students find an accessed site that is questionable, the procedure is to contact the appropriate supervisor/teacher who will notify the Superintendent/designee. The Superintendent/designee will contact, as appropriate, the service/ software provider and/or the District Technology Coordinator.

However, 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 School District.

The District is not responsible for any inappropriate content or material which may be accessed via a staff member's or a student's own personal technology or electronic device or via an unfiltered Internet connection received through a staff member's or a student's own personal technology or electronic device.

Further, in order to help ensure the safety and security of minors when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications, appropriate supervision will be provided by a classroom teacher and/or other appropriate District personnel; and notification will be given to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students. Students will also be informed regarding unauthorized access to District computers and the Internet, including so-called "hacking," and other unlawful activities by minors online.

In accordance with New York State Education Law, the School District may provide, to students in grades kindergarten through twelve (12), instruction designed to promote the proper and safe use of the Internet. Schools must instruct students in appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms, as well as providing education on cyberbullying awareness and response. The Commissioner shall provide technical assistance to assist

(Continued)

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2012

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Students

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING GUIDELINES (Cont'd.)

in the development of curricula for such course of study which shall 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.

In furtherance of the District's educational mission to enact safety measures to protect students when online, the District has adopted and will enforce its Internet Safety Policy that includes the operation of technology protection measure(s) with respect to any of its computers with Internet access as mandated by CIPA and also in accordance with the District's Acceptable Use Policies and Regulations. The District shall enforce the operation of such technology protection measure(s) during any use of District computers in accordance with CIPA and applicable Board policies and building procedures.

Furthermore, in accordance with law, the District Technology Coordinator may access all staff and student files, e-mail, and electronic storage areas to ensure system integrity and that users are complying with the requirements of CIPA and District policy and procedures. Additionally, dissemination and/or publication of the District's Acceptable Use Policy and Regulation will be utilized as one means to further ensure the implementation of safety measures and appropriate notification to staff and students as to acceptable, as well as prohibited, conduct when using District computers or accessing the Internet on such computers. The standards of acceptable use as well as prohibited conduct by staff and students when accessing District computers and the Internet, as outlined in the District's technology policies, are not intended to be all-inclusive. Staff and students who commit an act of misconduct which is not specifically addressed in District policy and/or regulation may also be subject to disciplinary action in accordance with law, the District Code of Conduct, and/or the applicable collective bargaining agreement. Legal action may also be initiated as deemed necessary by the Superintendent/designee.

BOE Approved 5/15/12

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY)**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "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, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School 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/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the School 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/guardians.

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 such 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 must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/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 shall 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. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall 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.

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE POLICY) (Cont'd.)**

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

Notification

The District's Acceptable Use Policy and Regulations 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.

Regulations will be established as necessary to implement the terms of this policy.

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Students

SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE GUIDELINES)

Program Implementation

The Fabius-Pompey Central School District recognizes that effective use of technology is important to our students and will be essential to them as adults. Consequently, the School System will provide access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, "on-line services," "WiFi" and the "Internet." The District shall provide personnel support for such usage.

The DCS is for educational and/or research use only and must be consistent with the goals and purposes of the Fabius-Pompey Central School District. The standards of acceptable use as well as prohibited conduct by students accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. Students are held to the same standards of good behavior whether they are using school computer networks or any other electronic media or communications, including a student's own personal technology or electronic device while on school grounds or at school events. In addition to the specific standards of student conduct delineated in this regulation, the general requirements of acceptable student behavior expected under the District's school conduct and discipline policy and the Code of Conduct also apply to student access to the DCS. Communications on the network are often public in nature. General school rules for behavior and communications apply.

Legal and ethical implications of software use will be taught to students of all levels where there is such software use. In addition, the Building Principal or his/her designee and/or classroom teacher will be responsible for informing District students of rules and regulations governing student access to the DCS.

In order to match electronic resources as closely as possible to the approved District curriculum, District personnel will review and evaluate resources in order to offer "home pages" and menus of materials which comply with Board guidelines governing the selection of instructional materials. In this manner, staff will provide developmentally appropriate guides to students as they make use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum. As much as possible, access to the District's computerized information resources will be designed in ways which point students to those which have been reviewed and evaluated prior to use. While students may be able to move beyond those resources to others which have not been evaluated by staff, students shall be provided with guidelines and lists of resources particularly suited to the learning objectives.

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE GUIDELINES) (Cont'd.)**

Standards of Conduct Governing Student Access to the District Computer System

Inappropriate use of the DCS may result in disciplinary action, including suspension or cancellation of access. Prior to suspension or revocation of access to the DCS, students will be afforded applicable due process rights. Each student who is granted access will be responsible for that usage. The DCS is provided for students in support of their educational program and to conduct research and communicate with others. Student access to external computer networks not controlled by the District is provided to students who act in a considerate and responsible manner. Likewise, students are expected to observe the same standards of behavior when using their own personal technology or electronic devices on school grounds or at school events. Individual users of the District's computerized information resources are responsible for their behavior and communications over the District computer network. It is presumed that users will comply with District standards and will honor the agreements they have signed.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be Fabius-Pompey Central School District property and subject to control and inspection. The computer coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of District policy and regulations regarding student access to the DCS. Students should **NOT** expect that information stored on the DCS will be private.

During school, teachers will guide students toward appropriate materials. Outside of school, parents/guardians bear responsibility for such guidance as they do with information sources such as television, telephones, movies, radio and other potentially offensive/controversial media.

Use of the DCS which violates any aspect of Fabius-Pompey Central School District policy; the Code of Conduct; and federal, state or local laws or regulations is strictly prohibited and may result in disciplinary action in compliance with applicable District guidelines and/or federal, state and local law including, but not limited to, suspension and/or revocation of access to the DCS. In addition to the District's general requirements governing student behavior, specific activities shall be prohibited by student users of the DCS including, but not limited to, the following:

- 1) Using the DCS to obtain, view, download, send, print, display or otherwise gain access to or to transmit materials that are unlawful, obscene, pornographic or abusive.
- 2) Use of obscene or vulgar language.
- 3) Harassing, insulting, bullying, threatening or attacking others.
- 4) Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.
- 4) Using unauthorized software on the DCS.

(Continued)

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES
(ACCEPTABLE USE GUIDELINES) (Cont'd.)**

- 6) Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the student without express permission from the computer coordinator.
- 7) Violating copyright law, including the illegal file sharing of music, videos and software.
- 8) Employing the DCS for non-educational, commercial purposes, product advertisement or political lobbying.
- 9) Disclosing an individual password to others or using others' passwords.
- 10) Transmitting material, information or software in violation of any District policy or regulation, the District Code of Conduct, and/or federal, state and local law or regulation.
- 11) Revealing personal information about oneself or of other students including, but not limited to, disclosure of home address and/or telephone number.
- 12) Accessing personal, interactive sites (such as Myspace blogs) unless under the direct supervision of a staff member. This includes the use of a student's personal cell phone or digital device to access such social networking sites.
- 13) Creating or using a website or blog which may cause a substantial disruption in the school environment or interfere with the rights of others.
- 14) Using digital device (such as cell or camera phones), electronic technology and/or media to facilitate cheating, plagiarism, etc.

Network accounts are to be used only by the authorized owner of the account. Any user of the DCS that accesses another network or computer resources shall be subject to that networks acceptable use policy.

If a student or a student's parent/guardian has a District network account, a non-district network account, or any other account or program which will enable direct or indirect access to a District computer, any access to the DCS in violation of District policy and/or regulation may result in student discipline. Indirect access to a District computer shall mean using a non-district computer in a manner which results in the user gaining access to a District computer, including access to any and all information, records or other material contained or stored in a District computer.

Sanctions

- 1) Violations may result in suspension and/or revocation of student access to the DCS as determined in accordance with appropriate due process procedures.
- 2) Additional disciplinary action may be determined at the building level in accordance with existing practices and procedures regarding inappropriate language or behavior, as well as federal, state and local law.
- 3) When applicable, law enforcement agencies may be involved.

(Continued)

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Students

SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE GUIDELINES) (Cont'd.)

Security

Security on any computer system is a high priority, especially when the system involves many users. Users of the DCS identifying a security problem on the District's system must notify the teacher in charge. A student is not to demonstrate the problem to other users. Attempts to log on to the DCS as a computer coordinator may result in restriction or suspension of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the DCS. Further, any violations regarding the use and application of the DCS shall be reported by the student to the teacher in charge.

Notification

The District's Acceptable Use Policy and Regulations 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.

FORM

2012

7372F.1

Students

**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
PARENTAL/GUARDIAN NOTIFICATION FOR STUDENT USE OF DISTRICT
COMPUTERIZED INFORMATION RESOURCES**

I am the parent/guardian of _____,
the minor student who has signed the District's agreement for student use of computerized information resources. I have been provided with a copy and I have read the District's policy and regulations concerning use of the DCS.

I also acknowledge receiving notice that, unlike most traditional instructional or library media materials, the DCS will potentially allow my son/daughter student access to external computer networks not controlled by the Fabius-Pompey Central School District. I understand that some of the materials available through these external computer networks may be inappropriate and objectionable; however, I acknowledge that it is impossible for the District to screen or review all of the available materials. I accept responsibility to set and convey standards for appropriate and acceptable use of technology to my son/daughter when he/she is using the DCS or any other electronic media or communications, including my son/daughter's own personal technology or electronic device on school grounds or at school events.

I agree to release the Fabius-Pompey Central School District, the Board of Education, its agents and employees from any and all claims of any nature arising from my son/daughter's use of the DCS in any manner whatsoever.

I agree that my son/daughter will have access to the DCS and I agree that this may include remote access from our home.

Parent/Guardian Signature: _____

Student's Name: _____

Date: _____

POLICY

2011

7380

Students

SUBJECT: ELECTRONIC COMMUNICATION BY STUDENTS

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen, or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers, or visitors. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the Board *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

Teachers and all other Board personnel should exemplify and reinforce acceptable student behavior regarding possession and use of electronic devices.

SUBJECT: EXTRACURRICULAR ACTIVITIES

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

Limited Open Forum

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- (a) The meeting is voluntary and student-initiated;
- (b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- (c) Employees or agents of the school or government are present at religious meetings only in a non-participatory capacity;
- (d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- (e) Non-school persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board may prohibit student organizations, including fraternities and sororities or any other secret society, whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

Eligibility for Attendance

Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

Commissioner's Regulations Sections 172 and 172.2
Education Law Sections 1709, 1709-a, 2503-a, 2554-a
Equal Access Act, 20 U.S.C.A., Sections 4071-4074

REGULATION

1995

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Students

SUBJECT: STUDENTS ORGANIZATIONS: LIMITED OPEN FORUM

The Equal Access Act of 1984 states that:

"It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings" (20 USC Section 4071 [a]).

Definitions

- 1) **Limited Open Forum** - "A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more non-curriculum related student groups to meet on school premises" (20 USC Section 4071 [b]).
- 2) **Meeting** - "Meeting" includes "those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum" (20 USC Section 4072[3]).
- 3) **Non-instructional Time** - "Non-instructional time" is defined as "time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends" (20 USC Section 4072[4]).
- 4) **Curriculum Related Student Groups**

Non-curriculum related student groups, interpreted by the United States Supreme Court in *Westside Community Board of Education v. Mergens*, means "any student group that does not directly relate to the body of courses offered by the school." The Court indicated that curriculum related student groups are those in which:

- a. Subject matter of the group is actually taught, or soon will be taught, in a regularly offered course;
- b. Subject matter of the group concerns the body of courses as a whole;
- c. Participation in the group is required for a particular course; or
- d. Participation in the group results in academic credit.

At the secondary level, student groups protected under the Equal Access Act shall be permitted to meet on school premises during non-instructional time under the following conditions:

- 1) A meeting is student-initiated and open to all students. Student attendance at such a meeting must be voluntary.
- 2) School employees may be present only for custodial purposes; they may not participate or provide sponsorship.*
- 3) A meeting does not include any activity that materially and substantially interferes with the orderly conduct of educational activities within the school.
- 4) Membership shall not be restricted on the basis of race, sex, national origin, disability or any other arbitrary criteria.
- 5) It is understood that the content of a student meeting is not sponsored by the School District.
- 6) While students may invite outside speakers to meetings, nonschool persons may not direct, conduct, control or regularly attend such meetings or activities of student groups.
- 7) A request to meet must be filed in advance with the Superintendent. Once approval is obtained, a student group may continue to meet for the remainder of the school year, unless such group fails to abide by the conditions stated within Board policy or administrative regulation. A hearing shall be provided, however, before a decision is reached to discipline or ban a student organization.

*Sponsorship is defined as "the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting." (20 USC Section 4072[2]).

POLICY

2011

7411

Students

SUBJECT: 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.

Adopted by Board of Education 10/4/11

REGULATION

1995

7411R

Students

SUBJECT: STUDENT INQUIRY AND EXPRESSION

Speech

The first amendment to the Constitution guarantees the right of freedom of speech to all Americans, including students.

It is the responsibility of students to realize that this does not give them the right to interfere with the orderly conduct of classes, coerce others, or to violate the rights of those who disagree with a given point of view. Student speech may be subject to disciplinary action by school officials if such speech is slanderous; clearly and immediately causes others to damage property or physically harm others, or materially and substantially interferes with the normal operation of the school.

Access to Communication Resources

It is the right of students to have access to the school public address system, bulletin boards, and duplicating equipment for school purposes.

It is the responsibility of students to uphold administrative regulations as to the manner, time, and place for using school communications facilities. Reasonable time and expense limitations must be established by the building principal. All material offered for communication must be approved by the principal or his/her designated representative.

Student Publications

It is the right of students, with the guidance of appropriate faculty advisors, to express their ideas and opinions concerning the school community and the world in which we live through school publications.

It is the responsibility of students to insure that such publications follow good journalistic practice, especially factual reporting and high standards of literacy. Further, such publications must be free from libel or obscenity, and they shall not advocate illegal principles or actions. (Libel refers to untrue statements about an individual which harms his/her reputation). Students must recognize that the principal and-faculty sponsors may be held responsible for such publications and, thus, must exercise reasonable supervision in such matters.

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM

Athletics are an integral part of a well-balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with an emphasis on maximum participation, through interscholastic and intramural activity. The District will comply with recommendations from the U.S. Department of Education's Office for Civil Rights (OCR) regarding Title IX equal opportunity for males and females in the District's total athletic program regarding any of the following factors which may be applicable:

- a. The nature and extent of the sports program to be offered (including the levels of competition, such as varsity, club, etc.);
- b. The provision of equipment and supplies;
- c. The scheduling of games and practice time;
- d. The provision of travel and per diem allowances;
- e. The nature and extent of the opportunity to receive coaching and academic tutoring;
- f. The assignment and compensation of coaches and tutors;
- g. The provision of locker rooms, practice and competitive facilities;
- h. The provision of medical and training facilities and services;
- i. The provision of housing and dining facilities and services;
- j. The nature and extent of support, publicity and promotion including cheerleading, bands, published programs distributed at games, and booster club activities.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician/nurse practitioner retains final approval on all physicals performed by the student's personal physician; and
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

Booster Clubs

The School 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 the use of private funds (e.g., "booster clubs"), such funds are considered in combination with all benefits, services and opportunities.

Private fundraising, including student-initiated fundraising, is permissible under Title IX. Further, compliance with Title IX does not mean that teams must "share" proceeds from fundraising activities. It does, however, place a responsibility on the District to ensure that benefits, services, treatment and opportunities overall, regardless of funding sources, are equivalent for male and female athletes.

In accordance with OCR, in order for the District to be in continuing compliance with Title IX requirements, the District must assure that services, benefits and opportunities in its athletic programs are provided on an equivalent basis to both boys and girls, including those services, benefits and opportunities that are provided through the use of outside financial assistance such as donations, fundraising by coaches, and booster clubs.

(Continued)

SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)**~~Selection/Classification Process~~ *Athletic Placement Process (APP)***

The Board approves the use of the *Athletic Placement Process (APP)* process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

Student Athletic Injuries

No student should be allowed to practice or play in an athletic contest if he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

Athletic Program -Safety

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a. Requiring medical examinations of participants;
- b. Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified games; and
- c. Ensuring that equipment is both safe and operative within approved guidelines.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
45 Code of Federal Regulations Part 86
8 New York Code of Rules and Regulations (NYCRR) Section 135

SUBJECT: REGULATIONS REGARDING INTERSCHOLASTIC ATHLETICS

A large percentage of Fabius-Pompey High School students participate in one or more interscholastic sports. In addition to the guidelines regarding attendance and eligibility which apply to all co- and extra-curricular activities (see Regulation #7410R), the following is information of specific importance to student athletes.

Physical Condition

As required by the state, all athletes must have a physical from the school physician or family doctor before any participation in practices or games. This exam must be within one calendar year from the start of the sport season in order to be valid.

It is the responsibility of any athlete who receives an injury to report it to the coach IMMEDIATELY. An accurate accident report should be on file with the nurse's office so that we have a record of all injuries during games or practices.

We ask parents to transport students to the doctor or hospital whenever immediate attention is required. The school will assume this responsibility when other means of transportation are unavailable, such as rescue squad, ambulance, or relative.

The athlete who is absent from school five or more consecutive days or who has received an injury which disqualifies him or her for this period of time must have an examination from the school physician or permission from the treating physician before returning to competition. All approvals must indicate the activities permitted.

Insurance

The District carries \$10,000-deductible, "catastrophic" injury coverage for every student directly involved in interscholastic sports. In addition, the District subscribes to the New York State School Safety Group "Student Accident Program," which provides medical, dental, and hospital service, in excess of the family's insurance, according to the insurance carrier's schedule (no duplication of benefits), to students injured in athletic activities and games and in other school-sponsored activities. Injuries must be reported to the supervisor immediately. Additional information is available from the high school nurse's office.

Upon request, the school provides claim forms and an explanation of details of benefits. All necessary paperwork is filed by parents, not the school, and specific questions regarding coverage or claims should be directed to NYS School Safety Group 491, Student Accident Insurance Program, Claims Department c/o United Community Insurance Company, 3000 Troy Schenectady Road, Schenectady, NY 12309. All payments from UCIC are made directly to the parent filing the claim.

State eligibility requirements

A handbook listing the State Regulations as established by the New York State Public High School Athletic Association (NYSPHSAA) is given to each athlete. An additional handbook is provided for all athletes participating on the modified or junior high level. There are some special rules for this age group. A student is eligible for participation in interscholastic competition if he/she meets all of the criteria as listed in the State booklet. A student should read them carefully and be sure both he/she and his/her parent/guardian understand these requirements. The athletic director will answer any questions this student may have.

(continued)

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Students

SUBJECT: REGULATIONS REGARDING INTERSCHOLASTIC ATHLETICS

Section III eligibility requirements

A student transferring from another school district becomes eligible for participation in interscholastic sports when all of the necessary paperwork regarding a transfer student is on file in the Section III office.

Uniforms and equipment

All athletes are responsible for all team uniforms, equipment, etc., issued to them. Any school equipment which is lost, stolen, or misused must be replaced or paid for before that student is allowed to participate in any further sports activities. This responsibility does not end with graduation or transfer to another school.

Interscholastic Athletic Substance Abuse Procedures

The Fabius-Pompey Central School District sincerely believes that student athletes learn much more than simply active participation in interscholastic athletics and mere involvement in the sports program. It is our sincere desire to ensure that the student athlete develop into a self-disciplined, educated and, if necessary, a rehabilitated student of academic merit. To that end, the following interscholastic athletic substance abuse procedures are offered.

Please note that all student athletes are subject to all penalties beginning with their involvement in interscholastic athletics. As such, the offenses are successive in nature. For example, once a student athlete is found to be in violation of the substance abuse procedures, the next offense becomes the second offense regardless of grade level and/or the number of years between the first and second (or third) offense. A possible scenario follows: A student athlete is found to be in violation of the procedures during his/her 8th grade year and a subsequent violation during his/her Sophomore (10th grade) year. The student athlete would be subject to the penalties under second offense for the violation which occurred during their 10th grade year.

Should a student athlete be found using, selling, or otherwise in possession of a controlled substance, as defined in Board of Education Policy #7320, the student athlete shall be subject to the following penalties (in addition to the standard student penalties):

First Offense

Upon committing a first offense the student athlete shall:

- 1) Be prohibited from participation in interscholastic competition for a period of two week,
- 2) Attend practice sessions and contests for the two week period. The coach, however, may exclude the student athlete from said attendance based upon inappropriate behavior which would have an adverse effect on the rest of the team.
- 3) Attend a minimum of five 40 minute educational/counseling sessions with a certified substance abuse counselor,
- 4) Attend a conference with the coach, Athletic Director, principal, counselor, and parent (s).

Second Offense

Upon committing a second offense the student athlete shall:

- 1) Be prohibited from participation in any and all interscholastic competition and team practice sessions for the remainder of the season of said infraction,
- 2) In the event there is less than six weeks remaining in season of said infraction the student athlete shall serve a minimum of six weeks suspension from interscholastic athletics. Said suspension shall be defined as six school calendar weeks. The start of the athletes' school year shall be defined as the first day of the fall practice session and the last day of the school year shall be defined as the Regents rating day. In the event the suspension should occur toward the end of a calendar year, the suspension would resume and continue into the next school calendar year.

(continued)

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Students

SUBJECT: REGULATIONS REGARDING INTERSCHOLASTIC ATHLETICS (continued)

- 3) Be considered ineligible to win any interscholastic athletic awards during the season which the infraction occurred,
- 4) Enter a counseling program for no less than 20 sessions,
- 5) Attend a conference with the building principal, Athletic Director, coach, counselor, and parent(s).

***Admission Clause**

If the student athlete voluntarily admits guilt to said allegations prior to an investigation, which would substantiate said guilt, the student would be reinstated to participate in the next interscholastic sport season and the six week suspension clause would be null and void. Otherwise, the proof of guilt would result in the suspension as noted above.

Third Offense

Upon committing a third, or more, offense, the student athlete shall:

- 1) Be suspended from interscholastic athletics for a period of one (1) calendar year from the date of said infraction,
- 2) Attend an approved substance abuse program for the purpose of rehabilitation,
- 3) Attend a conference with the building principal, Athletic Director, coach, counselor, and parent(s),
- 4) Be considered ineligible to win any interscholastic athletic awards during the season which the infraction occurred,
- 5) Meet with the Interscholastic Athletic Substance Abuse Prevention Committee (building principal, Athletic Director, non-coaching faculty member [as selected by the student athlete], coach and a representative of approved rehabilitation program) at least twice per year -- once at the mid-point of the suspension and again at the end of the suspension.
- 6) Shall not be reinstated until all stipulations, as noted above, have been met as determined by the before mentioned committee.

Training regulations

Athletes are expected to refrain from using tobacco products, drinking alcoholic beverages, or using any but prescribed drugs, as defined by the school's policy on controlled substances, during each sport season, as well as throughout the remainder of the year. Any athlete not following these rules, for the best interests of the whole team, as well as for his or her own health, will have his/her case reviewed in relation to the Interscholastic Athletic Substance Abuse Procedures as noted above. The student, of course, has the right to appeal such procedure, starting with the team coach and continuing through the principal.

NOTE: Refer also to Regulation #7320R -- Regulations Relating to Controlled Substances and Students Use of Medication.

Transportation

Each athlete must find his/her own ride home at the end of each practice and home game. Also, students on away game buses will have to obtain their own transportation home. The bus will return to Fabius and leave students at the High School. Students will then have access to a school phone so arrangements for their own transportation home can be made.

Students will be dropped off at home - or at a location specifically designated by written parental permission - if their home or this designated location is on the direct route the bus is following on its return. A STUDENT SHOULD FILL I N THE DESIGNATED FORM TO GIVE THIS INFORMATION.

(continued)

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Students

SUBJECT: REGULATIONS REGARDING INTERSCHOLASTIC ATHLETICS (continued)

A student going to an away contest on the school bus, but wishing to return home with a parent after the game, must request the parent to give verbal approval personally to the coach in charge before permission is granted. All other permissions to ride home with friends or other means of transportation immediately following the game must be by written parental consent **ONLY**. The written request must be presented to the coach **BEFORE** the bus leaves Fabius for the contest.

The following Code of Ethics is taken from the NYSPHSAA handbook. It is the duty of all concerned with high school athletics to.. .

- emphasize the proper ideals of sportsmanship, ethical conduct, and fair play.
- eliminate all possibilities which tend to destroy the best values of the game.
- stress the values derived from playing the game fairly.
- show cordial courtesy to visiting teams and officials.
- establish a happy relationship between visitors and hosts.
- respect the integrity and judgment of the sports officials.
- achieve a thorough understanding and acceptance of the rules of the game and the standards of eligibility.
- encourage leadership, use of initiative, and good judgment by the players on the team.
- recognize that the purpose of athletics is to promote the physical, mental, moral, social, and emotional well-being of the individual players.
- remember that an athletic contest is only a game - not a matter of life or death for player, coach, school, official, fan, community, state, or nation.

Admission to games

At Fabius-Pompey, we charge admission only for indoor sports contests. Ticket prices are \$1.00 for adults and \$.50 for students. Pre-school children enter free. Students who have Sports Passes or Honor Society cards **MUST** present them to the ticket taker at each game to gain entrance into the home event. **NO EXCEPTIONS CAN BE MADE**. If a student forgets or loses his/her card, the student must pay the \$.50 to get into the game or meet. Adults presenting a current OHSL or Section III pass will be admitted without charge.

Section III contests do not follow the same policy as we have. At any home sectional game - indoors or out - all spectators must pay the admission fee as determined by the Section for that particular sport. This fee ranges from \$1.00 to \$4.00 depending upon the sport and level of competition. **NO** passes of any type are honored at such contests.

Varsity letters

At the beginning of each sport season, each varsity coach will inform his/her team members in writing as to the criteria that must be met in order to be eligible to earn a varsity letter in that sport. Criteria may differ from sport to sport, depending upon the unique nature of performance and/or participation in that sport as well as upon the philosophy and expectations of the team coach. Any questions or concerns about these criteria should be discussed with the coach and, if necessary, with the Athletic Director and the principal, at the beginning of the sport season, immediately after the criteria are distributed and discussed.

(continued)

REGULATION

1995

7420R

5 of 5

Students

SUBJECT: REGULATIONS REGARDING INTERSCHOLASTIC ATHLETICS (continued)

Section III Scholar Athlete Award

Fabius-Pompey participates in the annual Section III Scholar Athlete Award program for student athletes in their senior year. Two students, usually a male and a female, are selected annually, by a committee of the school's coaches, to attend the Scholar Athlete dinner in June and compete for scholarship monies. In order to be eligible for selection as a Section III Scholar Athlete, the student athlete must meet the following criteria:

- 1) Be a multi-sport athlete in his/her senior year
- 2) Display a high level of proficiency in his/her sports
- 3) Have a weighted cumulative average of 85% or better
- 4) Participate actively in school and/or community service activities
- 5) Have distinguished himself/herself in the areas of leadership, work ethic, cooperation and dependability, influence on teamwork, sportsmanship, and character.

REGULATION

7420R.1

Students

SUBJECT: SELECTION/CLASSIFICATION PROCESS FOR INTERSCHOLASTIC ATHLETES

Students in grades no lower than seventh may compete on a senior high school team and senior high school students may compete on any team in grades no lower than seven.

Participating students shall be eligible to compete during five consecutive seasons of each sport after their entry into the eighth grade or six consecutive seasons of each sport after their entry into the seventh grade.

Only those students who do not meet the age and grade criteria need meet the Selection/Classification Standard.

Accurate school files must be kept on each student enrolled in the Selection/Classification Procedure. The Athletic Director must inform opponents (league, section) of those students who became eligible as participants using this process.

POLICY

2011

7425

Students

SUBJECT: MIXED COMPETITION ON INTERSCHOOL ATHLETIC TEAMS

In accordance with Regulations of the Commissioner of Education, the Board of Education seeks to preserve the health and safety of students while assuring that students of both sexes have the opportunity to participate successfully in interschool athletic competition. Athletic opportunity in mixed competition will be allowed under the conditions set forth in Commissioner's Regulations and as enumerated in District policy and accompanying regulations.

Equal opportunity to participate in interschool competition, either on separate teams or in mixed competition on the same team, shall be provided to male and female students, except as enumerated in Commissioner's Regulations and as indicated below. Where separate competition is not provided for male and female students in a specific sport, no student shall be excluded from such competition solely by reason of sex, except in accordance with Commissioner's Regulations.

In the sports of baseball, basketball, boxing, field hockey, football, ice hockey, lacrosse, rugby, soccer, softball, speedball, team handball, power volleyball where the height of the net is set at less than eight feet, and wrestling, the fitness of a given student to participate in mixed competition shall be determined by a review panel consisting of the school physician, a physical education teacher designated by the building principal, and if requested by the parents/guardians of the student, a physician selected by such parents/guardians. Such review panel shall make its determination by majority vote of the members, and in accordance with standards and criteria issued by the State Education Department.

Where separate competition is provided for male and female students in interschool athletic competition in a specific sport, the Superintendent of Schools may permit females to participate on a team organized by males. However, where separate competition is provided, males may not participate on teams organized for females.

Where separate competition is not provided for male and female students in interschool athletic competition in a specific sport, the Superintendent of Schools may decline to permit males to participate on a team organized for females upon finding that such participation would have a significant adverse effect upon the opportunity of females to participate successfully in interschool competition in that sport.

In those instances where a student wishes to participate in mixed competition (e.g., a female athlete wishing to play on the male football team), the dates for filing an application shall be:

_____ July 1st _____ for Fall Sports
(Date)

_____ September 15th _____ for Winter Sports
(Date)

_____ January 15th _____ for Spring Sports
(Date)

The above dates are established to provide sufficient time to review applications and assemble the review panel as may be necessary. The decision of the review panel shall be final.

Administrative regulations will be developed to implement the terms of this policy.

Title IX of the Education Amendments of 1972, 20 United States Code (U.S.C.) Section 1681 et seq.
Executive Law Article 15 ("Human Rights Law") Education Law Section 3201-a
8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(k) and 135.4(c)(7)(ii)(c)

Adopted by Board of Education 10/18/11

POLICY

2011

7430

Students

SUBJECT: FUND RAISING

Fund raising projects in which students sell merchandise, provide services, or in other ways raise money for school activities may be sponsored by school organizations with the express approval of the building principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

Only Board of Education approved local community groups may conduct a fund-raising activity on school property. These community groups are: A.P.T.S., Music Boosters, Athletic Boosters, Fabius-Pompey Recreation. Other groups must acquire Board approval. All fund raising must follow the regulations contained in 7430R.

All participation shall be voluntary. Written parent/legal guardian consent is required for children in grades K-8.

Adopted by Board of Education 10/4/11

REGULATION

2004

7430R

1 of 2

Students

SUBJECT: FUND RAISING

1. Fund raising is defined as selling merchandise or services in school, on school grounds, or in the community which the school serves.
 - a. No fund raiser should be planned without verbal permission of an administrator.
 - b. An agreement or contract should not be signed by a teacher or student; agreements and contracts must be signed by the building principal, Superintendent, or Designee.
2. Requests for fund raisers or fund raising events should be submitted in June. No fund raiser should go beyond the discussion stage without specific approval from an administrator.
 - a. Advance planning will allow adequate publicity of fund raising activities and prevent misrepresentation of our fund raising activities in the school community.

If an organization or group has a fund raising proposal rejected, they will receive written notice and be given the opportunity to request alternate fund raising times or events.

A calendar of fund raising events will be published following the planning meeting in June.

To initiate a fund raising event, a written request should be presented to the School Office to reserve a tentative spot on the calendar.

When no conflict exists on the calendar, the request will then be forwarded to the principal who may sign the request and forward the request to the Superintendent. Either administrator may reject a request.

When the volume of requests results in conflicts for the same activity/event or overloading of the calendar, a committee composed of the advisors of the groups with conflicting requests, and an administrator, will meet and resolve the impasse.

Requests for fund raising requests/events will be acted upon by the administrator within a week.

Exceptions to the June 1st deadline may be made upon request of an advisor and the approval of an administrator.
3. Fund raising should benefit students collectively or in recognized groups. Fund raisers, events should not be for the benefit of individual students.
 - a. Property purchased as a result of fund raiser/event is for the use of students when they are part of student groups and should not be used to purchase personal consumable items. The materials or supplies become the property of Fabius-Pompey Central School District, and must be available for reasonable use by other student groups.
 - b. Certain services for students, such as training and entrance fees, may be paid for by funds derived from fund raisers/events, upon the recommendation of the advisor/coach and with the consent of an administrator.
 - c. Fund raising should be limited to educational purposes, either directly or indirectly. Fund raising for purposes of amusement will be given the least priority.
 - d. Approval of a fund raising activity/event is for that request only. Future fund raising requests will be approved based upon total criterion contained in this regulation. Preferences will be given to groups who have previously put on activities/events and judged satisfactory by the administration.

(continued)

REGULATION

2004

7430R

2 of 2

Students

SUBJECT: FUND RAISING (continued)

- e. The approved organization or group sponsoring a fund raising activity will be responsible for.:
 - security, if the need is determined by the administration.
 - prompt and reasonable clean-up of any indoor/outdoor area used by the group or payment for custodial services rendered.
 - volunteers to help. If chaperones, they are paid by the group.
 - teacher paid chaperones will continue to be provided by the school district on the same basis as it has in the past. Any increase in chaperone costs will be paid for by the organization or group.
 - setting up an accountable ticket system, a system to securely handle all funds, adequate workers to put on the activity, the preparation of all report forms, and the prompt payment of all bills in the prescribed manner.
 - groups or organizations are responsible for the collection of any appropriate sales taxes and remission of the same to the New York State Division of Sales Tax.
 - those groups which complete all of their responsibilities appropriately, in the opinion of the administration, may then apply for the same or similar activity in the following year.
4. Door-to-door sales involve district residents, and place students in a somewhat hazardous situation, and will not be conducted by students in grades K-5.
 - a. If a door-to-door fund raiser is approved, students should:
 - only travel in pairs or small groups under the supervision of an adult.
 - only call on residents whom they know.
 - avoid door-to-door activities after dark.
 - avoid door-to-door activities along hazardous highways.
 - have the permission of their parents.
5. When conflicts arise between groups/organizations for the same or similar fund raisers/events, the following criterion, in general, shall apply:
 - a. The past performance of a group/organization in carrying out their fund raising responsibilities as outlined in this regulation, will be considered.
 - b. The purpose for which the funds are being generated
 - c. Broader-based student groups shall be given consideration over groups of narrower student focus.
6. Fund raisers/events will not be approved by the administration without a very specific purpose for the use of the funds and as specified in the request form (Form #7430F).
 - a. Prior to the beginning of fund raising, deviations for the spending of the funds must be approved by the administration.
 - b. Appropriate notice to parents and students must be given:
 - The intended purpose for which the funds are being raised.
 - Percent of profit earned through the fundraiser.
 - Each student's share of the funds generated.At the conclusion of the fund raiser, parents and students shall be notified as to the total profit earned by the fundraiser. Notice will also be given on how much each student's costs will be reduced by the fundraiser.
 - c. Any equipment/materials and supplies purchased by the group must be approved by an administrator in advance of fund raising. In the area of sports equipment or materials and supplies, the Athletic Director shall also agree to the appropriateness of a purchase prior to fund raising.

NOTE: Refer also to Regulation 7430R.1 -- Regulations Regarding Solicitation of Charitable Donations From School Children.

FORM

2004

7430F

Students

REQUEST SCHOOL ACTIVITIES

To avoid conflicts between school-sponsored activities, all such activities must be scheduled through **Student Government**. This includes social events (example: bake sales, magazine sales). The exception to this is interscholastic activities.

Please fill out the following information and submit to Student Government:

*1. The following event has been planned with the approval of (name of your school group):

Date this request submitted: _____

Type of event: _____ Date(s) of event: _____

2. Your student group should sign below and submit to Student Government.

Resident (Student)

Date

Faculty Advisor

Date

3. Approved by Student Government

Student Government President

Date of Meeting

Restrictions

4. Confirmed by School Administration _____
Superintendent/Principal _____ Date

*Upon approval and confirmation, it is the responsibility of the sponsoring organization to submit other needed forms (such as building use permit) as needed for this particular activity.

Copies to: Superintendent/Principal
Student Government
Organization requesting this activity

REGULATION

1995

7430R .1

1 of 2

Students

SUBJECT: REGULATIONS REGARDING SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN

In accordance with Section 19.6 of the Rules of the Board of Regents and School District policy, the direct solicitation of charitable donations from public school students on school property during school hours in which they are compelled to be in attendance is strictly prohibited.

To implement the terms of District policy and the Rules of the Board of Regents, the following regulations shall apply:

- 1) School children may be recruited to participate as fund raisers for the benefit of a charity on a voluntary basis when such fund raising to be conducted off school premises and/or when school is not in session. School personnel may distribute flyers or other literature, put up posters or otherwise notify students of out-of-school fund raising activities. However, school personnel may not act as a conduit and collect funds from students on behalf of a charity for which they recruited, even though the funds were raised by students off school property and not during school hours.
- 2) The prohibition against solicitation of charitable donations "during school hours" extends to homerooms and lunch periods. School hours end when students are released from compulsory attendance, which means that the Rules of the Board of Regents and District policy prohibiting such solicitation of charitable donations from students does not apply to before-school or after-school extracurricular periods.
- 3) The District will allow school children to participate in fund raising athletic events, such as walk-a-thons in which the school children perform and receive pledges from parents and members of the community at large, as long as the school itself is not used as a conduit to collect the money earned on behalf of the organization.
- 4) The District may allow students to participate during the school day in a food drive or clothing drive or similar activity involving the donation of goods for the needy only where the food, clothing, other goods or funds are collected in a non-coercive and passive fashion, such as through a bin or receptacle placed in a hallway or other common area, so that the identities of students making and not making donations are not revealed. Collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.
- 5) Student participation in fund raising activities off school premises which occurs as part of a community service program in which students receive high school credit for providing services to a charitable organization shall not be prohibited, provided that there is no solicitation of donations from students while they are attending school.
- 6) Student organizations, such as a key club, may engage in a fund raising for charitable purposes as an extracurricular activity provided that the student organization does not solicit funds directly from students during school hours.

(continued)

REGULATION

1995

7430R .1
2 of 2

Students

SUBJECT: REGULATIONS REGARDING SOLICITATION OF CHARITABLE DONATIONS FROM SCHOOL CHILDREN (continued)

- 7) The sale of tickets to students for a social, musical, theatrical or athletic event where a portion of the proceeds go to a charitable purpose shall not be prohibited. For example, the purchase of a ticket to a dance to raise money for a student trip or scholarship fund or for a ticket to a concert or play or charity basketball game or similar event where a portion of the proceeds go to charity shall not be prohibited by District policy. In such a situation, the student is receiving consideration for the purchase of the ticket and the risk of coercion of economically disadvantaged students is diminished, since there are many reasons for declining to attend an event. However, in accordance with District policy and the Rules of the Board of Regents, the sale on school grounds during school hours of lottery tickets or tickets for chance would be prohibited because there is no benefit received by the purchaser in consideration of his/her purchase. Furthermore, the conduct of a lottery or other game of chance that is not specifically authorized by law constitutes a gambling offense proscribed by Article 225 of the Penal Law.
- 8) The direct solicitation of charitable donations from students is prohibited where the object is to raise money to defray medical expenses for another student or other member of the school community who is ill or to raise money for a scholarship fund in memory of a deceased member of the school community. However, such prohibition will not apply to the distribution of flyers requesting that students make contributions outside of school to a fund established for such purposes. Alternatively, funds could be collected for this purpose on school property through the establishment of a collection box or receptacle in a hallway or common area.
- 9) In accordance with District policy and the Rules of the Board of Regents, the prohibition against the solicitation of charitable donations during school hours does not contain any exceptions for charitable fund raising by students or for school related organizations, such as parent- teacher associations. Direct solicitation of students during school hours is prohibited regardless of the nature of the person or organization soliciting donations.
- 10) There is no prohibition against the kinds of organizations that can engage in fund raising activities. Rather, it is the final determination of the Board of Education as to which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities otherwise comply with District policy and regulations and the Rules of the Board of Regents.

NOTE: Refer also to Regulation #7430R -- Fund Raising.

POLICY

2011

7440

Students

SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS, AND SCHOLARSHIPS

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. Upon the judgment of the principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

Student Awards and Scholarships

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Fabius-Pompey Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Education Law Section 1709(12-a)

Adopted by Board of Education 10/4/11

REGULATION

1995

7440R

Students

SUBJECT: STUDENT AWARDS AND SCHOLARSHIPS

Awards and/or scholarships that are given to the District's students each year by individuals, groups or organizations, must be made available to the School District at least one week prior to the appropriate graduation or award assembly. It will also be necessary that the individual group or organization notify the appropriate school official of their intent to grant an award or scholarship at least three months prior to the awards or graduation program. Information regarding the

Criteria for selection of the recipient must be provided at the time of an announcement of the award or scholarship.

Awards and/or scholarships that are to be continued annually and are awards or scholarships of \$50.00 or more, may, at the request of the donating person or organization, be deposited in the School's Trust and Agency Fund or graduation program. Accumulated interest or dividends of such deposits will be annually credited to the specific account. Prior to the establishment of such an account, it will be necessary for the donating person or organization to define the criteria for the selection of the recipient. This criteria must be in writing and will remain on file with the account. Accounts that diminish to an amount of less than \$50.00 will be reviewed by the School Award and Scholarship Committee regarding the continuation of the award or scholarship. In the event that the income from the investment of the funds becomes more than sufficient to make the scholarship awards, the School Award and Scholarship Committee shall have the authority to increase the size of the award commensurate with increases in cost of living, or in the event there are sufficient funds available, to increase the number of recipients.

The School Award and Scholarship Committee shall meet as required. Its membership will consist of the middle school principal, high school principal and/or elementary principal; the school Honor Society advisors, the Athletic Director, a school guidance counselor and a community member.

The School Award and Scholarship Committee shall supply the organizations that desire to make the awards, lists of eligible candidates, or in the event that such organization desires, select recipients consistent with the written criteria.

PROCEDURE

1995

7440P

Students

SUBJECT: STUDENT AWARDS AND SCHOLARSHIPS

Responsibility

Donor

Action

1. a. Notifies the appropriate school official of intent to grant an award or scholarship at least three (3) months prior to awards or graduation program.
- a. Provides information regarding the criteria for selection of the recipient(s).
- b. Requests that cash awards or scholarships of \$50.00 or more be deposited in the school's Trust and Agency Fund Account. Deposit shall be made three (3) months prior to the awards or graduation program.
- c. Provides in writing information regarding the criteria for selection of the recipient(s).
- d. Makes awards or scholarships available to the School District at least one (1) week prior to the appropriate award or graduation program.
- 2.a. Obtains as many appropriate awards or scholarships as possible.

Award and Scholarship Committee

- b. Supplies organizations that desire to make awards, lists of eligible candidates.
- c. Selects recipient(s) consistent with written criteria if requested.
- d. Reviews the Trust and Agency Fund Account.

POLICY

2011

7450

Students

SUBJECT: SUPERVISION OF STUDENTS

Students working on any activity must be supervised by the teacher in charge of the activity. This applies to all activities and permission to hold practices or meetings must not be granted unless a teacher is definitely in charge.

- a. Physical education personnel in the School District will be fully responsible for the supervision of all students in either their class or their after school activities. The coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods.
- b. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.
- c. Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The principal will distribute the responsibility so that the playground situation will be properly controlled.
- d. Students are not to be sent on any type of errand away from the building without the consent of the principal.

SUBJECT: HEALTHY KIDS, HEALTHY NEW YORK AFTER-SCHOOL INITIATIVE

The School District is committed to providing a school environment, both during the school day and during after-school programs and activities sponsored by the District, that fosters children's health, wellbeing, and ability to learn by supporting healthy eating and physical activity.

Therefore, the District supports the *Healthy Kids, Healthy New York After-School Initiative* (the "*Initiative*"). The *Initiative* guidelines and toolkit provide information, tips and recommendations to participating after-school programs in the areas of improved nutrition, increased physical activity and establishing sensible screen time limits (e.g., TV, DVD, video games, and non-school or non-work related computer and Internet use). Nutritional guidelines were developed to be consistent with the Child and Adult Care Food Program (CACFP) and the National School Lunch Program (NSLP).

After-School Programs

The District will implement the guidelines that are part of the *Healthy Kids, Healthy New York After-School Initiative* in the after-school programs it sponsors. The District will also encourage those outside organizations who use District facilities for after-school programs involving children to utilize the model guidelines contained in the toolkit; as such, the District will disseminate these model guidelines to after-school program personnel and parents.

All District sponsored after-school programs involving students must be continuously supervised by an appropriate staff member(s).

Nutrition

The District will implement the nutrition guidelines contained in the *Initiative* and serve nutritious snacks at after-school events sponsored by the District. These guidelines have been developed to be consistent with the Child and Adult Care Food Program (CACFP) and National School Lunch Program (NSLP).

Physical Activity

The District will implement the physical activity guidelines enumerated in the *Initiative* and engage children in physical activities that are designed to recognize differences in age, physical and mental development, and skill level.

Screen Time

The District will implement the "screen time" guidelines enumerated in the *Initiative* and limit the use of television or recreational screen time (e.g., videos, DVDs, computers, portable electronic devices) in its after-school programs. Computer use for homework is exempted

Television programming, videos, DVDs, or computer programs must be age-appropriate, nonviolent, and educational; and must be selected from a pre-approved list or catalogue of instructionally-related materials and/or have received approval for such use from the Superintendent/designee.

POLICY

2011

7460

Students

SUBJECT: MUSICAL INSTRUMENTS

- a. All instrumental music students shall be expected to own or rent their own instrument --particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).
- b. Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category typically include: oboe, bassoon, tuba, French horn, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c. Students and parent/legal guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d. The District will only transport, on its vehicles, those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.
- e. Administrative regulations shall be developed by the administration.

New York State Department of Transportation Regulations Section 720.22

Adopted by Board of Education 10/4/11

REGULATION

1995

7460R

Students

SUBJECT: GUIDELINES REGARDING TRANSPORTATION OF MUSICAL INSTRUMENTS

The District will only transport on its vehicles those musical instruments meeting the following safety guidelines:

1. The musical instrument must be either carried by the student or able to rest on his/her lap so as not to interfere with the safety or comfort of other passengers.
2. The instrument must not displace another student's seat.
3. The instrument must not block the aisle of the vehicle or restrict any student's mobility.
4. The instrument must not block any exits from the vehicle.

POLICY

2011

7470

Students

SUBJECT: STUDENT INVOLVEMENT

The Board of Education recognizes that most students desire a voice in decisions which will affect them and that students can be an important resource in the improvement of schools.

The Board views student participation in school affairs as an extension of the educational process and encourages students to participate through planned programs and procedures in the government of the school.

The Board recognizes that students, as citizens, should have the privilege of genuine participation in planning instruction and should assume the responsibility of assisting in the devising of regulations for student conduct which provides for all students an educational climate free from interference and interruption.

Adopted by Board of Education 10/18/11

POLICY

2011

7480

Students

SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board of Education affirms the responsibilities of the School District, consistent with applicable statutory/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 of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

Section 9524 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001

United States Constitution, First Amendment

Equal Access Act, 20 United States Code (U.S.C.) Sections 4071-4074

Adopted by Board of Education 10/4/11

POLICY

2011

7485

Students

SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE

A minor's work hours shall be in accordance with all applicable federal and state laws and regulations as well as requirements established by the School District.

Pursuant to Education Law, minors may be employed when attendance upon instruction is not required, provided they obtain a valid employment certificate or permit (if applicable); and provided such employment is not prohibited by and/or in violation of the Labor Law or other law.

Minors may not work during the hours they are required to attend school unless otherwise authorized pursuant to law and/or regulation.

However, students at least 14 years of age may be employed during the school lunch period in their school's cafeteria if the minor presents a valid employment certificate issued in accordance with Education Law.

Students 16 and 17 years of age may work when school is in session until 10:00 p.m. on any day preceding a school day. However, students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a school day provided the employer receives and maintains both the written consent of the student's parent/guardian and a certificate from the student's school at the end of each marking period which asserts that the student is in satisfactory academic standing according to the standards established by the School District.

Students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a non-school day provided the employer receives and maintains the written consent of the parent/guardian.

Before issuing a certificate of satisfactory academic standing, the District shall ensure that students and their parents/guardians are afforded all legal rights and protections, including the right of consent, in complying with requests for disclosure of student records and information from such records under the federal Family Educational Rights and Privacy Act.

Fair Labor Standards Act of 1938 (FLSA), as amended
29 United States Code (USC) Section 201 et seq.
29 Code of Federal Regulations (CFR) Parts 570-580
Family Educational Rights and Privacy Act of 1974 (FERPA)
20 United States Code (USC) Section 1232(g)
34 Code of Federal Regulations (CFR) Part 99
Education Law Article 65
Labor Law Articles 4 and 4-A
Arts and Cultural Affairs Law Article 35
8 New York Code of Rules and Regulations (NYCRR) Sections 14.1.8 and 141.9 and Part 190

Adopted by Board of Education 10/4/11

Students

SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE

A minor's work hours shall be in accordance with all applicable federal and state laws and regulations as well as requirements established by the School-District.

Pursuant to Education Law, minors may be employed when attendance upon instruction is not required, provided they obtain a valid employment certificate or permit (if applicable); and provided such employment is not prohibited by and/or in violation of the Labor Law or other law.

Minors may not work during the hours they are required to attend school unless otherwise authorized pursuant to law and/or regulation.

However, students at least 14 years of age may be employed during the school lunch period in their school's cafeteria if the minor presents a valid employment certificate issued in accordance with Education Law.

Hours of Work for Students 14 and 15 Years of Age When School is in Session

When school is in session, students 14 and 15 years of age may not be employed:

- 1) More than three (3) hours on any school day;
- 2) More than eight (8) hours on any day when school is not in session;
- 3) More than eighteen (18) hours a week;
- 4) More than six (6) days a week; or
- 5) After 7:00 p.m. or before 7:00 a.m.

Hours of Work for Students 16 and 17 Years of Age When School is in Session

In general, when school is in session, students 16 and 17 years of age may not be employed:

- 1) More than four (4) hours on any day preceding a school day, other than a Sunday or holiday;
- 2) More than eight (8) hours on a Friday, Saturday, Sunday or holiday;
- 3) More than twenty-eight (28) hours a week;
- 4) More than six (6) days a week; and
- 5) Before 6:00 a.m.

Students 16 and 17 years of age may work when school is in session until 10:00 p.m. on any day preceding a school day. However, students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a school day provided the employer receives and maintains both the written consent of the student's parent/guardian and a certificate from the student's school at the end of each marking period which asserts that the student is in satisfactory academic standing according to the standards established by the School District.

Students 16 and 17 years of age may work between 10:00 p.m. and midnight on any day preceding a non-school day provided the employer receives and maintains the written consent of the parent/guardian.

Before issuing a certificate of satisfactory academic standing, the District shall ensure that students and their parents/guardians are afforded all legal rights and protections, including the right of consent, in complying with requests for disclosure of student records and information from such records under the federal Family Educational Rights and Privacy Act.

Child Performers

Labor Law mandates that child performers have an employment permit which is valid for six (6) months from the date of issuance. An application for a child performer permit must include evidence provided by the child performer each semester demonstrating that the child is maintaining satisfactory academic performance as determined by the child's school of enrollment pursuant to state law.

(continued)

SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE (continued)

A child performer must fulfill all educational requirements set forth in Education Law Article 65, which primarily addresses Compulsory Education. If a child performer is unable to meet these educational requirements due to his/her employment schedule, the employer must provide a certified teacher, or a teacher who has credentials recognized by the state, as a tutor to the child. The child performer and the child's parents/guardians shall work with the certified teacher and the child's school of enrollment to fulfill the educational requirements. A child performer shall not be declared absent from school while working with a permit in accordance with legal requirements.

A child performer who is required by law to attend school shall not be without educational instruction and unemployed for a period longer than ten (10) consecutive days while the child's school of enrollment is in session.

Issuance of Employment Certificates or Permits/Revocation

In general, pursuant to Education Law, minors 14 or 15 years of age may be issued an employment certificate/permit that shall be valid for work in a trade, business or service. However, these minors are prohibited from working in factories. Minors 16 or 17 years of age may be issued a general employment certificate/permit that shall be valid for work in or in connection with a factory or any other trade, business or service.

An employment certificate/permit may be used for an unlimited number of successive job placements in the specific occupation permitted by the particular type of certificate/permit, e.g., newspaper carrier permit, child model work permit, farm work permit. An employment certificate/permit shall expire two (2) years from the date of its issuance, except as otherwise provided in law.

An employment certificate/permit is not required for occupations designated in Education Law

Section 3215(4), Labor Law Sections 131(3) and 132(3), and 8 NYCRR Section 191.1. These "exempt" occupations include, but are not limited to, caddy service on a golf course, babysitting, and other "casual employment" as defined in law and/or regulation.

Employment certificates/permits shall be issued by the Superintendent of Schools, provided that the District Superintendent of Schools may issue such certificates/permits for students attending classes operated by a board of cooperative educational services (BOCES). However, the

Superintendent or District Superintendent may designate in writing the principal of the public school the minor attends or last attended or other public school official to act as the certificating official in his/her stead. The designation or authorization of certificating officials in public schools shall be subject to such limitations or standards as may be prescribed by the Superintendent or District Superintendent.

Procedure for Issuance of Employment Certificates/Permits

An application for an employment certificate/permit shall be made by a minor on a form prescribed by the Commissioner of Education (please refer to subheading below "State Education Department Application for Employment Permit").

Before issuing an employment certificate/permit, the issuing official shall require the minor to submit the following:

- 1) Evidence of age (in accordance with Education Law Section 321 8);
- 2) Written consent of the parent/guardian; and
- 3) A certificate of physical fitness (in accordance with Education Law Section 3220).

(continued)

SUBJECT: EMPLOYMENT OF STUDENTS OF MINOR AGE (continued)

Although not applicable to employment of students of minor age while in attendance at "day school," if the application is for a full time employment certificate, a "schooling record" must also be provided in accordance with Education Law Section 3222. In a school district which, pursuant to Education Law Section 3205(3), requires minors from 16 to 17 years of age who are not employed to attend full time day instruction, the certificating official shall require a minor applying for a full time employment certificate to submit both a "pledge of employment" pursuant to Education Law Section 322 1 as well as a "schooling record."

During the months of July and August, and at other times in extraordinary circumstances and emergencies, one or more public school officials shall be designated in writing by the Superintendent or District Superintendent to act as certificating officials. The designation or authorization of certificating officials in public schools shall be subject to such limitations or standards as may be prescribed by the Superintendent or District Superintendent.

Revocation of Employment Certificates/Permits

Employment certificates/permits may be revoked by the Superintendent of Schools or the District Superintendent within their respective jurisdictions.

Where a student who is required to attend school pursuant to Education Law Section 3205 has failed no less than four (4) academic courses in one semester, the Superintendent or District Superintendent may revoke such student's employment certificate/permit.

In determining whether to revoke an employment certificate/permit, the Superintendent or District Superintendent shall consider:

- 1) An evaluation of the student's overall academic performance and past academic record;
- 2) An examination of the student's attendance record;
- 3) The economic need of the student's family for the income provided by the student;
- 4) The willingness of the student to participate in a cooperative education program, work study program, school to work program or any other structured program which provides a student with an opportunity to earn income while earning academic credit;
- 5) Such other factors as the aforementioned officials identify; and
- 6) Any material submitted by the student.

However, this provision of Education Law shall not be construed to prevent any student from obtaining an employment certificate/permit for the purpose of working during the months of July and August.

State Education Department (SED) Application For Employment Permit

In accordance with Education Law Section 3217, SED has developed an "Application for Employment Permit" (concerning employment of minors) available on its web site. This Form also provides general information regarding types of permits, prohibited employment, and hours of employment.

*Note: link opens directly to Form - if necessary, continue to click OK on "sss" screen until form appears.

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 is 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.

Except for this exemption, the District may not permit a child lacking evidence of immunization 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.

The administration will notify the local health authority of the name and address of excluded children and provide the parent or person in parental relation a statement of his or her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school will cooperate with the local health authorities to provide a time and place for the immunization of these children.

For homeless children, the enrolling school must immediately refer the parent or guardian of the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization 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 parents.

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 1/7/20

SUBJECT: STUDENT PHYSICALS**Health Examination**

Each student enrolled in District schools must have a satisfactory health examination conducted by the student's physician, physician assistant or nurse practitioner within twelve months prior to the commencement of the school year of:

- a. The student's entrance in a District school at any grade level;
- b. Entrance to pre-kindergarten or kindergarten;
- c. Entry into grades 1, 3, 5, 7, 9 and 11.

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.

In addition, the District requires a certificate of physical fitness for:

- a. All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during the school year; and
- b. All students who need work permits.

Health Certificate

Each student must submit a health certificate attesting to the health examination within thirty (30) days after his or her entrance into school and within thirty (30) days after his or her entry into grades 1, 3, 5, 7, 9 and 11. The health certificate shall be filed in the student's cumulative record.

The health certificate must:

- a. Describe the condition of the student when the examination was given;
- b. State the results of any test conducted on the student for sickle cell anemia;
- c. State whether the student is in a fit condition of health to permit his/her attendance at public school and, where applicable, whether the student has defective sight or hearing, or 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 such work to prevent injury to the student;
- d. Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is authorized by law to practice in New York State consistent with any applicable written practice agreement; or authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner of Health has determined that such jurisdiction has standards of licensure and practice comparable to those of New York.

The Principal or the Principal's designee will send a notice to the parents of, or person in parental relationship to, any student who does not present a health certificate, that if the required health certificate is not finished within thirty (30) days from the date of such notice, an examination by health appraisal will be made of such student by the Director of School Health Services.

The Director of School Health Services shall cause such students to be separately and carefully examined and tested to ascertain whether any such student has defective sight or hearing, or 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 such work to prevent injury to the student.

SUBJECT: STUDENT PHYSICALS (Cont'd.)**Examination by Health Appraisal**

The physician, physician assistant or nurse practitioner administering such examination shall determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, shall conduct such test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that any students have defective sight or hearing, or a physical disability or other condition, including sickle cell anemia, which may require professional attention with regard to health, the Principal or Principal's designee shall notify, in writing, the student's parents or persons in parental relation as to the existence of such disability or condition. If the parents or persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the Principal or Principal's designee to the Director of School Health Services, who then has the duty to provide relief for such students.

Health Screenings

The District will provide:

- a. Scoliosis screening at least once each school year for all students in grades 5 and 7 for girls and grade 9 for boys. The positive results of any such screening examinations for the presence of scoliosis shall be provided in writing to the student's parent or person in parental relation within ninety (90) days after such finding;
- b. Vision screening to all students who enroll in school including at a minimum color perception, distance acuity, near vision and hyperopia within six (6) months of admission to the school. In addition, all students shall be screened for distance acuity and near vision in grades Kindergarten, 1, 3, 5, 7, and 11 and at any other time deemed necessary. The results of all such vision screening examinations shall be made available in writing to the student's parent or person in parental relation and to any teacher of the student. The vision report will be kept in a permanent file of the school for at least as long as the minimum retention period for such records;
- c. Hearing screening to all students within six months of admission to the school and in grades Kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. Screening shall include, but not be limited to, pure tone and threshold air conduction screening. The results of any such hearing tests shall be provided in writing to the student's parent or person in parental relation and to any teacher of the student.

The results of all health screenings (dental, hearing, vision and scoliosis) shall be recorded on appropriate forms signed by the health professional making the examination, include appropriate recommendations, and be kept on file in the school. 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 shall be required where a student or the parent or person in parental relation to such student objects thereto on the grounds that such 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 such person holds such beliefs shall be submitted to the Principal or Principal's designee, in which case the Principal or Principal's designee may require supporting documents.

Family Educational Rights and Privacy Act of 1974 (FERPA)

20 United States Code (USC) Section 1232(n)

34 Code of Federal Regulations (CFR) Part 99

Education Law Sections 901-905, 912 and 3217

8 New York Code of Rules and Regulations (NYCRR) Part 136

REGULATION

2020

7512R

1 of 1

Students



New York State Center for School Health
Supporting Student Success Through Health and Education



NYS
Required



NYC
Required



NYS
Optional



NYC
Optional

NYS and NYC Screening & Health Exam Requirements														
	New Entrant	Pre K or K*	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12
HEARING SCREENING:														
Pure Tone	X	X	X		X		X		X				X	
SCOLIOSIS SCREENING														
Boys											X			
Girls							X		X					
VISION SCREENING														
Color Perception	X													
	X													
Fusion		X	X											
Near Vision	X	X	X		X		X		X				X	
	X	X	X		X		X							
Distance Acuity	X	X	X		X		X		X				X	
	X	X	X		X		X							
Hyperopia	X													

*Determine if your Kindergarten or Pre K students are your district's new entrants.

Health Examination Overview														
	New Entrant	Pre K or K	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12
Health Examination**	X	X	X		X		X		X		X		X	
	X													
Dental Certificate	X	X	X		X		X		X		X		X	

**Health Examinations may be either a Health Appraisal (health exam performed by the School Medical Director) or Health Certificate (health exam performed by the student's primary medical provider). They must be dated no more than 12 months prior to the start of the school year in which they are required, or the date of entrance to the school for new entrants.

This sample resource was created by the New York State Center for School Health and is located at www.schoolhealthny.com in the Laws|Guidelines|Memos - Effective July 2018

SUBJECT: ADMINISTRATION OF MEDICATION

The school's registered professional nurse may administer medication to a student during school hours under certain conditions. (For the purpose of this policy "medication" includes prescription and non-prescription). Per New York State Education Department (NYSED) requirements, the school must receive the following before medication is given to a student:

- a) The original written order from the student's physician stating the name of the medication, precise dosage, frequency and time of administration;
- b) A written, signed consent from the student's parent or legal guardian 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 legal guardian. (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/her person in school, or on the school bus, or keep any medication in his/her school locker(s). An exception to this policy may apply for a student's asthma inhaler or epi-pen which a student may carry and use under certain conditions.

All medication orders must be reviewed annually or whenever there is a change in dosage.

Procedures governing the School District's receipt, storage and disposal of medication, as well as those pertaining to the administration of medication to a student after school hours and/or off school grounds during a school-sponsored activity will be in accordance with NYSED guidelines.

Emergency Medication

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by a school staff member responding to an emergency situation when such use has been prescribed by a licensed prescriber. However, a registered professional nurse/nurse practitioner/physician/physician's assistant must have trained the staff member to administer the emergency medication for that particular emergency situation (e.g., "epi-pen") and given him/her approval to assist the student in the event of an emergency anaphylactic reaction. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

Use of Asthma Inhalers

A student may carry and use an asthma inhaler if the School Health Office has on file: the physician's written order/diagnosis that the student has a severe asthma condition and may be subject to sudden and debilitating asthmatic attacks; and written permission from the student's parent or legal guardian. Upon written request of the student's parent or legal guardian, the school must allow a student to maintain an extra asthma inhaler in the care and custody of the school's registered professional nurse. (A School District is **not required** to hire a registered professional nurse solely for the purpose of maintaining a spare inhaler or to ensure that a registered professional nurse is available at all times in a school building for such purpose).

(Continued)

SUBJECT: ADMINISTRATION OF MEDICATION (Cont'd.)**Blood Glucose Monitoring**

Children with diabetes have the right to care for their diabetes at school in accordance with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 which provide protection against discrimination for children with disabilities, including diabetes.

Accordingly, blood glucose monitoring must be allowed in the school setting at any time, within any place, and by anyone necessitating such testing. Children must receive assistance if needed with the procedure.

The school nurse shall oversee any arrangements that need to be made for testing and a system to report the results to the nurse as needed. Proper arrangements should be made for the disposal of sharps.

Alcohol-Based Hand Sanitizers

Alcohol-based hand sanitizers are considered over-the-counter (OTC) drugs by the United States Food and Drug Administration. However, due to the fact that careful hand-washing and sanitation is the most effective way to control the recent spread of Methicillin-Resistant Staphylococcus Aureus (MRSA) in schools, the New York State Education Department (NYSED) has allowed a medical exemption to the requirements for OTC preparations in the school setting to permit the use of alcohol-based hand sanitizers.

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.

It should be noted that hand sanitizers which contain alcohol are flammable and shall not be placed in hallways or near an open flame or source of sparks.

Disposal of Unused Medication

Any unused medication (including, but not limited to expired prescription and nonprescription drugs) must be returned to the parent/guardian by the end of each school year. If the parent/guardian does not retrieve the unused medication by the end of the school year, then the School Nurse or designated School Health Office personnel must document that the medication was abandoned and dispose of the unused medication.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 614(a)]
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Education Law Sections 902(b), 916, 6527(4)(a) and 6908(1)(a)(iv)
Public Health Law Section 3000-a

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

***District Option** -- A School District may, but is not mandated to, provide this service. If a District decides to not provide stock albuterol, this subheading should be removed.

POLICY

2011

7514

Students

SUBJECT: HEALTH RECORDS

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential. Individual records may be interpreted by the nurse to administrators, teachers, and counselors, consistent with law.

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying -along with the range of possible intervention activities and/or sanctions for such misconduct -to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a. Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b. Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c. Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Engages in Cyberbullying Behavior

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

Cyberbullying has the effect of:

- a. Physically, emotionally or mentally harming a student;
- b. Placing a student in reasonable fear of physical, emotional or mental harm;
- c. Placing a student in reasonable fear of damage to or loss of personal property; and
- d. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "***Tinker*** standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.* 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS**Reports of Allegations of Bullying/Cyberbullying Behavior**

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying/cyberbullying, shall report the behavior to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying/cyberbullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying/cyberbullying. Investigation of allegations of bullying/cyberbullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying/cyberbullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prevention and Intervention

Personnel at all levels are responsible for taking corrective action to prevent bullying/cyberbullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying/cyberbullying within the schools and to facilitate staff identification of and response to such bullying/cyberbullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying/cyberbullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying/cyberbullying stops.

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 bullying/cyberbullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying/cyberbullying behavior has not resumed and that all those involved in the investigation have not suffered retaliation.

Civil Service Law Section 75-b

NOTE: Refer also to Policies #3000 --Code of Conduct on School Property

#3000 --Anti-Harassment in the School District

#7000 --Sexual Harassment of Students

#7000 --Hazing of Students

District Code of Conduct

SUBJECT: HAZING OF STUDENTS

The Board of Education is committed to providing a safe, productive and positive learning environment within its schools. Hazing activities are demeaning, abusive and/or illegal behavior that harm victims, and are inconsistent with the educational goals of the District by negatively impacting the school environment. Hazing of a student by another student or group 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 of a student refers to soliciting, encouraging, aiding or engaging in "hazing" behavior as defined pursuant to District policy, regulation and/or law. The Board of Education shall require the prohibition of hazing - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term *"hazing" among students is defined as any humiliating or dangerous activity expected of a student to join a group, regardless of their willingness to participate.* Hazing behaviors include, but are not limited to, the following general categories:

- a. Humiliation: socially offensive, isolating, or uncooperative behaviors.
- b. Substance abuse: abuse of tobacco, alcohol, or illegal drugs.
- c. Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions. Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the *District Code of Conduct* and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Any student who believes that he/she is being subjected to hazing behavior, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of hazing, shall report the incident to any staff member or the building principal. Anonymous student complaints of hazing behavior will also be investigated by the District. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses hazing behavior) shall investigate the complaint/incident and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of hazing. Investigations of allegations of hazing shall follow the procedures utilized for complaints of harassment within the School District. Allegations of hazing shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of hazing. Follow-up inquiries and/or appropriate monitoring of the alleged hazer(s) and victim(s) shall be made to ensure that hazing behavior has not resumed and that all those involved in the investigation of allegations of hazing have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

SUBJECT: HAZING OF STUDENTS (Cont'd.)**Knowingly Makes False Accusations**

Students who *knowingly* make false accusations against another individual as to allegations of hazing may also face appropriate disciplinary action.

District Responsibility/Training

Personnel at all levels are responsible for taking corrective action to prevent hazing behavior of which they have been made aware at School District sites; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus. Further, as may be applicable, personnel are to report such hazing behavior to their immediate supervisor. Staff training shall be provided to raise awareness of the problem of hazing within the schools and to facilitate staff identification of, and response to, such hazing behavior among students.

Prevention and intervention techniques within the District to help prevent hazing behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to hazers, victims and their parents to help ensure that the hazing stops.

Rules against hazing shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the *District Code of Conduct* and may also be incorporated in staff and student handbooks. In addition, allegations of hazing behavior may result in referral to law enforcement officials as necessary.

New York State Penal Law Sections 120.16 and 120.17
Education Law Sections 1709-a, 2503-a, 2554-a, and 2801
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(2)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

Training

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Discrimination and Harassment

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

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 discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Education Law Sections 10-18 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

BOE Adopted 6/5/12

POLICY

2011

7520

Students

SUBJECT: ACCIDENTS

Procedures shall be established and maintained by the Superintendent for the handling of student injuries that occur on school property and during school activities.

Student Emergency Treatment

All staff members of the School District are responsible to obtain first-aid care of 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 of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called if warranted.

Insurance

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a, b) and 1709(8-a, b)

Adopted by Board of Education 11/1/11

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS

Students come to school with diverse medical conditions which may impact their learning as well as their health. Some of these conditions are serious and may be life-threatening. As a result, students, parents, school personnel, and health care providers must all work together to provide the necessary information and training to allow children with chronic health problems to participate as fully and safely as possible in the school experience. This policy encompasses an array of serious or life-threatening medical conditions such as anaphylaxis, diabetes, seizure disorders, or severe asthma and acute medical conditions such as substance overdose. All students within the District with known life-threatening conditions will have a comprehensive plan of care in place: an Emergency Care Plan (ECP) or Individualized Healthcare Plan (IHP) and if appropriate, an Individualized Education Plan (IEP) or Section 504 Plan.

Life-Threatening Conditions

For those students with chronic life-threatening conditions such as diabetes, seizure disorders, asthma, and allergies, the District must work cooperatively with the parent(s) and the healthcare provider(s) to:

- a) Immediately develop an ECP for each at risk student to ensure that all appropriate personnel are aware of the student's potential for a life-threatening reaction;
- b) If appropriate, develop an IHP that includes all necessary treatments, medications, training, and educational requirements for the student. If the student is eligible for accommodations based upon the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, the appropriate procedures will be followed regarding evaluation and identification;
- c) Provide training by licensed medical personnel (e.g., registered professional nurse) for all adults in a supervisory role in the recognition and emergency management of a specific medical condition for specific students;
- d) Obtain specific medical-legal documents duly executed in accordance with New York State law; appropriate health care provider authorization in writing for specific students that includes the frequency and conditions for any testing and/or treatment, symptoms, and treatment of any conditions associated with the health problem; and directions for emergencies;
- e) Secure written parent permission and discuss parental responsibility that includes providing the health care provider's orders, providing any necessary equipment, and participation in the education and co-management of the child as he or she works toward self-management;

(Continued)

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 or Naloxone (Narcan) for use, especially in first time emergencies;
- f) Allow the school registered nurse, nurse practitioner, or physician to train unlicensed school personnel to administer emergency epinephrine via auto-injector, or emergency glucagon, to students with both a written provider order and parent or person in parental relation consent during the school day, on school property, and at any school function. Such training will be done in accordance with specifications outlined in the Commissioner's regulations;
- g) Ensure that building-level safety plans and the District-wide emergency response plan include appropriate accommodations for students with life-threatening health conditions;
- h) Encourage families to obtain medic-alert bracelets for at risk students;
- i) Educate students regarding the importance of immediately reporting symptoms of an allergic reaction.

(Continued)

SUBJECT: STUDENTS WITH LIFE-THREATENING HEALTH CONDITIONS (Cont'd.)**Creating an Allergen-Safe School Environment**

The risk of accidental exposure or cross-contamination is always present in school, particularly for students with food allergies. The school setting is a high-risk environment for accidental ingestion of a food allergen due to the presence of a large number of students, increased exposure to food allergens, and cross-contamination of tables, desks, and other surfaces.

In an effort to prevent accidental exposure to allergens, the District will monitor the following high-risk areas and activities:

- a) Cafeteria;
- b) Food sharing;
- c) 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

BOE Adopted 11/17/20

REGULATION

2020

7521R

1 of 1

Students

SUBJECT: OPIOID OVERDOSE PREVENTION

In an effort to ensure the health and safety of its students and staff, the District will maintain and administer an opioid antagonist in its schools, specifically Naloxone, otherwise known by its brand name Narcan, for use during emergencies to any student or staff member experiencing a known or suspected opioid overdose regardless of a previous history of opioid abuse.

The District has registered with the New York State Department of Health (NYSDOH) to become a Registered Opioid Overdose Prevention Program. In addition to the school nurse, the District will permit volunteer, unlicensed school personnel who have received the requisite NYSDOH- approved training to administer Naloxone on-site during the school day. While school registered nurses may administer intranasal [IN] Naloxone in the event of a known or suspected opioid overdose, trained staff members may also administer intranasal [IN] Naloxone. As the District is a Registered Opioid Prevention Program, it will receive its opioid overdose kits at no cost. The medical director will be notified whenever Naloxone is administered on-site. In accordance with relevant New York State Education Department guidance, the District will also maintain a log of trained school personnel and report newly trained personnel on a quarterly basis to the NYSDOH.

Storage and Inventory

The District will store its supply of Naloxone in a secure, but accessible, and temperate location consistent with its emergency response plan. The school nurse will inventory the supply of Naloxone on a weekly basis and record this information on a log which will be developed and maintained by the school nurse. This record of information will include the date, time, and signature of the school nurse performing the inventory.

BOE Adopted 11/17/20

SUBJECT: CONCUSSION MANAGEMENT

The Board of Education recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The physical and mental well-being of our students is a primary concern. Therefore, the Fabius-Pompey Central School District adopts the following Policy to support the proper evaluation and management of concussion injuries.

A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academics as well as their athletic pursuits.

Concussion Management Team (CMT)

In accordance with the Concussion Management and Awareness Act, the School District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the School District. The Concussion Management Team shall oversee and implement the School District's concussion policy and regulations, including the requirement that all school coaches, physical education teachers, nurses and certified athletic trainers who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to mild traumatic brain injuries. Furthermore, every concussion management team may establish and implement a program which provides information on mild traumatic brain injuries to parents and persons in parental relation throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities (including physical education class and recess) shall complete a course of instruction every two (2) years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

- 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 course can be completed by means of instruction approved by SED which include, but are not limited to, courses provided online and by teleconference.

Information to Parents

The District shall include the following information on concussion in any permission or consent form or similar document that may be required from a parent/person in parental relation for a student's participation in interscholastic sports. 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, if one exists, to the above list of information on the State Education Department's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District shall require the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a mild traumatic brain injury (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 shall be removed from the class, game or activity and must be evaluated as soon as possible by an appropriate health care professional. Such removal must occur based on display of symptoms regardless of whether such injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been injured until proven otherwise. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The School District may choose to allow credentialed District staff to use validated Neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion.

Return to School Activities and Athletics

The student shall not return to physical activity (including athletics, physical education class and recess) until he/she has been symptom-free for not less than twenty-four (24) hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's Regulations, the School District's Medical Director will give final clearance on a return to activity for extra-class athletics. All such authorizations shall be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District shall 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's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day.

In accordance with NYSED guidelines, this Policy shall be reviewed periodically and updated as necessary in accordance with New York State Education Department guidelines. 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 Sections 207; 305(42), and 2854
8 NYCRR 135.4 and 136.5

Guidelines for Concussion Management in the School Setting, SED Guidance Document, June 2012

SUBJECT: COMPREHENSIVE CONCUSSION MANAGEMENT REGULATION

The Board recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. A concussion is a mild traumatic brain injury (MTBI). A concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head or body that causes the head and brain to move rapidly back and forth. Recovery from concussion and its symptoms will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management. Concussions can impact a student's academic life as well as their athletic pursuits. Therefore, the Fabius-Pompey Central School District has developed the following regulation for the implementation of the Concussion Management and Awareness Act and Commissioner's Regulations to support the proper evaluation and management of concussion injuries.

Concussion Management Team

The District may establish a Concussion Management Team (CMT) which will oversee and implement the District's concussion management policies and protocols. The team may include:

- 1) The Athletic Director and/or Director of Physical Education;
- 2) A school nurse;
- 3) District Medical Director;
- 4) A coach and/or Physical Education teacher;
- 5) A certified athletic trainer;
- 6) Students;
- 7) Parents;
- 8) School Administration/Pupil Personnel Services staff;
- 9) Teacher;
- 10) Private medical provider or specialist;
- 11) Other appropriate personnel as designated by the school district.

The primary focus of the team is student health and recovery. The following is a list of tasks that may be performed by the Concussion Management Team:

- 1) Oversee the training of coaches, physical education teachers, nurses and athletic trainers on concussion and MTBI.
- 2) Implement a coordinated communication plan to ensure that all staff is aware of and following post-concussion orders from private physicians. If necessary, the CMT can implement a plan similar to an individualized healthcare plan used by the school nurse to communicate post-concussion orders and symptoms to look out for in injured students.
- 3) Work with the District's Medical Director to establish a standard treatment plan and emergency procedure for use when a student sustains a concussion during the school day or at a school-sponsored athletic event.

(Continued)

SUBJECT: COMPREHENSIVE CONCUSSION MANAGEMENT REGULATION (Cont'd.)

- 4) Advocate for appropriate academic and physical accommodations to reduce delays in a student's ability to return to full activities.
- 5) Provide information on concussion to parents and persons in parental relations throughout each school year. The required information will be included in athletic handbooks and permission forms before each sports season.
- 6) Ensure that there is a link to online concussion management information from the NYS Department of Health and NYSED included on the athletic department's page of the School District website, if one exists.

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 (including physical education class and extracurricular activities) shall complete a course of instruction every two (2) years related to recognizing the symptoms of concussions or MTBIs, and monitoring and seeking proper medical treatment for students who suffer from concussion or MTBI.

Components of the course will include:

- 1) The definition of MTBI;
- 2) Signs and symptoms of MTBI/concussion;
- 3) How MTBIs may occur;
- 4) Practices regarding prevention; and
- 5) 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 course can be completed by a means of instruction approved by SED including, but not limited to, courses provided online and by teleconference. The team will utilize a system to document all required training for District staff. Because concussion symptoms may manifest themselves in any setting, all school staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Identification of Concussions

Any student demonstrating signs, symptoms or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity shall be removed from the class, game or activity and be evaluated as soon as possible by an appropriate health care professional. The student should be observed until an evaluation is completed by a medical professional or turned over to the care of his/her parent or person in parental relation. The District shall notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

SUBJECT: COMPREHENSIVE CONCUSSION MANAGEMENT REGULATION (Cont'd.)

Symptoms of a concussion include, but are not limited to:

- 1) Amnesia (e.g., decreased or absent memory of events prior to or immediately after the injury, or difficulty retaining new information);
- 2) Confusion or appearing dazed;
- 3) Headache or head pressure;
- 4) Loss of consciousness;
- 5) Balance difficulty or dizziness, or clumsy movements;
- 6) Double or blurry vision;
- 7) Sensitivity to light and/or sound;
- 8) Nausea, vomiting, and/or loss of appetite;
- 9) Irritability, sadness or other changes in personality;
- 10) Feeling sluggish, foggy, groggy, or lightheaded;
- 11) Concentration or focusing problems;
- 12) Slowed reaction times, drowsiness;
- 13) Fatigue and/or sleep issues (e.g., sleeping more or less than usual).

Students who develop any of the following signs, or if the above listed symptoms worsen, must be seen and evaluated immediately at the nearest hospital emergency room:

- 1) Headaches that worsen;
- 2) Seizures;
- 3) Looks drowsy and/or cannot be awakened;
- 4) Repeated vomiting;
- 5) Slurred speech;
- 6) Unable to recognize people or places;
- 7) Weakness or numbing in arms or legs, facial drooping;
- 8) Unsteady gait;
- 9) Dilated or pinpoint pupils, or change in pupil size of one eye;
- 10) Significant irritability;
- 11) Any loss of consciousness;
- 12) Suspicion of skull fracture: blood draining from ear, or clear fluid from nose.

(Continued)

SUBJECT: COMPREHENSIVE CONCUSSION MANAGEMENT REGULATION (Cont'd.)**Neurocognitive Testing and Sideline Assessments**

The Fabius-Pompey Central School District may allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool. These programs establish baselines for student athletes and allow for post-concussion performance evaluations. The tests measure verbal and visual memory, processing speed and reaction time. These tools may include ImPACT (Immediate Post Concussion Assessment & Cognitive Testing), CogSport (also known as Axon), Headminders, and ANAM (Automated Neuropsychological Assessment Metrics).

The District also allows trained staff to use sideline assessment tools such as SCAT-2 (Sport Concussion Assessment Tool 2), SAC (Standardized Assessment of Concussion), or BESS (Balance Error Scoring System). The District recognizes the need for trained staff to administer such tests, along with the time and conditions needed for a successful evaluation of a student's condition.

The District will seek authorization from parent/guardians prior to baseline testing and will supply parents with a copy of the results. Staff will instruct parents to offer these results and the results from any sideline testing to medical providers to aid in the diagnosis and treatment of injured students. Neurocognitive testing is not a replacement for a medical evaluation to diagnose a concussion.

Neurocognitive testing will be scheduled for injured students approximately 24 hours post injury and then subsequently 48-72 hours later, until the student scores at his/her baseline level or an equivalent level that is acceptable to his/her physician.

Procedure for Removal of Student from Athletic Activities Due to Concussion

The District shall require the immediate removal of any student from athletic activities who has sustained, or is believed to have sustained based on reporting or display of symptoms, a mild traumatic brain injury (MTBI) or concussion. Such removal must occur regardless of whether the injury occurred inside or outside of school. In the event that there is any doubt as to whether the student has sustained a concussion, it shall be presumed that the student has been so injured until proven otherwise. Athletic activity shall include recess, physical education class, sports practices, intramurals, extramurals and interscholastic sports.

The following procedure will be followed in the event that a student sustains or is believed to have sustained a concussion during any school-sponsored activity:

- 1) The student will not be allowed to return to play in the current game, practice or event.
- 2) The student will not be left alone, and should be monitored regularly to check for deteriorating symptoms.
- 3) Staff on the sidelines will be trained in the use of a concussion checklist. Results of all evaluations will be passed on to the student's physician to aid in diagnosis.
- 4) A concussion fact sheet will be given to the student and his/her parent or guardian.
- 5) Parents or guardians will be contacted following an injury. Parental contact information must be up to date in case of an emergency.

(Continued)

SUBJECT: COMPREHENSIVE CONCUSSION MANAGEMENT REGULATION (Cont'd.)

- 6) The student will be picked up by a parent or guardian over the age of 18. The student will not be released on his/her own or to a friend or fellow student.
- 7) If the injury is severe, an ambulance will be called to transport the student to the emergency room. If parents are not present, they will be contacted and instructed to meet the student and the ambulance at the emergency room.
- 8) The incident will be reported to the school nurse and an accident report must be filled out.
- 9) If the District utilizes Neurocognitive Testing as a concussion tool to obtain baseline and post-concussion performance data, the District will administer such tool to the student to gather post-concussion performance data and evaluate readiness for return to activity.

Post-Concussion Management

Students who have been diagnosed with a concussion require both cognitive and physical rest. Physical rest includes getting adequate sleep, taking frequent rest periods or naps, and avoiding physical activity that requires exertion. Cognitive rest requires that the student avoid participation in, or exposure to, activities that require concentration or mental stimulation.

Delay in instituting medical provider orders for such rest may prolong recovery from a concussion. Private medical provider's orders for avoidance of cognitive and physical activity and graduated return to activity should be followed and monitored both at home and at school. Districts should consult their Medical Director if further discussion and/or clarification is needed regarding a private medical provider's orders, or in the absence of private medical provider orders. Additionally, children and adolescents are at increased risk of protracted recovery and severe, possible permanent disability or even death if they sustain another concussion before fully recovering from the first concussion. Therefore, it is imperative that a student is fully recovered before resuming activities that may result in another concussion.

Parents/guardians, teachers, and other district staff should watch for signs of concussion symptoms such as fatigue, irritability, headaches, blurred vision, or dizziness reappearing with any type of mental activity or stimulation. If any of these signs and symptoms occur, the student should cease the activity. Return of symptoms should guide whether the student should participate in an activity. Students may exhibit increased difficulties with focusing, memory, learning new information, and/or an increase in irritability or impulsivity. Districts should have internal procedures in place related to transitioning students back to school and for making accommodations for missed tests and assignments.

Initially a student with a concussion may only be able to attend school for a few hours per day and/or need rest periods during the day. Teachers should be aware of the limitations these students may face and the impact it will have on their academic performance. Rigorous mental activity can trigger symptoms and set back a student's recovery. Students may also be frustrated by their inability to perform as well as they could before the concussion. Teachers should consider following the procedure used for an excused absence for making up work and missed tests. Principals are permitted to authorize certain testing accommodations for students who incur an injury within 30 days of testing. If problems persist beyond six (6) months, a referral to the 504 Team may be considered.

(Continued)

SUBJECT: COMPREHENSIVE CONCUSSION MANAGEMENT REGULATION (Cont'd.)**Return to Play/Return to School**

Once a student diagnosed with a concussion has been symptom free at rest for at least 24 hours, a private medical provider may choose to clear the student to begin a graduated return to activities. If a District has concerns or questions about the private medical provider's orders, the District Medical Director, with parental permission, should contact that provider to discuss and clarify. Additionally, the District Medical Director has the final authority to clear students to participate in or return to extra-class athletic activities in accordance with Commissioner's Regulations [8NYCRR 135.4(c)(7)(i)].

The District shall follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. Orders from the student's physician will be sent to the school nurse. The school nurse may use a plan similar to an individualized healthcare plan, to communicate post-concussion orders to necessary staff and to identify symptoms that may manifest themselves as the student returns to activity. Staff will be instructed to watch for symptoms or changes in behavior. The District's Medical Director may also formulate a standard protocol for treatment of students with concussions during the school day or at school-sponsored events.

Return to play following a concussion involves a stepwise progression. The following is a recommended sample return to physical activity protocol based on the Zurich Progressive Exertion Protocol:

- Phase 1** - Low impact, non-strenuous, light aerobic activity such as walking or riding a stationary bike. If tolerated without return of symptoms over a 24 hour period proceed to;
- Phase 2** - Higher impact, higher exertion, and moderate aerobic activity such as running or jumping rope. No resistance training. If tolerated without return of symptoms over a 24 hour period proceed to;
- Phase 3** - Sport specific non-contact activity. Low resistance weight training with a spotter. If tolerated without return of symptoms over a 24 hour period proceed to;
- Phase 4** - Sport specific activity, non-contact drills. Higher resistance weight training with a spotter. If tolerated without return of symptoms over a 24 hour period proceed to;
- Phase 5** - Full contact training drills and intense aerobic activity. If tolerated without return of symptoms over a 24 hour period proceed to;
- Phase 6** - Return to full activities without restrictions.

Students should be monitored by designated District Staff daily following each progressive challenge, physical or cognitive, for any return of signs and symptoms of concussion. Staff members should report any observed return of signs and symptoms to the school nurse, certified athletic trainer, or administration in accordance with District policy. A student should only move to the next level of activity if he/she remains symptom free at the current level. Return to activity should occur with the introduction of one new activity each twenty-four (24) hours. If any post-concussion symptoms return, the student should drop back to the previous level of activity, then re-attempt the new activity after another twenty-four (24) hours have passed. A more gradual progression should be considered based on individual circumstances and a private medical provider's or other specialist's orders and recommendations.

REGULATION

2012

7522R.1

Students

SUBJECT: STRATEGIES TO PREVENT CONCUSSIONS

The New York State Education Department (SED) and the New York State Department of Health (DOH) recommend that a specific list of preventative strategies be appended to the Board Policy. Therefore, the Fabius-Pompey Central School District recommends the following strategies to minimize the risk of head injuries in the school setting and during all District sponsored events.

*These strategies may include, but are not limited to:

- 1) Activities that present a higher than average risk for concussion should be identified. These may include: interscholastic athletics, extramural activities, physical education classes and recess.
- 2) The physical design of facilities and their safety plans should be evaluated to identify potential risks for falls and other injuries.
- 3) Recess should include adult supervision. All playground equipment should be in good repair, with play surfaces composed of approved child safety materials.
- 4) Physical education programs should include plans that emphasize safety practices. Lessons on the need for safety equipment should be taught, along with the correct use of such equipment.
- 5) Rules of play should be reviewed and emphasized before all physical activity is commenced and enforced throughout.
- 6) The Athletic Director (AD) or Director of Physical Education (PE) should provide leadership and supervision for all aspects of the physical education program, including class instruction, intramural activities, and interschool athletic competition. It is recommended that the Athletic Director (AD) or Physical Education (PE) Director ensure that all interscholastic athletic competition rules are followed, appropriate safety equipment is used, and rules of sportsmanship are enforced.
- 7) PE Directors should ensure that PE teachers and coaches are instructing student athletes to refrain from initiating contact with their head or to the head of another player.
- 8) Players should be proactively instructed on sport-specific safe body alignment and be encouraged to be aware of their surroundings.
- 9) Instruction in PE and on the athletic field should include lessons on sportsmanship, defining unsportsmanlike conduct, and enforcing penalties for deliberate violations.

**This regulation should be customized in accordance with District practices and protocol.*

BOE Adopted 8/21/12

SUBJECT: *CHILD ABUSE AND NEGLECT/MALTREATMENT

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or neglect/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 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 shall be established and implemented to enable such staff to carry out their reporting responsibilities.

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall 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

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/ maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The Revised May 2007 New York State Office of Children and Family Services "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at:

<http://www.ocfs.state.ny.us/main/cps/>

Education Law Section 3209-a
Labor Law Section 740(1)(e)

Family Court Act Section 1012
Social Services Law Sections 411-428

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT

Pursuant to Board of Education Policy and Social Services Law, the School District staff should be on the alert for the purpose of identifying abused and neglected/maltreated children and reporting such findings as required. For the purpose of discerning whether or not a child is abused or neglected/maltreated the following definitions should be considered.

Definitions

An "abused child" means a child less than eighteen (18) years of age whose parent or other person legally responsible for care, inflicts or allows to be inflicted upon such child physical injury, by other than accidental means, which causes or creates a substantial risk of death, serious protracted disfigurement, protracted impairment of physical or emotional health or protracted loss of impairment of the function of any bodily organ. Child abuse also refers to the situation where the parent, or other person legally responsible, creates or allows to be created a substantial risk of physical injury to a child, by other than accidental means, which would be likely to cause death or serious protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ. Sex offenses against a child, as defined in the Penal Law, shall also constitute a basis for finding that a child has been abused.

A "maltreated child" includes a child under the age of eighteen (18) defined as a neglected child under the Family Court Act or who had serious physical injury inflicted upon him/her by other than accidental means. In general terms, a neglected child is one whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of neglect by a parent, or other person legally responsible for his/her care, to exercise a minimum degree of care in the areas of providing food, clothing, shelter, education, medical, dental, optometric or surgical care. Child neglect is also indicated where there has been the unreasonable infliction of harm, or substantial risk thereof, including the infliction of excessive corporal punishment, drug misuse or abuse, alcohol abuse or abandonment of the child.

- 1) Persons Obligated to Report Cases of Suspected Child Abuse or Neglect/Maltreatment
The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee and the Superintendent of Schools. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report. Any person may make such a report if such person has reasonable cause to suspect that a child is an abused or neglected/maltreated child.

(continued)

PROCEDURE

2011

7530R

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Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (continued)

2) Reporting Procedure

Reports of suspected child abuse, maltreatment or neglect shall be made immediately, by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. The oral report shall be made to the Statewide Central Register of Child Abuse. The telephone facsimile report shall be made to a special telephone facsimile number for use only by persons mandated by law to make reports, as set forth below. (Section 415, Social Services Law). The written report shall be made within forty-eight (48) hours after the oral report to the appropriate Local Child Protective Service on forms prescribed by and supplied by the Commissioner of Social Services. Forms are available on website: <http://www.ocfs.state.ny.us/main/forms/cps/>

Oral Report to: New York State Central Register of Child Abuse and Maltreatment (1-800-635-1522).

Written Report to: County Department of Social Services, Child Protective Services.

Telephone Facsimile Report to: Special telephone facsimile number: Upon request.

3) Report Requirements

Each report shall include the name and address of the child and his/her parents/guardians or other person responsible for his/her care, if known; the child's age, sex and race; the nature and extent of the child's injuries, abuse or maltreatment, including any evidence of prior injury, abuse or maltreatment to the child or his/her siblings; the name of the person or persons responsible for causing the injury, abuse or maltreatment, if known; family composition; the person making the report and where he/she can be reached; the actions taken by the reporting source, including the taking of photographs and any other information which the Commissioner may, by regulation, require or the person making the report believes might be helpful in the furtherance of the investigation.

Any report shall include the name, title, and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

4) Taking Photographs

The law allows for the photographing at public expense of the areas of trauma visible on a child who has been abused or neglected/maltreated. All photographing should be conducted with the authorization of the Building Principal who shall, to the extent practicable, do so upon notification of the Superintendent or his/her designee. All photographs shall be sent to the Child Protective Service at the time that the written report, referenced in paragraph 3) of this regulation, is sent or as soon thereafter as possible.

A digital camera may be used to photograph injuries related to suspected cases of abuse. In the event a court case ensued, the person taking the picture would have to sign an affidavit testifying to the contents of the picture. The nurse should ensure that his/her documentation reflects the physical findings evident in the photograph as well as any physical care given in relation to the injury.

(continued)

PROCEDURE

2011

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Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (continued)

5) Access to School Records by the Child Protective Services

The District may disclose personally identifiable information from the educational records of a student to Child Protective Services personnel when it is necessary to protect the health or safety of the student or other individuals. In deciding whether or not the disclosure should be made, the seriousness of the threat to the health or safety of the student or other individuals, the need for the information to meet the emergency and the extent to which time is of the essence should be considered. (Family Educational Rights and Privacy Act of 1974).

6) Student Interviews by Child Protective Services Personnel on School Property

The Building Principal may allow a Department of Social Services Child Protective Services employee to interview, in school, any student concerning whom a report of suspected abuse or maltreatment has been made regardless of the source of the report. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the student and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

7) Taking a Child Into Protective Custody

School officials and staff members do not have the power to take a child into protective custody under the Social Services Law or Education Law. A peace officer, police officer, law enforcement official, agent of a duly incorporated society for the prevention of cruelty to children or a designated employee of the County Department of Social Services may take a child into protective custody without the consent of a parent or guardian. The Building Principal shall cooperate with any of the officials referenced above who produces official documentation indicating that a student be taken into protective custody. Release of a child to such official(s) must be authorized by the Superintendent of Schools or his/her designee.

8) Confidentiality of Reports

Reports of suspected child abuse and neglect/maltreatment are confidential and may only be made available to those individuals who are specified by law. Prior to the release of a report, the Freedom of Information Law Records Access Officer should consult with the Superintendent of Schools and the school attorney regarding the propriety of releasing the report even to one specified by law as being entitled to receive the report. The Commissioner of Social Services may intervene to prohibit the release of a report by determining that to do so would be detrimental to the safety interests of the reporter.

9) Reporting of a Child's Death

A post-mortem report for investigation must be made to the medical examiner or coroner in the event that a child dies as a result of abuse or maltreatment. If such death occurs at school, the report for investigation shall be made by the Superintendent of Schools to the appropriate medical authority. (Section 418, Social Services Law).

10) Immunity from Liability

The law provides school officials who act in good faith in the making of a report or the taking of photographs with immunity from liability. The immunity from liability extends to civil or criminal liability that might otherwise result from such actions. The law establishes a presumption of immunity from liability. (Section 419, Social Services Law).

(continued)

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (continued)**11) Penalties for Failure to Report**

Any mandated reporter who willfully fails to report a case of suspected child abuse, maltreatment and neglect shall be guilty of a Class A Misdemeanor. In addition, any mandated reporter who knowingly and willfully fails to make such a report shall be civilly liable for the damages proximately caused by such failure to report. (Section 420, Social Services Law).

12) Obligations for Provision of Services and Procedures to Safeguard Life and Health

If, during the course of an investigation of suspected child abuse or neglect/maltreatment, the Building Principal determines that a child's health or safety is threatened, the Building Principal shall immediately contact the Superintendent who will immediately contact the Child Protective Service and police to recommend having the child placed in protective custody pursuant to paragraph 7) of this regulation.

13) Training Programs for Current and New School Officials

The Superintendent/designee shall establish and implement, on an ongoing basis, a training program for all current and new school officials concerning their reporting responsibilities for suspected child abuse and neglect/maltreatment and the District procedures described herein. (Section 3209-a, Education Law)

14) Training on Recognizing Unlawful Methamphetamine Laboratories

The Superintendent/designee shall provide information on recognizing the signs of a clandestine methamphetamine laboratory to all mandated reporters who visit children's homes as part of their usual professional responsibilities. If an employee suspects a methamphetamine laboratory, he/she should leave the premises immediately and contact local law enforcement.
Section 413(4) of the Social Services Law)

15) Distribution of Policy and Regulations

The Superintendent/designee shall distribute copies of the policy and regulations regarding child abuse and neglect/maltreatment reporting requirements to all current and new school officials (Section 3209-a, Education Law).

Prohibition of Retaliatory Personnel Action

The School District is prohibited from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law Section 413(1). Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

PROCEDURE

2011

7530P

Students

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT

Responsibility

Staff Member as a
Mandated Reporter

Action

1) When presented, while in their official capacity, with reasonable cause to suspect child abuse, neglect or maltreatment by a parent, guardian, custodian, or other person legally responsible for such child:

- a. Notifies Building Principal or his/her designee of all incidents involving child abuse, neglect or maltreatment.
- b. Immediately reports suspected child abuse, neglect or maltreatment to the New York State Central Register of Child Abuse and Maltreatment ("Hotline") by telephone (1-800-635-1522) or by a telephone facsimile machine (Onondaga Co. 1-315-435-3865 – attn. Hotline Room) to give oral report of suspected child abuse, neglect or maltreatment.
- c. Provides the New York State Central Register the following information, if known:
 - (i) Name and address of the child, and child's parent's/guardian's age, sex, and race;
 - (ii) Nature and extent of the child's injuries, abuse or maltreatment;
 - (iii) Name of the person or persons responsible for causing the injury, abuse or maltreatment;
 - (iv) Family composition;
 - (v) Person making the report and where that person can be reached;
 - (vi) Any action taken by the reporting source;
 - (vii) Any additional information which may be helpful.

Building
Principal/Designee

- d. The report shall include the name, title and contact information for every staff member believed to have direct knowledge of the allegations in the report.
- e. Requests and records Call ID number.
- 2) Takes responsibility for all subsequent administration of the report.
 - a. Ensures that a signed, written report is made within forty-eight (48) hours to the local County Department of Social Services Child Protective Unit on Form LDSS-2221A. The Form is available on the following website:
<http://www.ocfs.state.ny.us/main/forms/cps/>
 - b. The written report shall include the name, title and contact information for every staff member believed to have direct knowledge of the allegations in the report.
- 3) Notifies Superintendent or his/her designee of all incidents of such child abuse, neglect or maltreatment.

SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS**Child Abuse in an Educational Setting**

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a. Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b. Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
- c. Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or
- d. The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District 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.

In any case where an oral or written allegation is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of 21 years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a. Promptly complete a written report of such 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. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b. Except where the school administrator is the person receiving such an 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 (subject to the following paragraph).

In any case where it is alleged the 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 such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer 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 shall have immunity from civil liability which might otherwise result by reason of such actions.

(Continued)

SUBJECT: CHILD ABUSE IN AN EDUCATIONAL SETTING AND PROHIBITION OF SILENT RESIGNATIONS
(Cont'd.)

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

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 such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall 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 pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where 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 his/her position.

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Article 23-B and Section 3028-b
Penal Law Article 130,235 and 263
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adopted by Board of Education January 9, 2001

BOE Adopted 12/13/11

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District condemns and prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

- a) Listing such information in the Code of Conduct and updates posted on the Internet website, if available;
- b) Including such information in the plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
- c) Providing such information to parents and persons of parental relation in at least one district or school mailing or other method of distribution including, but not limited to, sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter;
- d) Posting such information in highly visible areas of school buildings;
- e) Making such information available at the district and school-level administrative offices.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)**Training and Awareness**

Each District and Charter School shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to bullying, discrimination and/or harassment, as well as ensuring the safety of the victims.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against bullying, discrimination and/or harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Bullying, Discrimination and/or Harassment

The District will investigate all complaints of bullying, discrimination and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of bullying, discrimination and/or harassment which occurred during the school year to the State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as 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 bullying, discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination and/or harassment.

Education Law Sections 10-18 and 801-a

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(jj), 100.2(kk), and 100.2(1)(2)

BOE Adopted 11/17/20

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education is committed to creating a learning environment that is safe and supportive of every student. The District condemns and prohibits all forms of bullying, discrimination and/or harassment of students on school property, at school-sponsored activities and events that take place at locations off school property, including any electronic format. In addition, any act of bullying, discrimination and/or harassment outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline. The prohibition of bullying, discrimination and/or harassment along with sanctions for such misconduct will be included in the *District Code of Conduct* for all grade levels. Any student who is in violation of District policy and/or regulation will be subject to disciplinary measures in accordance with applicable laws and/or regulations, District Policy and Administrative Regulations and the *District Code of Conduct*.

Definitions

For purposes of this regulation, the following definitions shall apply:

- 1) "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 a public elementary or secondary school: or in or on a school bus as defined in Vehicle and Traffic Law Section 142 (Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities);
- 2) "School function" means a school-sponsored extra-curricular event or activity;
- 3) "Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held;
- 4) "Employee" shall mean any person receiving compensation from a school district or charter school or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title 9-B of Article 5 of the

Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact;

- 5) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality;

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

- 6) "Gender" means actual or perceived sex and shall include a person's gender identity or expression;
- 7) "Discrimination" means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- 8) "Harassment" and "bullying" mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- 9) "Material Incident of Discrimination and/or Harassment" means a single incident or a series of related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive nature that:
 - a. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental or emotional and/or physical well-being; or
 - b. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.
- 10) "Cyberbullying" means harassment/bullying, as defined above, through any form of electronic communication.

Such conduct shall include but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that nothing in Education Law Section 100.2(kk) shall be construed to prohibit a denial of admission into, or exclusion from, a course or instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)**School Employee Training**

Commencing with the 2012-2013 school year and continuing each school year thereafter, school districts and charter schools shall establish guidelines to implement Dignity For All Students school employee training programs to promote a positive school environment that is free from discrimination and/or harassment; and to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function. The guidelines shall be approved by the Board of Education or by the Board of Trustees of the charter school.

The guidelines shall include, but not be limited to, providing employees, including school district administrators and instructional and non-instructional staff with:

- 1) Training to:
 - a. Raise awareness and sensitivity to potential acts of discrimination and/or harassment directed at students that are committed by students and/or school employees on school property or at a school function; including but not limited to, discrimination and/or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
 - b. Enable employees to prevent and respond to incidents of discrimination and/or harassment;
 - c. Be implemented and conducted in conjunction with existing professional development training and/or with any other training for school employees.
- 2) Guidelines relating to the development of nondiscriminatory instructional and counseling methods.

Reporting of Incidents

For the 2012-2013 school year and for each succeeding school year thereafter, each school district, BOCES and charter school shall submit to the Commissioner an annual report of material incidents of discrimination and/or harassment that occurred in such school year, in accordance with Education Law Section 15. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner.

For purposes of reporting, a school district, BOCES or charter school shall include in its annual report all material incidents of discrimination and/or harassment that:

- 1) Are the result of the investigation of a written or oral complaint made to the School Principal or other school administrator responsible for school discipline, or to any other school employee; or
- 2) Are otherwise directly observed by such principal or administrator, or by any other employee regardless of whether a complaint is made.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

Such report shall include information describing the specific nature of the incident, including, but not limited to:

- 1) The type(s) of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, sex, or other). Where multiple types of bias are involved, they shall all be reported;
- 2) Whether the incident resulted from student and/or employee conduct;
- 3) Whether the incident involved physical contact and/or verbal threats, intimidation or abuse; and
- 4) The location where the incident occurred (on school property and/or at a school function).

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

Pursuant to Education Law Section 16, any person having reasonable cause to suspect that a student has been subjected to discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

No school district, BOCES or charter school, or an employee thereof, shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

FORM

2020

7550F

Students**FABIUS-POMPEY CENTRAL SCHOOL DISTRICT
DIGNITY COMPLAINT FORM**

Name of complainant: _____ Date submitted: _____

Address: _____

Home phone: _____ Cell: _____ Work: _____
(please circle the preferred number)

The complainant is: (check all that apply):

_____ an employee, holding the position of _____ at _____ (location)
_____ a student, grade _____ at _____ (school or location) _____ a
parent or community member
_____ other (please specify your relationship with or association to the District) _____

Basis of this complaint/grievance:

_____ Race	_____ Religious Practice
_____ Color	_____ Disability
_____ Weight	_____ Gender
_____ National Origin	_____ Sex
_____ Ethnic Group	_____ Sexual orientation
_____ Religion	
_____ Other/Not sure (Please briefly explain):	_____

Name and/or description of accused person(s): _____

Description of Alleged Harassment/Bullying/Discrimination/Incident: _____

Incident is a result of _____ student and/or _____ employee conduct.

Incident involved _____ physical contact and/or _____ verbal threats, intimidation or abuse.

Date, Time and Place of Violation(s): _____

Witnesses, if any, or others who should be contacted with knowledge important to this investigation, including contact information for each: _____

Others you may have discussed this complaint/grievance/incident with, including contact information for each: _____

Has this incident/discrimination been previously reported? []Y []N If yes, when and to whom?

Describe the remedy, outcome or resolution: _____

Remedy Sought by Complainant: _____

Date

Signature of Complainant

This form is to be used for complaints based on the Dignity for All Students Act – 8 NYCRR 100.2(kk)

BOE Adopted 11/17/20

SUBJECT: NOTIFICATION OF SEX OFFENDERS

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education 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. This policy is enacted in order to minimize the possibility that the 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 shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board of Education to disseminate all information which the District 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 including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable Building Principal/designee or supervisor. Community residents shall be notified of the availability of this information, with written requests directed to the District Office.

Staff members shall 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. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the School 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 eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such 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 eighteen (18) while one or more of such persons are present.

However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization of his/her parole officer and the superintendent or chief administrator of the facility for the limited purposes authorized by that person:

- 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; or
- c) The offender has a family member enrolled in the facility.

Correction Law Article 6-C
Penal Law 65.10(4-a)

Executive Law 259-c(14)
Public Officers Law Section 84 et seq.

POLICY

2011

7570

Students

SUBJECT: IDENTIFICATION AND NOTIFICATION OF MISSING CHILDREN

In order to help identify and locate missing children, the Board of Education endorses the following policy to help assist appropriate agencies in locating missing and/or abducted children.

A missing child is defined as any person under the age of eighteen (18) years missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care and any child known to have been taken, enticed or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so.

Admission/Enrollment of Students

When a student is first admitted or enrolled in school, the parent or guardian must submit proof of the student's age or show that such evidence cannot be produced. When such evidence cannot be produced, or when circumstances exist which reasonably indicate that such a student may be a missing child, the Superintendent or his/her designee shall report and make inquiry to the Statewide Central Register for Missing Children. If such a student appears to match a child registered with the Statewide Central Register for Missing Children, or one registered with the National Crime Information Center Register, the Superintendent or his/her designee shall immediately contact the local law enforcement authority. No civil or criminal liability shall arise or attach to the School District or any employee of the School District for any act or omission to act which occurs as a result of, or in connection with, these authorized duties or activities.

Flagging of Student Records

Upon notification by the Division of Criminal Justice Services that a child has been listed as a missing child, every school in the District in which the child is currently or was previously enrolled shall flag the school records of the student in such a manner that whenever a copy of or information concerning the school records is requested, the person authorized to issue such records shall be alerted to the fact that the student has been reported as a missing child. The school shall immediately report to the local law enforcement authority and the Division of Criminal Justice Services any request concerning flagged school records or knowledge as to the whereabouts of any missing child. Upon notification by the Division of Criminal Justice Services that a reported missing child has been recovered, the school shall remove the flag from the student's school records.

Additionally, upon notification by the Division of Criminal Justice Services that a child who may be listed as a missing child is currently enrolled in and believed to be attending a District school, such school shall immediately notify the Division of Criminal Justice Services.

The Superintendent or his/her designee shall discuss this policy with those designated District personnel who will be responsible for assisting in the implementation of this policy and reporting this information to the appropriate agencies.

Education Law Sections 3212 and 3222
Executive Law Section 837-e

Adopted by Board of Education 10/18/11

SUBJECT: PEDICULOSIS (HEAD LICE)

Few conditions seem to cause as much concern in schools and homes as an infestation of head lice in children. Students in the elementary grades (ages 3 through 10) are the most likely target hosts for these insect pests. Head lice do not respect socio-economic class distinctions and their presence does not indicate a lack of hygiene or personal cleanliness. Recent medical recommendations from both the American Association of Pediatrics (AAP) and the National Association of School Nurses (NASN) do not treat head lice as an illness that necessitates an absence from school and have shown that the contagion does not spread as easily as once thought. Therefore, the Board of Education does not condone the absence of students from school for unnecessary reasons and considers head lice an unnecessary absence that impedes a student's educational progress.

In order to control infestations of head lice (Pediculosis), the Board of Education has adopted the following protocols:

- a) Whenever there is a possibility that a student is infested, staff will contact the student's parents. An infested student will not return to school unless corrective treatment has been given and the student is free of active lice. Current treatment protocols make this possible in less than twenty-four (24) hours. Parents may be asked to have a physician prescribe medication for treatment.
- b) A student who has been infested will be readmitted to school after successfully completing an examination by the school nurse.
- c) School staff will work with parents to minimize student absence caused by exposure to head lice. An infested student is not sick and is not a danger to other students. Excessive and unnecessary absences affect a student's educational progress.
- d) School staff will protect student privacy and maintain confidentiality of medical information when infestations are detected.
- e) School staff will also work to minimize the social stigma that is unfairly attached to victims of head lice infestations. Head lice are not caused by poverty or unsanitary conditions. Students will not be separated from their peers or singled out as infected. All staff will learn proper precautions to prevent further spread of the infestation.

Regulations will be developed to provide guidelines on the detection and treatment of head lice, as well as classroom procedures for dealing with affected students.

SUBJECT: PEDICULOSIS (HEAD LICE)**Detection and Treatment**

Head lice are most often found along the sides of the head behind the ears and along the nape of the neck. Students suspected of having head lice should be diagnosed by trained school medical personnel (usually the school nurse) who has received appropriate training in lice identification. As lice are often misdiagnosed, use of magnification may be necessary to see the actual crawling lice. Nits, or lice egg casings, are more easily recognizable, but may not require treatment if they alone are found on a student's head. Since a continuous blood supply is necessary for survival, nits found greater than a 1/4 inch away from the scalp, are unlikely to be viable.

Once live lice are discovered by the school nurse, a student may return to the classroom and be monitored by the classroom teacher to prevent the student from having close contact (head to head) with other children for the remainder of the school day. The parent/guardian should be contacted by the school nurse and instructed about appropriate treatment of head lice. Communication with the parent/guardian is very important to educate him/her about head lice and to assure compliance with treatment. An appropriate fact sheet with instructions may be sent home with the student. Other school-age siblings who live in the same home may also need to be evaluated. Once diagnosis has been confirmed and treatment has occurred, the student may be readmitted to school upon examination by the school-designated personnel who find no evidence of live lice on the student. The existence of nits alone should not delay the student's return to school.

If one or more students in the same classroom are found to have active cases of head lice, a notice to parents/guardians of all students within the classroom or grade may be sent via letter or email alert. These letters should be sent at the discretion of the school principal with input from the school nurse. In accordance with FERPA/HIPAA, school officials may not disclose to any other parent or guardian the name(s) or private health information of affected students.

The most common method of treatment is with the use of over-the-counter head lice medication. Sometimes in more persistent cases, prescription medication may be appropriate. Consultation with a student's physician/health care provider may be appropriate.

Avoid the use of environmental sprays or chemical cleaners in classrooms, lockers, and/or on gym mats or other school equipment as a means of controlling a head lice infestation. Head lice must maintain a constant warm temperature and do not live off the body for very long. Use of chemical sprays or environmental sprays may create breathing problems for children. Some chemicals in these sprays may be absorbed through the skin or mucous membranes.

Nurse Responsibilities

- 1) Provide education and materials as needed to families;
- 2) Train and support school staff on lice detection and procedures to follow to minimize cross-contagion in the classroom;
- 3) Discuss treatment options and prevention of re-infestation with the family;
- 4) Protect the confidentiality of students and their families; and
- 5) Conduct examination for the re-admittance to school after treatment.

(Continued)

SUBJECT: PEDICULOSIS (HEAD LICE) (Cont'd.)**Teacher /Staff Responsibilities**

- 1) Discourage close head contact in the classroom. Separate coats, hats, scarves, and gloves placing hats, scarves and gloves in pockets or sleeves of student coats. Instruct students to follow the same process when hanging up their own coat. When there is an infestation, place articles into individual plastic garbage bags before placing on hooks in the coat room or in lockers.
- 2) Teach students not to share combs, brushes, hats, scarves or any other personal headgear or try on other people's hats.
- 3) Shared headgear such as helmets, earphones etc should be cleaned and disinfected with a disinfectant or rubbing alcohol before being issued to other students.
- 4) Be alert to signs of potential lice infestation in students such as scratching of the head, particularly at the nape of the neck.
- 5) Notify the school maintenance department so that appropriate cleaning of classroom items can occur. Vacuuming of rugs, pillows, carpet squares and upholstered furniture may be necessary.
- 6) Seal non-washable articles in a plastic bag for at least fourteen (14) days at room temperature or twenty-four (24) hours at temperatures below freezing.

Parent/Guardian Responsibilities

- 1) Parents should check their child/children before school begins in the fall and before returning from school breaks.
- 2) Contact the school if the parent knows or suspects that his/her child/children may have lice.
- 3) Inform family and friends so that they can check their children.
- 4) Once officially diagnosed with head lice, the child should be treated according to medical instructions, following directions on the suggested medication to control transmission. If over-the-counter treatments are not successful, contact your physician or health care provider for prescription medication.
- 5) Examine all household members of the family to check for infestation and treat appropriately.
- 6) Soak brushes, combs and other hair accessories in lice shampoo or in hot water above 120 degrees for ten (10) minutes.
- 7) Wash clothing, bedding and linens by machine washing and drying using the hot cycle for twenty (20) minutes.
- 8) Vacuum all rugs, carpets, furniture, car, car seats and strollers. Discard the vacuum bag or if using a bag-less vacuum, secure vacuum contents immediately after vacuuming.
- 9) Use of environmental sprays is NOT recommended due to toxicity and ineffectiveness.

SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN

A District plan shall be developed and updated every two years describing the Special Education program in the Fabius-Pompey Central School District. The District plan shall include the following:

- a. A description of the nature and scope of special education programs and services currently available to 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 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 of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- e. The estimated budget to support such plan.
- f. The date on which such plan was adopted by the Board of Education.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

Commissioner's Regulations Section 200.2(a)

Adopted by Board of Education 11/15/11

SUBJECT: CHILDREN WITH DISABILITIES

The Board of Education 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 for children with disabilities which includes:

- a. 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.
- b. Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- c. Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- d. 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.
- e. Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- f. Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

Federal Law - Public Law 101-476

Individuals With Disabilities Education Act

State Law - Education Law Sections 4401-4407

Commissioner's Regulations Sections 200.2(b)(4), 200.6(a)(l), 100.5 and 100.9

SUBJECT: GROUPING BY SIMILARITY OF NEEDS

The Board of Education in an effort to provide an appropriate special education and related services to students with disabilities supports the grouping of students with disabilities by similarity of needs according to the following guidelines:

- a. That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b. The Committee shall determine written goals for each student with a disability by considering the special and individual needs of each student with a disability.
- c. The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d. The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall 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 shall be consistent with the individual needs of each student in the group.
- f. Students with disabilities may be grouped according to (1) academic or educational achievement and learning characteristics (2) social needs physical development and (4) management needs.
- g. When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h. A student's range of needs should be limited to the extent that one student's needs do not infringe on another student's ability to learn.

SUBJECT: SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES

The Board of Education recognizes its responsibility for providing special education and related services that meet the needs of individual students with disabilities. In an effort to achieve this goal, the Board shall determine an appropriate special education program for each student with a disability upon receiving from the CSE (Committee on Special Education) or CPSE (Committee on Preschool Special Education) recommendations for special education services. The CSE or CPSE shall provide the Board with a written evaluation for each student with a disability that includes:

- a. Classification of a student's disability.
- b. Recommendation(s) for a special education program and/or related service(s), including counseling, based upon a student's needs and not upon a student's disability.
- c. A summary of the tests and reports upon which the recommendations are based.

In order to ensure appropriate special educational programming, the Board of Education shall:

- a. To the maximum extent possible, provide special education in the least restrictive environment.
- b. Ensure that pupils with disabilities shall be placed together by similarity of individual needs, in accordance with Part 200.6(3)(1).
- c. Ensure that all special educational services are provided by appropriately certified or licensed personnel. 200.6(b)
- d. Make provision for students' access to the full range of appropriate special education programs, including those operated outside of the District if an appropriate program is not available within the District.

Accessibility of Programs and Services for Pupils with Disabilities

The Fabius-Pompey Board of Education affirms its compliance with both federal and state laws governing program accessibility for pupils with disabilities.

As stated in Section 504 of the Rehabilitation Act and Parts 100 and 200 of the Commissioner's Regulations, all pupils with disabilities are to be assured of access to the full range of programs and services to the extent that such programs and services are appropriate to the student's special educational needs.

These rights are extended to include:

- a. Location and identification of pupils with disabilities.
- b. Notification to parents of the District's responsibility to plan appropriate educational programs to all students.
- c. The right to a free appropriate public education.
- d. The right to an appropriate placement in the least restrictive environment.
- e. The right to participate with non-disabled pupils in activities and services to the maximum extent appropriate.
- f. Appropriate assessment and placement.
- g. The right to be informed of and implement procedural safeguards.
- h. Provision of nonacademic and extracurricular services and activities in such a manner as is necessary to afford students with disabilities an equal opportunity for participation.

The District official responsible for the coordination of activities relating to compliance with Section 504 is the Superintendent. The Superintendent shall provide information including complaint procedures to any person who feels his or her rights under Section 504 have been violated by the District.

The Superintendent shall direct academic programming concerns to the Committee on Special Education, in order to proceed appropriately through due process as described in the Commissioner's Regulations, 200.5.

Twelve Month Educational Program

The School District shall provide, directly or by contract, special education services and programs during July and August to those students whose disabilities are severe enough to exhibit the need for a stimulated learning environment of twelve months duration to maintain developmental levels as determined by the Committee on Special Education.

Commissioner's Regulations Sections 100.2, 200.2(b)(3), 200.4, 200.5 and 200.6(a)(Z)(j)

Education Law Section 4202(112) Rehabilitation Act of 1973 - Section 504

Adopted by Board of Education 11/15/11

SUBJECT: GUIDELINES FOR REFERRAL TO COMMITTEE ON SPECIAL EDUCATION (CSE)

- 1) Teacher, parent/guardian, licensed physician, counselor, administrator, etc. suspects that a student may have a disability that would adversely affect his/her educational performance.
 - a. Autistic
 - b. Emotionally Disturbed
 - c. Learning Disabled
 - d. Mentally Retarded
 - e. Deaf
 - f. Deaf-Blindness
 - g. Hard of Hearing
 - h. Speech impaired
 - i. . Visually Impaired
 - J. Orthopedically Impaired
 - k. Other Health Impaired
 - l. Multiply Disabled
 - m. Traumatic Brain Injury
- 2) A referral is made to the Chairperson of the Committee on Special Education (CSE) in writing.
- 3) The CSE Chairperson notifies building administrator of referral and sends parent/guardian written notice that evaluative information is being sought. Such advice shall include a description of the proposed evaluation, and information regarding all applicable due process rights. The notice shall also include a request for written parental consent to the proposed evaluation of a student not previously identified as having a disability.
- 4) A Comprehensive Evaluation consists of at least:
 - a. Individual Psychological
 - b. Physical Examination
 - c. Social History
 - d. Observation in the current educational setting
 - e. Other appropriate assessments or evaluations as necessary to ascertain the physical, mental and emotional factors which contribute to the suspected disability.
- 5) The District shall ensure that assessments and other evaluation materials used to assess the student:
 - a. Unless it is clearly not feasible, are provided and administered in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally;
 - b. Are used for purposes for which the assessments or measures are valid and reliable;
 - c. Are administered by trained and knowledgeable personnel in accordance with instruction provided by the developers of the assessments; and
 - d. Are selected and administered so as not to be discriminatory of a racial or cultural basis.

(Continued)

REGULATION

2012

7613R

2 of 2

Students

SUBJECT: GUIDELINES FOR REFERRAL TO COMMITTEE ON SPECIAL EDUCATION (CSE) (Cont'd.)

- 6) For students who transfer from one school district to another in the same academic year, assessments will be coordinated as expeditiously as possible with the student's prior and subsequent schools to ensure prompt completion of full evaluations.
- 7) When evaluations are complete, the CSE which includes the student's parent/guardian and, where appropriate the student, meets to determine if the student is eligible or ineligible for Special Education and to develop a recommendation.
- 8) If the student has been determined to be eligible for special education services.
 - a. CSE develops, in conjunction with the child's parent/guardian and student (if appropriate) the Individualized Education Program (IEP). This becomes the student's program.
 - b. Parent/guardian consents in writing to placement (of a student who has not previously been identified as having a disability).
- 9) Board of Education notifies the parent/guardian of its review of the CSE recommendation and arranges for appropriate special programs and services.
- 10) The IEP of each student with a disability is reviewed and if appropriate, revised at least annually, or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

BOE Approved 6/19/12

SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM

The Board recognizes the need for educational programs for three (3) and four (4) 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) which shall be comprised 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 is required to collect entry assessment data in the three (3) outcome areas on all preschool children who receive an initial evaluation, As currently required by Commissioner's Regulation Section 200.5, a parent must be fully informed about the proposed initial evaluation and must provide consent for an initial evaluation. This would include a description of the proposed evaluation.

The CPSE will receive entry-level assessment results in the three (3) 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 (3) outcome areas for all preschool children evaluated and found to be eligible, The form is 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 (SED).

Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Section 1400 et seq.
Education Law Section 4410
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2

NOTE: Refer also to Policy #7632--Appointment and Training of Committee on Preschool Special Education (CPSE) Members

POLICY

2011

7615

Students

SUBJECT: DISCIPLINE OF STUDENTS WITH DISABILITIES

Should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District's School Conduct and Discipline Code and in conjunction with the administration of the Committee on Special Education. (Refer to Policy #7310, School Conduct and Discipline and Policy #7313, Suspension).

Commissioner's Regulations Part 100

Adopted by Board of Education 12/13/11

POLICY

2011

7616

Students

SUBJECT: TRANSITION SERVICES

The Board of Education will provide transition services for students with disabilities who are 15 and older (and at a younger age if determined appropriate). As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within an outcome-oriented process, that promotes movement from a school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive 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 individual student's needs, taking into account the student's preferences and interests and shall include needed activities in the following areas:

- a. Instruction;
- b. community experiences;
- c. The development of employment and other post-school adult living objectives; and
- d. If appropriate, acquisition of daily living skills and functional vocational evaluation.

Regulations shall be developed by the administration to implement this policy.

Individuals With Disabilities Education Act (IDEA)

Education Law Section 4401

8 New York Code of Rules and Regulations

(NYCRR) Sections 200.1(ss) , 200.4 (c) (2) (v) , 200.4 (c) (4), 200.4 (d) (3) and 200.5 (a) (1) (xii)

Adopted by Board of Education 12/13/11

SUBJECT: LEAST RESTRICTIVE ENVIRONMENT

Least restrictive environment 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. The placement of an individual student with a disability in the least restrictive environment shall:

- a. Provide the special education and related services, as well as supplementary aids and services, needed by the student;
- 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; and
- c. Be as close as possible to the student's home.

The District has an obligation, pursuant to law, and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

- a. Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b. Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c. To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

The District shall 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 for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

20 United States Code (U.S.C.) Sections 1400- 1485, Individuals with Disabilities Education Act (IDEA)

34 Code of Federal Regulations (C.F.R.) Part 300

State Law - Education Law Sections 4401-4410-a

8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.2(b), 200.4, and 200.6

SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE PURPOSES

The parent of a student who has violated any rule or code of conduct of the School District and who was not identified as a student with a disability at the time of such behavior may assert several protections provided for under the Individuals with Disabilities Education Act (IDEA) and State regulations *if the School District is deemed to have had knowledge (as determined in accordance with law and/or regulations and referenced below) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.*

Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- a. The parent of the student has expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services. However, 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 has requested an evaluation of the student; or
- c. A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

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 (i.e., subheading "Basis of Knowledge"):

- a. The parent of the student has not allowed an evaluation of the student pursuant to law and/or regulations;
- b. The parent of the student has refused services under law and/or regulations; or
- c. The student has been 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 School 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 shall be the responsibility of the Superintendent of Schools, Building Principal or other school official imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

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 such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall 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 shall provide special education and related services in accordance with law and/or regulations.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446, Section 615(k)(5)1
Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.
34 Code of Federal Regulations (CFR) Part 300 8 New York Code of Rules and Regulations (NYCRR)
Section 201.5

***Required Policy for Schools Which Use Time Out Rooms as Part of Their Behavior Management Approach**

SUBJECT: *USE OF TIME OUT ROOMS

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c) as referenced below, the School District shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to his/her education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part its behavior management approach consistent with Commissioner's Regulations, including the physical and monitoring requirements, parental rights and individualized education program (IEP) requirements for students with disabilities.

At a minimum, the use of time out rooms shall be governed by the following rules and standards:

- a. The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

Under no circumstances shall a time out room in a school program be used for seclusion of the student, where the term "seclusion" is interpreted to mean placing a student in a locked room or space or in a room where the student is not continuously observed and supervised.

- b. Factors which may precipitate the use of the time out room: [District to list examples of precipitating factors.]
- c. Time limitations for the use of the time out room: [District to establish time limitation(s) for the use of the time out room.]

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral consequence as determined on an individual basis in consideration of the student's age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out room for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student.

- d. Staff training on the policies and procedures related to the use of time out rooms shall include, but not be limited to, the following measures:
 1. The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's Regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE). [District to list specific training programs or activities.]

(continued)

SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)**e. Data collection to monitor the effectiveness of the use of time out rooms:**

District schools shall establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. Such data would be subject to review by the State Education Department (SED) upon request.

Such data collection should appropriately include, but is not limited to, the following information:

1. A record for each student showing the date and time of each use of the time out room;
2. A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;
3. The amount of time that the student was in the time out room; and
4. Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.

f. Information to be provided to parents.

The School District shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school's policy on the use of time out rooms.

Additionally, parents should be notified if their child was placed in a time out room.

Minimally, *whenever a time out room is used as an emergency intervention* pursuant to

Commissioner's Regulations Section 200.22(d), the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible.

The parent is a member of the CSE and the use of a time out room must be included on the student's IEP. The parent receives prior notice as to the recommendations on a student's IEP and may request due process in the event the parent does not agree with the CSE recommendations.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Physical Space Used as a Time Out Room

The physical space used as a time out room must meet certain standards.

- a. The room shall provide a means for continuous visual and auditory monitoring of the student.
- b. The room shall be of adequate width, length and height to allow the student to move about and recline comfortably.
- c. Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.
- d. The temperature of the room shall be within the normal comfort range and consistent with the rest of the building.
- e. The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

Education Law Sections 207.2 10, 305, 4401, 4402, 4403, and 4410

8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Required Policy for Schools that Propose to Use Aversive Interventions Pursuant to a Child-Specific Exception*SUBJECT: *USE OF AVERSIVE INTERVENTIONS**

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(e) and (f) as referenced below, the School District shall not employ the use of aversive interventions to reduce or eliminate maladaptive behaviors.

Aversive intervention means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as:

- a. Contingent application of noxious, painful, intrusive stimuli or activities;
- b. Any form of noxious, painful or intrusive spray, inhalant or tastes;
- c. 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;
- d. Movement limitation used as a punishment, including but not limited to helmets and mechanical restraint devices; or
- e. Other stimuli or actions similar to the interventions described in subparagraphs a) through d) of this paragraph.

The term does not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token 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.

Child-Specific Exception to the Prohibition on the Use of Aversive Interventions to Reduce or Modify Student Behaviors

In accordance with the procedures outlined in Commissioner's Regulation Section 200.22(e), a child-specific exception to the prohibition of the use of aversive interventions may be granted for a school-age student only during the 2006-2007, 2007-2008 and 2008-2009 school years. However, a student whose individualized education program (IEP) includes the use of aversive interventions as of June 30, 2009 may be granted a child-specific exception in each subsequent school year, unless the IEP is revised to no longer include such exception. No child-specific exception shall be granted for a preschool student.

Aversive interventions shall be considered only for students who are displaying self-injurious and/or aggressive behaviors that threaten the physical well being of the student or that of others, and only to address such behaviors.

No child-specific exception shall be granted for interventions used as a consequence for behavior which are intended to induce pain or discomfort that include ice applications, hitting, slapping, pinching, deep muscle squeezes, use of an automated aversive conditioning device, the combined simultaneous use of physical or mechanical restraints and the application of an aversive intervention; withholding of sleep, shelter, bedding, bathroom facilities; denial or unreasonable delays in providing regular meals to the student that would result in a student not receiving adequate nutrition; the placement of a child unsupervised or unobserved in a room from which the student cannot exit without assistance; or actions similar to these interventions at the discretion of the Commissioner of Education.

Whenever the Committee on Special Education (CSE) is considering whether a child-specific exception is warranted, the District shall submit an application to the Commissioner of Education in a form prescribed by the Commissioner requesting a review of student specific information by an independent panel of experts.

Independent Panel of Experts

The Commissioner shall refer the application to an independent panel of experts appointed by the Commissioner or Commissioner's designee for a recommendation to the CSE as to whether a child specific exception is warranted. The panel shall be comprised of three (3) professionals with appropriate clinical and behavioral expertise to make such determinations.

(Continued)

SUBJECT: USE OF AVERSIVE INTERVENTIONS (Cont'd.)

The panel shall notify the School District and the Commissioner of its recommendation as to whether a child-specific exception is warranted and the reasons therefore. For students whose current IEP does not include a child-specific exception, the panel shall provide such notice within fifteen (15) business days of receipt of an application.

CSE Determination of Child-Specific Exception

The CSE shall determine, based on its consideration of the recommendation of the panel, whether the student's IEP shall include a child-specific exception allowing the use of aversive interventions. The determination to provide a child-specific exception shall be made by the CSE and not by a Subcommittee. The CSE shall request the participation of the school physician member in such determination. The School District shall notify and provide a copy of the student's IEP to the Commissioner of Education when a child-specific exception has been included in the student's IEP.

Any IEP providing for a child-specific exception allowing the use of aversive interventions shall identify the specific:

- a. Self-injurious and/or aggressive targeted behavior(s);
- b. Aversive intervention(s) to be used to address the behavior(s); and
- c. Aversive conditioning device(s) and/or mechanical restraint device(s) where the aversive intervention(s) includes the use of such device(s).

The use of aversive interventions is not authorized unless the student's parent has given informed written consent.

Any such child-specific exception shall be in effect only during the time period the IEP providing such exception is in effect. If the continued use of an aversive intervention for a student is being considered for subsequent IEP(s), the CSE shall submit an annual application to the Commissioner of Education for each such IEP(s). If the student's IEP is amended or a subsequent IEP is adopted to no longer include a child-specific exception, the District need not notify the panel but shall submit a revised copy of the student's IEP to the Commissioner.

Program Standards for the Use of Aversive Interventions

Any program that employs the use of aversive interventions to modify an individual student's behavior as authorized pursuant to Commissioner's Regulations shall comply with program standards enumerated in Commissioner's Regulation Section 200.22(f). The program shall provide for the humane and dignified treatment of the student; and promote respect for the student's personal dignity and right to privacy and shall not employ the use of threats of harm, ridicule or humiliation, nor implement behavioral interventions in a manner that shows a lack of respect for basic human needs and rights.

- a. Aversive intervention procedures may be used only if such interventions are recommended by the CSE consistent with the student's IEP and behavioral intervention plan as determined by the CSE.
- b. Aversive intervention procedures shall not be the sole or primary intervention used with a student and shall be used in conjunction with other related services, as determined by the CSE, such as verbal or other counseling services, speech and language therapy and/or functional communication training.
- c. Aversive interventions shall be combined with reinforcement procedures, as individually determined based on an assessment of the student's reinforcement preferences.
- d. The use of aversive interventions shall be limited to those self-injurious or aggressive behaviors identified for such interventions on the student's IEP.
- e. No program may combine the simultaneous use on a student of a physical or mechanical restraint device with another aversive intervention.

(continued)

SUBJECT: USE OF AVERSIVE INTERVENTIONS (Cont'd.)**Human Rights Committee**

Each school that uses aversive interventions with students shall establish a Human Rights Committee to monitor the school's behavior intervention program for any student being considered for or receiving aversive interventions to ensure the protection of legal and human rights of individuals.

Each Human Rights Committee shall be comprised of individuals not employed by the school or agency and shall include at least one (1) licensed psychologist with appropriate credentials in applied behavior analysis; one (1) licensed physician, physician's assistant or nurse practitioner; one (1) registered dietician or nutritionist; one (1) attorney, law student or paralegal; one (1) parent or parent advocate; and may include not more than two (2) additional individuals selected by the school or agency. In addition, when the purpose of the Human Rights Committee meeting includes a review of an individual student's program, a representative of the School District/agency placing the student in the program and a representative of the State Education Department (SED) shall be invited to participate.

The Human Rights Committee shall meet at least quarterly to review, monitor and investigate the implementation of students' behavioral intervention plans that include aversive interventions. A written report on the findings and recommendations of the Human Rights Committee regarding an individual student shall be provided to the CSE of the student and to the agency that placed the student in the program.

Supervision and Training Requirements

Aversive interventions shall be administered by appropriately licensed professionals or certified special education teachers in accordance with Commissioner's Regulations or under the direct supervision and direct observation of such staff. Training shall be provided on a regular, but at least annual basis, and shall include, but not be limited to, training components as enumerated in Commissioner's Regulations.

Parent Consent

Aversive interventions shall be provided only with the informed written consent of the parent, and no parent shall be required by the program to remove the student from the program if he/she refuses consent for an aversive intervention. A parent shall be given a copy of the school's policies and procedures on the use of aversive interventions.

Progress Monitoring

The program shall provide for ongoing monitoring of student progress, including the collection and review of data and information as enumerated in Commissioner's Regulations. The program shall submit quarterly written progress reports on the implementation of the student's behavioral intervention program to the CSE and to the agency that placed the student in the program.

When the District places a student in a program that uses aversive interventions with such student, the District shall be responsible to ensure that the student's IEP and behavioral intervention plan are being implemented. The CSE shall convene at least every six (6) months, or more frequently as needed, to review the student's educational program and placement for any student for whom the CSE has recommended the use of aversive interventions. A representative of the School District shall observe the student at least every six (6) months and, as appropriate, interview the student in the program and communicate regularly with the student's parent and shall report the results to the CSE.

Policies and Procedures

Each school that proposes to use aversive interventions pursuant to a child-specific exception shall submit its policies and procedures to SED for approval prior to the use of such interventions. Only those schools with policies and procedures approved by SED on or before June 30, 2007 shall be authorized to use such interventions.

Education Law Sections 207.21, 207.30, 207.40, 207.41, 207.42, 207.43, and 207.44 - 8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 200.1, 200.4, 200.7, 201.2, and 200.22

POLICY

2011

7620

Students

SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parent/legal guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

Commissioner's Regulations Section 200.2(b)(l)

Adopted by Board of Education 12/13/11

POLICY

2011

7630

Students

SUBJECT: APPOINTMENT AND TRAINING OF CSE AND CPSE MEMBERS

It is the policy of the Fabius-Pompey Central School District Board of Education to ensure that the Committee on Special Education members, Committee on Preschool Special Education members, and other personnel charged with the education of children with disabilities are appropriately appointed and trained.

The Board of Education will consider prospective members of the Committee on Special Education, the Committee on Preschool Special Education, and other personnel with regard to their specific educational and personal qualifications, working knowledge of students with disabilities and regulations, objectivity and dedication. After discussion of the above qualifications, the Board will appoint Committee on Special Education members, Committee on Preschool Special Education members, chairpersons and other personnel based upon its best judgment.

The Board of Education will make local, county and state sponsored training sessions available to present and future Committee on Special Education members, Committee on Preschool Special Education members and other appointed personnel. It is the intent of the Board to promote the training of School District officials and personnel regarding the respective roles and responsibilities of the Board of Education, Committee on Special Education, Committee on Preschool Special Education, administrators and service providers. Personnel will be encouraged to participate in training sessions and to provide in-service workshops so that staff may become more knowledgeable with regard to the special needs of students with disabilities, as well as the regulations that govern special educational programming.

Education law Section 4402 and 4410

Commissioner's Regulations Section 200.2(b)(3), 200.3 and 200.5

Public Law 101-476, Individuals With Disabilities Education Act

Adopted by Board of Education 12/13/11

SUBJECT: COMMITTEE ON PRESCHOOL SPECIAL EDUCATION MEMBERSHIP (CPSE)

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) comprising the following numbers:

Committee on Preschool Special Education (CPSE) Membership

- a) The parent(s) of the child;
- b) At least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) At least one special education teacher or, where appropriate, at least one special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, specially-designed instruction to meet the unique needs of children with disabilities who is knowledgeable about the general curriculum and about the availability of resources of the District (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, or the School District representative described above;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- g) Whenever appropriate, the student with a disability.
- h) A parent of a child with a disability who resides in the School District and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality;
- i) For any meetings prior to the initial recommendation for a child for whom services are first being sought, a professional who participated in the evaluation of the child, or an appropriate professional employed by the School District, other than the Chairperson, the child's teacher, or some other person present at the meeting who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation, as described in Education Law. Nothing would prohibit or limit the parent or parents of the preschool child from choosing to invite the evaluator to attend and to participate in the meetings and the evaluator from participating at their invitation, provided, however, that no approved evaluator shall vote on a Committee recommendation except as required by federal law;
- j) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the Department of Health's Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and
- k) An appropriately certified or licensed professional from the municipality. Attendance of the appointee of the municipality is not required for a quorum.

Education Law Section 4410

20 United States Code (U.S.C.) Sections 1400-1485,

Individuals With Disabilities Education Act (IDEA)

34 Code of Federal Regulations (C.F.R.) Part 300

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.3

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM**

Committee on Special Education

The Board of Education shall, upon completion of its review of the student's Individualized Education Program (IEP), arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/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 shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within 60 days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within 30 days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall 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 such objections or concerns. The CSE shall 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 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 such 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 such objections or concerns. The second CSE shall 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.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

(Continued)

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S
INDIVIDUALIZED EDUCATION PROGRAM (continued)**

Committee on Preschool Special Education

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such 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 such services are recommended by the CPSE less than 30 days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall 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 shall 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 of Education shall provide such notice as required by federal and state law and regulations.

Education Law Sections 4402 and 4410

8 New York Code of Rules and Regulations

(NYCRR) Sections 200.2(d)(1), 200.4(c), 200.4(d), 200.5 and 200.16(e)

Adopted by Board of Education 12/13/11

SUBJECT: STUDENT INDIVIDUAL EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION**Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Education Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

Provision of Individualized Education Program

The Board of Education directs that the Superintendent/designee(s) 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 a paper or electronic copy of such student's IEP prior to the implementation of such program*. 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 enumerated in Articles 81, 85 or 89 of the Education Law where the student receives or will receive IEP services. Further, the District will designate at least one school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

Any copy of a student's IEP shall remain confidential in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such 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 such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE *shall designate* for each student one or, as appropriate, more than one professional employee of the School 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 regular education teacher, special education teacher, related service provider, other service provider, paraprofessional (i.e., a teaching assistant or a teacher aide as defined in Commissioner's Regulations), and other provider and support staff person of his/her responsibility to implement the recommendations on a student's IEP, including the responsibility to provide specific accommodations, program modifications, supports and/or services for the student in accordance with the IEP*. In selecting the professional staff person(s), the Chairperson could select him/herself for this responsibility, another administrator, or a teacher, related service provider or other professional based on the particular circumstances of the student's disability and education program.

SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP): DEVELOPMENT AND PROVISION
(Cont'd.)

The School District shall also ensure that each teaching assistant, teacher aide and each other provider responsible for assisting in the implementation of a student's IEP has *the opportunity to review* a copy of the student's IEP prior to the implementation of such program. Further, each teaching assistant, teacher aide and such other provider responsible for assisting in the implementation of a student's IEP shall have *ongoing access* to a copy of the IEP, which may be the copy provided to the student's special education teacher or the teacher or related service provider under whose direction the paraprofessional or other provider works. However, the District may, at its discretion, provide a copy of the IEP to teaching assistants and/or teacher aides.

A copy of a student's IEP shall be provided to the student's parents at no cost to the student's parents.

Individual Re-evaluations of Individualized Education Program

A committee on special education (CSE/CPSE) shall arrange for an appropriate re-evaluation of each student with a disability if conditions warrant a re-evaluation, or if the student's parent or teacher requests the re-evaluation; however, a re-evaluation must take place at least once every three years. 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 reevaluation shall 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 committee on special education in reviewing, and as appropriate, revising the student's IEP.

Use of Recording Equipment at IEP Meetings

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

Education Law Section 4402(7)

Education Law Articles 81, 85 and 89

8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 (hh), 200.2(b)(I I), 200.4(b)(4), 200.4(e)(3), 200.4(f), and 200.16(e)(6)

SUBJECT: ALTERNATIVE FORMATS FOR STUDENTS WITH DISABILITIES**Alternative Formats for Instructional Materials**

Chapter 377 of the Laws of 2001, *effective April 21, 2002*, modified various Sections of Education Law [specifically, those Sections addressing powers and duties of Board members and Education Law Section 3602(10)(b) addressing district plans of service]. Each school district and Board of Cooperative Educational Services (BOCES) is now required to develop a plan to ensure that all instructional materials used in the schools of the district are available in a usable alternative format for each student with a disability (including students requiring Section 504 Accommodation Plans) in accordance with the student's educational needs and course selections. "Alternative format" is defined as "any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in the school district, including but not limited to Braille, large print, opened and closed captioned, audio, or an electronic file in an approved format, as defined in the Regulations of the Commissioner." Materials and alternative formats must be provided at the same time that such instructional materials are available to non-disabled students.

The required plan must:

1. Ensure that the district's procurement policies give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats; (Please note that, pending any further clarification, the use of the term "procurement policies" appears to refer to general purchasing policies - whether such purchasing is subject to competitive bidding or non-competitive bidding requirements.)
2. 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;
3. Identify the needs of students residing in the district for alternative format materials;
4. Specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials are available to non-disabled students; and
5. Include procedures to address the need to obtain materials in alternative format without delay for students with disabilities who move into the school district during the school year.

Effective May 16, 2002, Section 200.2 of Commissioner's Regulations was amended to implement Chapter 377, and similarly requires each school district and each BOCES to establish a plan to ensure that every student with a disability who needs his or her instructional materials in an alternative format will receive those materials at the same time that they are available to non-disabled students.

(Continued)

SUBJECT: ALTERNATIVE FORMATS FOR STUDENTS WITH DISABILITIES

New York State Education Department (SED) Policy Memorandum 02-05, issued in May 2002 from Deputy Commissioner Lawrence C. Gloeckler, provides additional information and technical assistance regarding the requirements of Chapter 377 and includes:

- 1) Pertinent background information;
- 2) A summary of the regulatory amendments;
- 3) Questions and answers;
- 4) Sample plan considerations;
- 5) Alternate format textbook and educational materials resources;
- 6) Chapter 377 of the Laws of 2001; and
- 7) Amendments to Section 200.2 of the Regulations of the Commissioner.

Questions regarding this Memorandum or Chapter 377 may be directed to the SED Program Development and Support Services Unit at (518) 486-7462, the Special Education Policy Development Unit at (518) 473-2878 or your Regional Associate at one of the Special Education Quality Assurance Regional Offices.

The enclosed sample regulation, addressing “**Alternative Formats for Students with Disabilities,**” was developed by a committee of staff and district representatives from Erie 1 BOCES and Erie 2-Cattaraugus-Chautauqua BOCES and follows the guidelines in the above referenced Memorandum from Deputy Commissioner Gloeckler. *The committee developed a "fill in the blank" model, so districts can insert their own specific information and customize the "template" to better meet their needs.* Questions regarding this template may be directed to Susan Locke Scott [a Professional Development Specialist in the Special Education Training and Resource Office (SETRC) at Erie 1 BOCES and member of the above referenced committee] at: [<slockesc@eriel.wnyric.org>](mailto:slockesc@eriel.wnyric.org).

As a point of clarification, in April 2002, our office sent out Policy and Regulation Updates addressing "Alternative Formats for Instructional Materials/Apparel Purchases" which provided, in accordance with law, revisions that must be made to districts' procurement/purchasing policies. *The April 2002 Updates addressed revisions mandated pursuant to Chapter 377 that impact on the procurement policies of school districts. The enclosed sample regulation references the impact of Chapter 377 on Special Education Plans.* For more comprehensive discussion of this topic, please refer to our Policy and/or Regulation Update of April 2002.

POLICY

2011

7650

Students

SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES

The policy of the Board of Education is to conduct a census in order to have all children with disabilities and all children with possible disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age and children in all public and private agencies and institutions within its jurisdiction.

Persons involved in the collection of data must receive prior training and written information regarding data collection procedures.

Census Procedure - Children With Disabilities

The following procedures shall be followed:

- a. By July 31st, the Board of Education shall appoint a census taker.
- b. By July 31st, the District shall notify the public of the annual census to be conducted during the month of August.
- c. By August 31st of each year, the District will conduct a census of all children with disabilities and children without disabilities residing in the District.
- d. By September 15th, the census lists are reviewed by the Committee on Special Education along with existing lists from which a complete list of students can be compiled.
- e. By October 1st, census data is reported to the Committee on Special Education (CSE).

Register of Children with Disabilities

It is the policy of the Board of Education of the Fabius-Pompey Central School District to maintain a register containing, but not limited to, the name of each child with a disability under the age of twenty-one (21) who resides in the District, the nature of such child's disability and the educational placement, if any, of such child.

Education Law Sections 3240-3242 and 4402(1) (a)
Commissioner's Regulations Sections 200.2(a) and 200.4

Adopted by Board of Education 12/13/11

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- 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 School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. 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 Regent diploma or exceeding the age eligibility for a free appropriate public education. However, prior to the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. 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 IEP.

Prior to the reevaluation, the School District shall obtain informed parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained 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 and/or due process procedures.

The District shall 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.

Individual Evaluation

As part of any reevaluation, a group that includes the CSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments and observations, and observations by teachers and related services providers.

On the basis of that review, and input from the student's parents, the CSE and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine:

- a. In the case of a reevaluation of a student, whether the student continues to have such a disability;
- b. The present levels of performance and educational needs of the student;
- c. In the case of a reevaluation of a student, whether the student continues to need special education; and
- d. Whether any additions or modifications to the special education services are needed- to enable the student to meet the measurable annual goal set out in the Individualized Education Program (EP) of the student and to participate, as appropriate, in the general curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, 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.

SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)

The CSE shall arrange for an appropriate reevaluation of each student with a disability at least every three (3) years by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The reevaluation shall 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 reevaluations must be addressed by the CSE in reviewing and, as appropriate, revising the student's IEP.

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 shall:

- 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 such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one year after the student enters the full-time regular education program.

Declassification Support Services

When appropriate, the District shall 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.

Declassification support services means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a. For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b. For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

Procedural Safeguards Notice

The District shall 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 shall take steps to ensure that the notice is translated orally or by other means to the parent in his/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, pursuant to law and/or regulation, have been met.

20 United States Code (U.S.C.) Sections 1400-1485,
34 Code of Federal Regulations (C.F.R.) Part 300
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.1(q), 100.2(u), 200.2@)(8), 200.4@)(4) and (3, 200.4-(c)(3), 200.4(d)(l), and 200.5

Individuals with Disabilities Education Act (IDEA)
State Law - Education Law Sections 4401-4410-a

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/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.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

Parental Consent

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions.

Consent for Evaluations

The parent or guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District may pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the Initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District *shall not* provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements to provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an IEP.

Consent for a Ward of the State

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability. The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student; or
- b) The rights of the parents of the student 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 in accordance with State law.

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 child with a disability is a ward of the State, the Board shall assign an individual to act as a surrogate for the parents or guardians. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that ensure adequate representation of the child.

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) Section 613aJ
Individuals with Disabilities Education Act (IDEA)X United States Code (USC) Section 1400 et seq.
-34 Code of Federal Regulations (CFR) Part 300 Education Law Sections 4401 and 4402
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Adopted by Board of Education 12/13/11

SUBJECT: DUE PROCESS RIGHTS FOR PARENTS OF CHILDREN WITH DISABILITIES

In accordance with the Individuals With Disabilities Education Act (IDEA) as well as Part 200 of the Regulations of the Commissioner of Education, a procedural safeguards notice must be provided to parents, as required by Section 1410(d)(1) of IDEA, upon:

- a) Initial referral for evaluation for the provision of special education services;
- b) Each notice of an individualized education program (IEP) meeting;
- c) Reevaluation of the child;
- d) Registration of a request for a due process proceeding (mediation or an impartial hearing);
- e) A decision to remove a child from his/her current educational placement for more than ten (10) cumulative or consecutive days in a given school year as the result of disciplinary action [20 United States Code (USC)1415(k)(4)(A)].

New York State Regulations also require the procedural safeguards notice to be provided to parents when:

- a) The Committee on Special Education/Committee on Preschool Special Education notifies the parent of its recommendation;
- b) The recommendation is reviewed by the Board of Education.

Individual with Disabilities Education Act (IDEA)
United States Code (U.S.C.) Sections 1400-1485
Education Law Sections 4401-4407
8 New York Code of Rules and Regulations (NYCRR) Part 200

Adopted by Board of Education 12/13/11

SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED

Beginning with the 2007-2008 school year, the **district of location** is responsible for child find, including individual evaluations, Committee on Special Education (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.

The new requirements **do not** pertain 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, and State-supported or State-operated schools, nor does it apply to Charter schools. These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools.

Parental Consent Needed by the School District of Location

Federal law and regulations require the following:

- a) If a student with a disability is parentally placed, or is going to be parentally placed in a nonpublic school that is not located in the school district where the student legally resides, parental consent must be obtained by the school district of location before any personally identifiable information about the student is shared between officials in the public school district of residence and officials in the public school district of location. Therefore, parent consent is required before sharing Individualized Education Programs (IEPs) and other education records between the district of residence and the district of location.
- b) Parent consent must also be obtained by the school district of location prior to sharing of personally identifiable information with the nonpublic school.
- c) If a parent who has placed a student with a disability in a nonpublic school at his/her own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the district of location may not use the due process hearing to override lack of parental consent; and the district of location is not required to consider the student as eligible for special education services.

Consultation Requirements with Nonpublic Schools

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 the following topics:

Child Find

The child find process must include discussion on how parentally placed nonpublic school students suspected of having a disability can participate equitably, including the procedures to be followed by the district of location and nonpublic school to identify students who may have disabilities.

Provision of Special Education Services

Consultation must address how, where and by whom special education and related services will be provided to such students, including a discussion of types of services, such as direct services and alternate service delivery mechanisms.

SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd.)

If the school district disagrees with the views of the nonpublic school officials on the provision of services or the types of services, whether provided directly or through a contract, the school district shall provide to the nonpublic school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

Use of Federal Funds

Consultation must also include determination of the proportionate amount of federal funds available to serve parentally placed nonpublic school students with disabilities, including the determination of how the amount was calculated.

Upon completion of the consultation process, the nonpublic school representatives must provide written affirmation of their participation in the consultation process. If the nonpublic school representative does not provide such affirmation within a reasonable period of time, the school district must forward the documentation of the consultation process to the State Education Department (SED).

Child Find Requirements (Including Individual Evaluations and Reevaluations)

Child find is the practical method the public school district of location will develop and implement to identify, locate and ensure the evaluation and identification of students with disabilities who are parentally placed in nonpublic schools. The child find activities must be similar to activities undertaken for students with disabilities in the public schools and must be completed in a time period comparable to that for other students attending public schools in the school district. The child find obligations also include parentally placed nonpublic school children who reside outside New York State.

The district of location must have procedures for conducting evaluations and reevaluations of students enrolled in nonpublic schools located within their district within required timeframes and at no cost to parents. The reevaluation requirements apply to all eligible parentally placed nonpublic school students with disabilities, even those not currently receiving services.

Development of Individualized Education Programs (IEPs) and Provision of Special Education Services for New York State Resident Students

The CSE of the district of location will be responsible to develop an Individualized Education Program (IEP) for New York State students with disabilities enrolled by their parents in nonpublic schools located in the geographic region of the public school. The IEP developed for parentally placed nonpublic school students must be developed consistent with the manner in which the IEPs of all students with disabilities are developed and the services to be provided cannot be determined based on the proportionate share of federal funds. The CSE of the district of location must ensure that a representative of the nonpublic school where the student attends is included in the meeting where the IEP is developed. If the representative cannot attend, the school district must use other methods to ensure participation by the private school, including individual or conference telephone calls. The IEP must be reviewed periodically, but not less than annually.

The school district of location is also responsible to provide special education services pursuant to the IEP developed for each eligible student. The parent must request special education services in writing to the school district by June 1 preceding the school year for which the request for services is made. Exceptions to the June 1 request for services deadline must be provided in accordance with law.

**SUBJECT: PROVISION OF SPECIAL EDUCATION SERVICES TO NONPUBLIC SCHOOL STUDENTS
WITH DISABILITIES WHO ARE PARENTALLY PLACED (Cont'd.)****Transportation**

If special education services are to be provided to a student at a site other than the nonpublic school, the district of location is responsible to provide the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services. The proportionate share of IDEA Part B dollars could be used for such purpose.

The school district of residence remains responsible to provide transportation to parentally placed nonpublic school students from the student's home to the nonpublic school.

Services Plans for Out-of-State Children

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 services 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.

The services plan must, to the extent appropriate, be developed, reviewed and revised by the CSE of school district of location consistent with the requirements for development of an IEP. The parent(s) of the student must be invited to the meeting and the district of location must also ensure that a representative of the nonpublic school where the student attends be included in the meeting where the services plan is developed. If the nonpublic school representative cannot attend, the school district must use other methods to ensure participation by the nonpublic school, including individual or conference telephone calls. The services plan must be reviewed periodically, but not less than annually.

Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446)

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 3242, 3602-c, 4401-a, 4402, 4404, 4405, and 4410-b

8 New York Code of Rules and Regulations (NYCRR) Part 200

SUBJECT: IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The impartial hearing officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

Impartial Hearing Process/Prehearing Conference

The following is an overview of the impartial hearing process/prehearing conference:

- a. Either the parent or the School District may request an impartial hearing. If a parent makes the request, it must be in writing to the Board of Education describing the nature of the dispute and a proposed resolution of the problem. The District will provide a form for this purpose. However, the District may not deny or delay a parent's right to an impartial hearing if the written request is not complete. If the District is the party initiating an impartial hearing, the District will provide prior written notice to the parent including a statement of the action proposed and any explanation of why the District proposes to take such action.
- b. Upon receipt of or initiation of a request for an impartial hearing, the District will inform the parent of the availability of mediation, of any free or low-cost legal and other relevant services available in the area, and provide the parent with a copy of the District's Procedural Safeguards Notice.
- c. The District must immediately [but not later than two (2) business days after receipt of the written request for the hearing] initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- d. The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.
- e. The IHO may not accept appointment unless he/she is available to initiate the hearing within the first fourteen (14) days of being appointed.
- f. The hearing, or a prehearing conference, shall be scheduled to begin within the first fourteen (14) days of the IHO's appointment, unless an extension is granted pursuant to Commissioner's Regulations.
- g. The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- h. The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
- i. The student remains in his/her current placement during the pendency of the impartial hearing unless both parties agree or except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.
- j. The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines.
- k. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

(Continued)

SUBJECT: IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (Cont'd.)**Recordkeeping and Reporting**

The District will maintain an alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHO's and the conduct of impartial hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

Compensation of Impartial Hearing Officers

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 rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

Mediation

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

Guardians ad Litem at Impartial Hearings

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

Confidentiality

All issues relating to a request for and conduct of an impartial hearing must be kept confidential by all District staff.

Administrative Procedures

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA)

20 United States Code (USC) Sections 1400-1485

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 4404(1) and 4410(7)

8 New York Code of Rules and Regulations (NYCRR) Sections 200.1, 200.2, 200.5, 200.16, 200.21, and 201.11

POLICY

2011

7680

Students

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. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.502) specify requirements for an independent evaluation.

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings

34 Code of Federal Regulations (CFR) Sections 300.12 and 300.502

8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(z) and 200.5(g)

Adopted by Board of Education 12/13/11

REGULATION

2012

7680R

Students

INDEPENDENT EDUCATIONAL EVALUATIONS – Regulation to Policy 7680

If a parent of a disabled child disagrees with an educational evaluation conducted by the district Committee on Special Education (CSE), the parent has a right to request an independent educational evaluation (IEE) at district expense. The district may, in turn, request the parent to specify the areas of disagreement with the district's evaluation. The district may initiate an impartial hearing to demonstrate the appropriateness of the District's evaluation. If the hearing officer determines that the district's evaluation is appropriate, the parent does not have the right to a district-funded independent evaluation or the right to reimbursement for an independent educational evaluation the parent may have already obtained.

An IEE is one which meets the same criteria required for an initial CSE referral, and one which must be conducted by a qualified evaluator, as defined in 34 CFR 300.12, 8 NYCRR 200.1 (u), who is not an employee of the district.

Guidelines

1. The evaluator must be NY licensed or certified in the area of the evaluation; the evaluator must be located within a 30 mile radius of the District; and the cost of the evaluation must be reasonable.
2. An independent educational evaluation may require an individual psychological evaluation, a physical examination, a social history and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which contribute to a suspected educational disability. The maximum reimbursement for an IEE is \$2,000.
3. The district has established a comprehensive list of qualified evaluators with whom parents may secure an independent educational evaluation.
4. There may be exceptional circumstances where the application of these criteria would deprive the parent of an opportunity for an IEE and that requests for exceptions to the regulations should be made to CSE chairperson.
5. Payment will only be made after the district has received a written report.
6. The district will not assume payment of incidental costs of evaluations; e.g. transportation, parking fees, meals, lodging, etc.
7. Independent evaluations may be presented as evidence at a hearing conducted by the district or requested by the parent.

Responsibilities

1. Parents should notify the school district of the intention to seek an IEE.
2. If the district agrees to reimburse the IEE, it will notify the parents in writing and will transmit a copy of this policy and regulation to the parents. Further, the district will request the parents to provide a copy of the policy and regulation to the independent evaluator. The independent evaluator has responsibility to arrange classroom visitations, discussion with district staff, and payment provision.
3. If the district denies reimbursement for an IEE, it will provide, in writing, its reasons, as well as any intention to initiate a hearing to defend its denial.

BOE Adopted 6/19/12

SUBJECT: REMOTE LEARNING**Use of Remote Learning in the District**

The District may offer remote or distance learning to students at certain times including, but not limited to, independent study, enrichment courses, and in the event of an extraordinary circumstance such as widespread illness, natural disaster, or other emergency situation.

When making decisions about remote learning, the District will consult with students, parents, teachers, administrators, community members, and other stakeholders as appropriate. The District will also ensure that it is complying with applicable teaching and learning requirements.

Extraordinary Circumstances

In the event of an extraordinary circumstance that requires long-term and widespread use of remote learning, a plan will be developed that outlines how the District will accomplish remote learning. This plan will outline the number of students involved, modes of remote learning, asynchronous and synchronous learning opportunities, internet and device access among students, and alternatives available for students who have neither a device nor consistent access. It will also address the needs of different populations of students including, but not limited to, vulnerable students, younger students, students with disabilities, and English language learners.

If warranted, the District may use a hybrid model of in-person instruction and remote learning.

Formats and Methods of Remote Learning

Remote learning may be delivered by teachers through a variety of formats and methods. Instruction may be provided through video, audio, and/or written materials. Communication between teachers and students may occur through video conferencing, prerecorded videos, online discussion boards, and/or other instruction that relies on technology. Remote learning can occur synchronously, which involves real-time interaction and collaboration between teachers and students, or asynchronously, which involves delayed interactions between teachers and students and self-directed learning.

Determinations about how to best deliver remote learning will take into account a variety of factors including, but not limited to, the number of students involved, the subject matter, the students' grade levels, and technological resources of both the District and students. Consideration will also be given to whether accommodations need to be made for students with disabilities or English language learners.

Remote Learning Support

As necessary, the District will provide instruction on using remote learning technology and IT support for students, teachers, and families. The District will also work to ensure that teachers and administrators are provided with professional development opportunities related to designing an effective remote learning experience.

(continued)

POLICY

2020

7700
2 of 2

Students

SUBJECT: REMOTE LEARNING (cont'd.)

Compliance with District Policies, Procedures, and the Code of Conduct

Teachers and students are required to comply with any and all applicable District policies, procedures, and other related documents as they normally would for in-person instruction. Examples include, but are not limited to, the District's policies and procedures on non-discrimination and anti-harassment, acceptable use, and copyright. Students will also be required to abide by the rules contained within the Code of Conduct at all times while engaged in remote learning. Violations of the Code of Conduct and/or engaging in prohibited conduct may result in disciplinary action as warranted.

Privacy and Security of Student and Teacher Data

In compliance with law, regulation, and District policy, the District will take measures to protect the personal information of students and teachers from unauthorized access when using remote learning technologies. Examples of these measures include, but are not limited to, minimizing the amount of data shared to only that which is necessary, de-identifying data, and the use of encryption or an equivalent technical control that renders personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons when transmitted electronically.

BOE adopted 11/17/20

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8000

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SUBJECT: CURRICULUM DEVELOPMENT, RESOURCES, AND EVALUATION

The Board of Education supports and encourages development of a District-wide, articulated curriculum that conforms to state mandates and is responsive to the needs of children in a rapidly changing society. The principals' of the elementary and secondary schools shall be responsible to the Superintendent for developing District-wide efforts toward the short and long-range improvement of curriculum and instruction.

Curriculum Resources

There are many resources for curriculum development that exist in our School District, and the instructional staff, under the guidance of the administration, is expected to delve into those resources for possible improvement of the instructional program. Each teacher has the privilege of being an initiator of improvement, as well as a reactor to changing conditions, and the principals shall be involved in curriculum development.

From the staff, the Superintendent may appoint curriculum study committees, and their findings, as well as the collective judgments of the staff about the pertinence of various possible changes, shall be submitted by the Superintendent to the Board of Education for consideration in the forming of curriculum policy.

Curriculum Evaluation

The Board of Education shall direct a continuing evaluation of the curriculum as part of a program of instructional improvement.

All aspects of the curriculum shall be subjected to a searching and critical analysis in an attempt to improve the learning and growth of students.

The administrative staff shall evaluate the curriculum in a systematic manner, involving school personnel and others as appropriate.

The administrative staff shall make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

SUBJECT: CURRICULUM REVIEW PROCESS

(To ensure) an effective instructional program requires a comprehensive, systematic review of each K-12 curriculum on a scheduled basis. The following outlines and details a plan for curriculum review for the Fabius-Pompey School District. Should curriculum change become necessary before scheduled review, it is the administration's responsibility to implement such change.

I. Schedule - 4-year cycle

2019-2020 - English Language Arts; Mathematics

2020-2021 - Science; Social Studies

2021-2022 - Languages other than English; Career Development and Occupational Studies (CDOS);
Health; Technology; Physical Education

2022-2023 - Art; Music; Family and Consumer Science; Library; Guidance

This schedule does not exclude review in areas where changes are needed.

II. Curriculum Review Committee**1. A Committee will consist of:**

One classroom teacher from K-3

One classroom teacher from 4-5

One classroom teacher from 6-8

One classroom teacher from 9-12

The Chairperson (if the curriculum area has such representation)

The Elementary Principal

The Secondary Principal

The Secondary Assistant Principal (if appropriate)

The Superintendent - Chair

Total membership is 9 staff - others when applicable - i.e. resource teacher, Athletic Director

2. Charge to the CRC

a. Review K-12 curriculum

b. Develop recommendations

c. Revise and write instructional curriculum as appropriate

III. Curriculum Assessment

Each CRC will use the following questions to review curriculum.

1. Are there clearly defined goals and objectives for each grade level and/or course?

2. Identify how the curriculum differs from state syllabus. When was the current curriculum written and adopted? Is the curriculum appropriate for each grade level and course taught?

3. Have there been significant changes in the curriculum since the last review? Describe the effectiveness of these changes.

(Continued)

SUBJECT: CURRICULUM REVIEW PROCESS (continued)

4. Identify the sequence for K-12 curriculum.
 - a. Is the sequence appropriate?
 - b. Is the sequence articulated at each level? Please describe.
5. Evaluate the instructional materials used.
 - a. Do materials meet the needs of students and staff?
 - b. What materials may better meet our instructional needs?
6. Examine the curriculum as it relates to other curricula.
 - a. In what ways has this curriculum been integrated with other curricula?
 - b. What forms of collaboration are used in the delivery of this curriculum? (Team teaching, collaboration with special education teacher.)
7. Based upon formal/informal assessments, how effective is the curriculum?
8. What teaching strategies are used to reach the objectives stated in the curriculum?
9. What outside resources are used to support the curriculum (field trips, guest speakers, etc.)?
10. Identify the processes used to evaluate student performance.
 - a. Does evaluation match the objectives of the program?
 - b. Do these evaluation assess (measure) what has been taught?
 - c. List the measures of success for this curriculum (e.g. test results, college acceptances, demonstrations, etc.).
11. What are the strengths of the curriculum?
12. What areas need to be strengthened?
13. Is teacher in-service training needed?
 - a. What resources are needed for in-service training?
 - b. How would these resources be provided?
14. How is the library/media center used as a resource for this curriculum?
15. How are computers used as instructional resources for this curriculum?
16. How are thinking skills infused into this curriculum?

IV. Recommendations

Based upon information gathered during the CRC review, specific recommendations are to be presented to the District Curriculum Council and the Board of Education.

V. Timetable for Implementation of Recommendations

1. The CRC should determine whether the scope of recommendations is major or minor. If recommendations are for minor changes in curriculum, the revisions can be made during or after the review and completed for presentation to the Board of Education in May of the review year.
2. If the recommendations are for a major change in curriculum, the summer and the year following the review will be for re-writing and revision. The re-written curriculum will be presented to the Board of Education in May of this re-writing year.

SUBJECT: REQUEST FOR VARIANCES OR WAIVERS FROM REGULATORY PROVISIONS

The Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Where appropriate, a request for a variance from the requirements in Part 100 of the Commissioner's Regulations must be submitted for approval to the Superintendent and the Board of Education. Subsequently, if approved, such request will be forwarded on the appropriate form to the District Superintendent for review, consultation and recommendation prior to submission to the State Education Department.

Request for a waiver from the provisions of Sections 200.1/200.6 of the Commissioner's Regulations in order to implement an innovative program that will enhance achievement and/or opportunities for placement in regular classes and programs for students with disabilities requires the approval of the Superintendent and Board of Education prior to submission to the State Education Department.

Commissioner's Regulations Sections 100.2(n) and 200.6(1)

POLICY

2012

8210

Instruction

SUBJECT: SAFETY CONDITIONS AND PROGRAMS

The practice of safety will be considered an integral part of the instructional program through fire prevention, emergency procedures and drills, driver education, and traffic and pedestrian safety.

Each principal will be responsible for the supervision of a safety program for his/her school.

The safety program may include, but not be limited to, in-service training, plant inspection, fire prevention, accident recordkeeping, driver and vehicle safety programs, emergency procedures and drills, and traffic safety programs relevant to students, employees and the community.

An annual inspection shall be made by the school administrator and the appropriate school personnel and safety consultant to determine any unsafe or unsanitary conditions within the schools.

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or his/her designee will insure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Education Law Sections 409(2), 807-a and 906
Commissioner's Regulations Section 136

BOE Approved 8/21/12

SUBJECT: PREVENTION INSTRUCTION**AIDS Instruction in Health Education**

The Board of Education shall provide a health education program that will include 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 shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS. Appropriate training will be provided for instructional staff.

Parents/legal guardians shall have the right to exclude their children from those portions of a school's health education program that address AIDS prevention instruction. A statement must be completed and filed with the District declaring that the parent/legal guardian will be responsible for seeing that the student receives prevention instruction outside of the classroom.

Substance Abuse-Prevention Instruction

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. A prevention program will be developed to inform students of:

- a) Causes for substance abuse;
- b) Physical and psychological damage associated with substance abuse;
- c) Avoidance of alcohol, tobacco, and drugs.
- d) Dangers of driving while under the influence of alcohol or drugs.

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

Fire and Arson Prevention Instruction

The Board of Education directs the administration to provide instruction in fire and arson prevention for all students in each school for a period of not less than forty-five (45) minutes each month that school is in session.

Student Safety

Instruction in courses in technology education, science, home and career/skills, art and physical education, health, and safety shall include and emphasize/safety and accident prevention. Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

Emergency Planning

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

AIDS Instruction: Commissioner's Regulations Section 135.3(b) (c)
Substance Abuse: Education Law Section 804
Commissioner's Regulations Section 135.3 (a)
Student Safety: Education Law Section 808
Commissioner's Regulations Sections 107 and 155
Fire and Arson: Education Law Section 808
Civil Preparedness: New York State Office of Disaster Preparedness

SUBJECT: FIRE DRILLS, BOMB THREATS, AND BUS EMERGENCY DRILLS**FIRE DRILLS**

The administration of each school building shall instruct and train students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic. Fire drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during a regular lunch period, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one of these drills shall be held during the first week of summer school.

After-school Programs

The building principal or his/her designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

BOMB THREATS

When a bomb threat is received in the school, swift and appropriate action must be undertaken to assure the personal safety of each of the building occupants. This policy addresses the general parameters of bomb threat evacuations to assure that all school staff and students will be prepared to act, without confusion or delay, in the event of a bomb threat incident.

Evacuation: Building Specific Bomb Threat

Specific school buildings, including administrative office, bus garages, and storage buildings, are to be immediately evacuated as quickly as possible when notice of a bomb threat is received that is building specific. All building occupants are to be evacuated to a safe area and accounted for. In determining the extent of evacuation required, it is assumed that an explosion may cause damage and injury within an area of at least 300 feet from the point of detonation.

Evacuation from a building provides maximum and optimum safety for students and staff, thus allowing for the least compromised and encumbered search by authorities.

Evacuation: All District Building Bomb Threat

Bomb threats announcing that a bomb is in the School District (without indicating a specific location) require the evacuation of all School District buildings. School Emergency Management Plans should address this contingency with alternative areas for shelter, if a "Go Home Plan" is not feasible.

Sheltering: Bomb Threats in Outside Areas

Bomb threats which indicate that an explosive device is in a car, in the school parking lot, or somewhere else outside of the building require that building occupants remain inside the building. All persons outside the building in parking lots, playgrounds, etc. should be immediately moved into the building or moved further away from the site, whichever action takes such persons out of harm's way.

Depending on the information given in the bomb threat call, consideration should also be given to occupants in rooms on outside walls and windows. Building occupants should be moved to areas within the school which are free of glass. Sheltering occupants to inside building areas free of glass is to be considered in the School Emergency Management Plan for situations in which bomb threats are reported outside of a school facility. Evacuation or sheltering should be for the purpose of taking students out of harm's way.

(continued)

SUBJECT: FIRE DRILLS, BOMB THREATS, AND BUS EMERGENCY DRILLS (continued)**Immediate Police Notification**

A bomb threat to a school is a criminal act. Criminal acts are the domain and responsibility of the law enforcement officials. The appropriate state, county, or local law enforcement agency is to be notified immediately of any bomb threat. School personnel are not authorized to determine if a telephoned bomb threat or suspicious package or letter is a hoax. School officials are responsible for information known; i.e., a bomb threat, and to take prudent and reasonable care of students and staff.

Dissemination of Information/Criminal Behavior

Information should be disseminated informing students and staff that the mere reporting of a false bomb threat is a crime that may result in imprisonment and/or civil penalties being imposed against the individual.

The building administrator will be responsible for informing school staff and students as to the appropriate procedures to be followed in the event of a bomb threat emergency, including the procedures to be followed in case of evacuation, early dismissal, and "sheltering" of students in school buildings when it is deemed safer for students to remain inside rather than to return home or be evacuated.

Implementation

The Board of Education directs the Superintendent or his/her designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the School District's Emergency Management Plan, with provisions for written notification by October 1 of each school year to all students and staff about emergency procedures, an annual emergency drill, and the annual updating of the District's Emergency Management Plan as mandated pursuant to law and/or regulation.

Education Law Section 807 - Penal Law Sections 240.55, 240.60 and 240.61
8 New York Code of Rules and Regulations (NYCRR) - Section 155.13

BUS EMERGENCY DRILLS

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first week of the fall term, the second between November 1st and December 31st, and the third between March 1st and April 30th.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a. Safe boarding and exiting procedures'
- b. The location, use and operation of the emergency door, fire extinguishers, ax, first-aid equipment and windows as a means of escape in case of fire or accident;
- c. Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

Commissioner's Regulations Section 156.3(h)(2)
Education Law Sections 807 and 3623

BOE Adopted 7/10/12

REGULATION

2012

8212R

Instruction

SUBJECT: REQUIRED DRILLS

Bus Drills

Three are required per year. Teachers give instructions during homeroom period on the first Thursday of the school year.

Drills will be scheduled by the Transportation Supervisor

Fire Drills

Each building must have fire drills in accordance with Section 807 of the Educational Law each year. This section requires 12 per year, 8 of which shall occur between September 1st and December 1st.

Be sure you keep an accurate record of the date and time each drill is held. Also record the time required to empty the building.

Refer to your copy of the last fire inspection report for more details of requirements to ensure that all are amended to meet all current laws and regulations.

Emergency Drills

- 1) Emergency Evacuation Drill - The Emergency Evacuation Drill fulfills the requirement for sheltering and early dismissal.

We will conduct an "emergency evacuation drill" at the end of an instructional day some time during the year. You will be notified in advance to help with planning.

Procedures - Follow exactly the same dismissal procedures that you employ on any other school day. We are required to have one drill each year.

NOTE: Refer also to Regulation #8212R.1 - School Building Fire Emergencies.

Instruction

SUBJECT: SCHOOL BUILDING FIRE EMERGENCIES

At the moment a building fire emergency occurs, swift and appropriate action must be undertaken to assure the personal safety of each of the building occupants. This regulation provides the guidelines for developing school procedures to assure that all school staff and students will be prepared to act, without confusion or delay, during a fire.

General

Any person discovering a fire or smoke condition must immediately sound the fire alarm. This discovery constitutes a fire emergency. There can be no hesitation about making such a decision. There must be no time lost while reporting to, or seeking further direction from, the building administrator or other authority before sounding the alarm. The alarm must also start the evacuation procedure automatically without the need for official confirmation or direction.

Where a gas leak is discovered the fire alarm system should not be used, as possible sparking or mechanical components of the bell system could cause the gas to explode. In such cases, the main office should be notified by voice immediately and direction to evacuate should be given over the P.A. system. In the event of a bomb threat, the P.A. system should also be used to initiate building evacuation.

Preparation

- 1) A planned "command post," an outside area known to all teachers and staff, should be established where the building administrator should go at the sound of the alarm. From this point, the administrator can be quickly available to staff for any necessary decisions.
- 2) Outdoor waiting areas, one or more, should be designated where teachers and students are to gather following the evacuation of the building. Each area must be large enough to accommodate the school population planned for it, and must be well away from the building to allow firefighters ample room for their equipment and activity. Such areas must be made familiar to all, so that any students separated from class at the time of the alarm will know exactly where to report to be accounted for.
- 3) A plan should be in place to provide for the physical protection of the evacuated building occupants if an extended outside wait is expected. This is necessary as an emergency may occur during a period of wet or freezing weather and occupants should not delay building evacuation to don coats or other outer clothing. Provisions should include the choice of a shelter or go-home direction, as conditions warrant.

(Continued)

SUBJECT: SCHOOL BUILDING FIRE EMERGENCIES (continued)**Occupant Action**

- 1) Any building occupant, upon discovering a fire or unexplained smoke condition, must pull the fire alarm to warn all other building occupants to evacuate the building immediately. If a student, he/she then must report directly to the assigned class waiting area. If a teacher or other staff person, he/she must institute the appropriate planned tasks for a fire emergency. Brief descriptions of various staff tasks follow.

- 2) Each teacher in charge of a class must immediately, upon hearing the fire alarm, lead the class out of the building to the outdoor waiting area assigned to the class. Alternate routes to the outdoors must be known and practiced by means of drills. Students must not delay building evacuation for coats or other outer clothing. The teacher should take the class register to the waiting area.

Once at the assigned outdoor area, the teacher should be certain that each student in school on that day is accounted for. If any student is missing at this point, the teacher must inform the building administrator of this so that a building search may be undertaken.

Middle School-High School: Students must be instructed to report directly to their outdoor waiting area if the fire alarm occurs during a time when the student is out of his or her classroom.

Elementary School: Elementary students who are out of their classroom at the time of the alarm must exit the building and report to the nearest adult. These students will be referenced and accounted for as the attendance is reported to the building administrator.

- 3) Special activities for teachers and other staff not in direct charge of evacuation of students:
 - a. A staff member (with a backup person to cover for absences) must be assigned to call the fire department immediately upon hearing the fire alarm. This call must be made even when the building alarm automatically transmits an alarm to the fire department.
 - b. Specific instruction and practice must be given to assigned staff (with backup) regarding any special help for the careful, yet rapid evacuation of persons with disabilities from the building.

(continued)

SUBJECT: SCHOOL BUILDING FIRE EMERGENCIES (continued)**Occupant Action** continued:

- c. An office staff person (again with backup) must be assigned to properly store or remove designated records from the building.
- d. Specific staff members should be assigned to monitor building entrances to prohibit entry by unauthorized persons during the fire emergency.
- e. Only staff with appropriate training should attempt to extinguish a fire. Specific staff members, having volunteered for and received such training, may at the time an alarm is sounded, seek out the fire and attempt extinguishment, using the fire protective equipment normally on hand in school buildings. Staff training should be by professional fire personnel. Any such training must stress the personal safety of the volunteer staff while engaged in fighting a fire still in its incipient stages. What appears to be a "small" fire can become untenable in a matter of minutes, and school fire extinguishers are limited in their capacity. The persons fighting a fire of this nature must know at what point it becomes prudent to retreat. These staff people can be of great assistance to firefighters by directing them to the exact location of the fire immediately upon their arrival on the scene.

Drills

Education Law requires that eight school fire drills be held before the first of December of each school year, with a total of twelve (12) drills to be held for the entire school year. After the first drill or two, during which building occupants can become familiar with general escape routes and waiting area, drills should become more complex, including "missing" student exercises and "blocked" corridors, to duplicate as closely as possible conditions that may be encountered in a real fire emergency. Practice of this nature can be invaluable, helping to prevent unwanted "surprises" if a real fire emergency were to occur.

The local fire department may welcome the opportunity to participate in school fire drills. Fire professionals can often offer suggestions that could speed up building evacuation, improve placement of occupants during drills, or make suggestions that may improve the entire procedure. The presence of fire trucks, and firefighters in turnout gear, also imparts a sense of the seriousness of the exercise.

NOTE: Refer also to Regulation 8212R Required Drills.

REGULATION

2012

8212R.2

1 of 2

Instruction

SUBJECT: EVACUATION PLAN

A building evacuation is announced when occupancy of the building itself poses a danger to the students staff. Upon receipt of an order to evacuate, staff will take all necessary measures to prepare students for an evacuation. Students/staff will be evacuated by buses that will be sent to a safe location. Students will not be permitted to go home. However, they will be permitted to leave school if accompanied by a parent or guardian.

1. In the event a building evacuation is necessary and the emergency is restricted within a building such as fire, fumes, system failure or bomb threat, the occupants will evacuate to the following areas unless directed otherwise:

From

To:

Middle School-High School

Designated areas outside the Middle School
High School building
F-P Elementary School Gymnasium/Auditorium
Bus Garage

Elementary School

Fabius Community Center
Fabius Christian Church

2. If a building must be evacuated and the emergency is not contained within that building, but more widespread such as chemical spills and emissions, accidents (nuclear accidents will follow County Emergency Plans), the occupants will evacuate to the following areas unless directed otherwise:

From

To

Middle School-High School

Designated areas outside the Middle School
High School building
F-P Elementary School Gymnasium/Auditorium
Bus Garage

Elementary School

Fabius Community Center
Fabius Christian Church

First Step

1. The building administrator will activate the fire alarm (except in the event of a BOMB THREAT OR GAS LEAK - use public address system) if not already done. Battery backup will provide power to activate fire alarm and provide emergency lighting in the event of a power failure. Normal evacuation procedures, as posted in each room, will commence unless otherwise directed by building administrator.
2. The building administrator or designee will phone the Superintendent to rate the situation causing the evacuation. When students from one school need to move to another, the two building administrators will make arrangements for a learning environment to occur while in the temporary location.

(Continued)

SUBJECT: EVACUATION PLAN (Continued)

3. If students need to be evacuated to a remote school/location the Director of Facilities and Transportation will be notified to send buses to the selected loading area for evacuation purposes.
4. When alerted, the classroom teachers will lead the students out of the building to the appropriate location as directed by the building administrator or designee as the emergency dictates. Normal evacuation routes that are posted in each room will be used unless the emergency prevents the use of exits and/or corridors. Alternate routes will be announced using the intercom system.
5. Special area teachers and non-instructional employees will help whenever needed to chaperone or supervise students.
6. Teachers should bring a class roster with them.
7. The building administrator will direct the building secretary to notify the location sites when the evacuation is underway. The building administrator will designate someone to bring a list of all students with names, addresses, and phone numbers.
8. The head custodial and building administrator will secure the building and check to ensure that everyone is evacuated.
9. When the students are transported home or to another school, the Superintendent will notify parents using the public media. Additionally, an attempt will be made to notify by telephone the home or emergency contact for each student.

Second Step

1. All teachers, staff, and children will remain at their temporary locations until further notice
2. Students should be supervised to ensure calm and quiet.
3. Teachers must take attendance and notify the building administrator if a student is not present.
4. If students go to another school, teachers and students should proceed with as normal a schedule as possible.

Third Step

1. Building administrator awaits further directions from the Superintendent of Schools.
2. A parent who arrives at the temporary location may take his/her child. The parent must sign the student out. The principal will assign someone to maintain a sign-out list and procedure.

Bus Loading Plan

All students will dismiss in a normal fashion. The buses will arrive at the usual bus loading site if possible. An alternate site will be chosen if conditions warrant. Location of loading will be conveyed to the Facilities and Transportation Office before buses are dispatched.

SUBJECT: BUS EMERGENCY DRILLS: EMERGENCY GUIDELINES

1. Operation of school bus exits to be used in an emergency:
 - a. Emergency door(s)
 - b. Windows as a means of escape;
 - 1) Push-out,
 - 2) Pop-out (windows mounted in rubber).
2. Location and use of:
 - a. Fire extinguishers;
 - b. First aid equipment;
 - c. Reflective devices;
 - d. Ignition switch;
 - e. Parking brake;
 - f. Radio.
3. Exiting guidelines:
 - a. Do not take books, lunch boxes, etc.;
 - b. Take emergency equipment;
 - c. Wear coats, jackets, etc.;
 - d. Use the front door.

Emergency Evacuation Guidelines for Physically Impaired Students:

- a. Physically impaired students are those students who are visually impaired, possess limited mobility or are non-ambulatory. These students are not necessarily classified as students with disabilities.
- b. The building principal at each school will assign an aide for each physically impaired student during an emergency evacuation. The assigned aide should be given a copy of the student's schedule to facilitate evacuation. The school nurse in each building should serve as an alternative escort should the need arise. The assigned aide should escort the student to a designated area.

REGULATION

2012

8212R.4

Instruction

SUBJECT: EMERGENCY EVACUATION DRILL

At least once every school year, the School District will conduct a test of its emergency evacuation plan which includes sheltering and early dismissal. Such drills will not occur more than 15 minutes earlier than normal dismissal time. Transportation and communication procedures shall be included in the test. Parents or guardians shall be notified in writing at least one week prior to such drill.

Upon notification of an impending actual situation or drill, building administrators shall direct pupils and staff to designated assembly areas or to remain in classrooms as appropriate. Designated areas are as follows:

Central Office Staff
(District Office)

To: Designated outside area

Middle School-High School Students/Staff

To: Elementary Gym/Auditorium

Elementary School Students/Staff

To: Fabius Christian Church
Fabius Community Center

Transportation/Maintenance Staff

To: Designated outside area

BOE Adopted 7/10/12

PROCEDURE

2012

8212P

Instruction

SUBJECT: Bomb Threat

All staff should be given bomb threat forms (8212F).

Responsibility

Action

Person receiving threat	1) a. Questions caller as listed on Bomb Threat Form b. Notifies building administrator
Building Administrator	2) a. Notifies Police/Fire through 911 system b. Notifies Buildings and Grounds Supervisor c. Notifies Superintendent d. Notifies staff and students to evacuate building, as appropriate e. DOES NOT MENTION "BOMB THREAT" f. DOES NOT USE FIRE ALARMS TO NOTIFY
Building Administrator/ Maintenance Supervisor	3) Upon arrival, advises police of situation, follows their instructions and TURNS CONTROL OF BUILDING OVER TO THEM
Police/Fire Department	4) Termination of emergency
Superintendent/ Building Administrator	5) a. Resumes, curtails, or ceases building operation b. Notifies staff and students

Upon receipt of a bomb threat by telephone, questions the caller as to:

- 1) Where - specifically is the bomb located?
- 2) When - exactly is the bomb set to go off?
- 3) What - materials are in the bomb?
- 4) Why - is the caller doing this?
- 5) Who - is the caller?

PROCEDURE

2012

8212P.1

Instruction

SUBJECT: BOMB THREATS: BEFORE OPENING OF SCHOOL

Responsibility

Recipient of call

Action

Superintendent/Designee

- 1) Notifies Superintendent
- 2)
 - a. Students will either be held on buses or taken to nearest reasonable shelter
 - b. Follows the procedures as outlined in #8212P

PROCEDURE

2012

8212P.2

Instruction

SUBJECT: BOMB DISCOVERY

Responsibility

Action

Building Administrator/Designee

1) a. Orders evacuation of building or issues take-cover order, without the use of a fire alarm.

b. Notifies:

- (1) Local or State Police/Fire through 911 system;
- (2) Superintendent.

Local/State Police

2) Contacts Explosive Ordinance Division

Building Administrator/Designee

3) a. Provides assistance to police/EOD

b. Logs actions on Bomb Threat Form (8212F)

c. Takes preventative action ensuring that no 2-way radios, air/heating units, elevators, or fire alarms are in use.

d. Terminates emergency when bomb is disarmed and authorization is given by police and EOD.

e. Recalls or sends home students and staff.

f. Evaluates and takes steps to prevent reoccurrence.

g. Notifies Superintendent of all actions taken

Superintendent

4) Notifies District Superintendent and/or Commissioner of Education that plan was activated, if required (CR155.13[e])

Building Administrator/Designee

5) Notifies parents, if appropriate.

FORM

2012

8212F

Instruction

BOMB THREAT FORM

DATE: _____ TIME: _____

NAME OF RECIPIENT: ADDRESS OF RECIPIENT: _____

TELEPHONE OF RECIPIENT: _____

EXACT WORDS OF PERSON PLACING CALL: _____

QUESTIONS TO ASK:

1. When is bomb going to explode?
2. Where is bomb right now?
3. What kind of bomb is it?
4. What does it look like?
5. Why did you place the bomb?

FORM

2012

8212F.1

Instruction

EMERGENCY EVACUATION DRILL NOTIFICATION

The following notice will be issued by building principals one week prior to the scheduled drill. Such notices will be mailed to the student's last address of record. Where possible, enrolled siblings will be included on one notice.

TO: Parent or Guardian of: ADDRESS:

SUBJECT: Early Dismissal

The Fabius-Pompey Central School District has scheduled its annual test of the Early Dismissal Plan for _____ (Date)

Students will be released 15 minutes earlier than their normally scheduled time in order to test the early dismissal response of the District's Emergency Plan.

Please make appropriate arrangements for the early arrival of your children as a result of this drill.

Thank you

Principal

SUBJECT: INSTRUCTION OF PREVENTION OF CHILD ABDUCTION

All students in grades K through 8 in District schools shall receive instruction designed to prevent the abduction of children. Such instruction shall be provided by or under the direct supervision of regular classroom teachers and the Board of Education shall provide appropriate training and curriculum materials for the regular classroom teachers who provide such instruction. However, at the Board's discretion, such instruction may be provided by any other public or private agency.

The Commissioner of Education will provide technical assistance to assist in the development of curricula for such 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 such courses of study, the Board of Education may establish local advisory councils utilize the school-based shared decision making and planning committee established pursuant to the Regulations of the Commissioner to make recommendations concerning the content and implementation of such 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. Such advisory council shall 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.

In accordance with law, the District will apply to the Commissioner of Education for a competitive grant, not to exceed \$10,000, for services and expenses associated with a missing children prevention education program. Such funds shall be used to coordinate the acquisition, development and distribution or provision of instructional materials; defray costs of developing the courses of study; or provide appropriate training, including training provided by any other public or private organization, for faculty on prevention of child abductions.

Education Law Section 803-a

Adopted by Board of Education 3/7/95

SUBJECT: THREATS OF VIOLENCE IN SCHOOL

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

While acknowledging an individual's constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well being of staff, students and the school environment. Employees and students shall refrain from engaging in physical actions or threatening statements which create a safety hazard for others.

Any acts and/or threats of violence, whether such threats are made orally, in writing, or by e-mail, or through any other electronic means, shall be subject to appropriate disciplinary action in accordance with applicable law, District policies and regulations, the Student Code of Conduct, and collective bargaining agreements, as may be necessary.

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

Students are to report all acts and/or threats of violence, including threats of suicide, of which they are aware by calling the Police, or notifying a faculty member or the building principal.

The District reserves the right to seek restitution, in accordance with law, from the parent/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.

Relations will be developed to address safety concerns in the schools, and appropriate sanctions for violations of this policy by students will be addressed in the Student Code of Conduct.

SUBJECT: OCCUPATIONAL EDUCATION

The Board of Education recognizes the need for occupational education and reaffirms its policy of strengthening the local high school occupational program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

Equal Opportunity

The Board of Education prohibits discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, veteran status, military status, or disability in any occupational program or activity of this District.

The occupational program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that occupational education opportunities will be offered without regard to race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, veteran status, military status, or disability. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504 activities.

Grievance Procedure

Grievance procedures for resolving complaints of discrimination based on sex and/or disability shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

BOCES Advisory Council

In accordance with Education Law, the Advisory Council of the BOCES is designated as the local Advisory Council for occupational education in the School District.

Education Law Article 93

Commissioner's Regulations Sections 100.2(h) and 141 et seq.

SUBJECT: GUIDANCE PROGRAM

A District plan for the K-12 guidance program shall be filed in the District Office and made available for public review. This plan shall be subject to annual review and revised as necessary in the following areas:

- a) Identification of guidance program objectives;
- b) Activities to accomplish the objectives;
- c) Identification of staff members and other resources to accomplish the objectives;
- d) Provisions for the annual assessment of program results.

Guidance Program (K-6)

A coordinated guidance program in grades K-6 shall be developed and implemented to:

- a) Prepare students to participate effectively in their current and future educational programs;
- b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;
- c) Educate students concerning avoidance of child sexual abuse; and
- d) Encourage parental involvement.

Guidance Program (7-12)

A coordinated guidance program in Grades 7-12 shall be developed and implemented including the following activities and services:

- a) Each student's educational progress and career plans will be reviewed annually;
- b) Instruction at each grade level to help students learn about various careers and career planning skills;
- c) Other advisory and counseling assistance which will benefit students such as: helping students develop and implement postsecondary education and career plans; helping those students exhibiting any behavioral or adjustment problems; and encouraging parental involvement;
- d) Employment of personnel certified or licensed as school counselors.

Commissioner's Regulations Section 100.2(j)

BOE Adopted 7/10/12

**SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND TALENTED
EDUCATION AND PHYSICAL EDUCATION****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.

Education Law Section 806-a
8 NYCRR Section 107.2

Gifted and Talented Students

The Board of Education will provide appropriate educational programs for students identified as being gifted and talented.

Education Law Article 90 and Section 3204(2)(b)
8 NYCRR Section 142

Physical Education Class

All students, except those with medical excuses, shall 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 shall participate in a daily program for a minimum of 120 minutes per week. All students in grades 4 through 6 shall participate in a program three (3) times per week for a minimum of 120 minutes per week. The minimum time devoted to such programs (K through 6) shall be at least 120 minutes in each calendar week, 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 shall participate in the physical education program a minimum of three (3) periods per calendar week during one (1) semester of each school year and two (2) 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) shall have the opportunity for regular physical education, but not less than three (3) times per week in one (1) semester and two (2) times per week in the other semester. For students in grades 10 through 12 only, a comparable time each semester shall be provided if the school is organized in other patterns or 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.

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 whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204
8 NYCRR Section 135.4

BOE Adopted 8/21/12

SUBJECT: MARCHING BAND POLICY

There will be two marching band units. One unit will be made up of students in grades 6, 7, and 8, and one unit will be made up of students in grades 9, 10, 11, and 12.

While the basic thrust of the Instrumental Music Program in the Fabius-Pompey Central School District is to provide instrumental music instruction with an emphasis on concert performance, every student participating in the instrumental music instruction program will be expected to participate in two marching performances each year, unless excused by the school administration for good cause.

The marching units will perform on Memorial Day in Fabius and during the Pompey Firemen's Field Days.

Each unit will be under the direction of the Instrumental Teacher who is providing music instruction to the students participating in the music program at the level designated.

The School District will provide transportation when needed and buses will be required to follow the marching units when the weather is threatening.

It is the School administration's responsibility to cancel participation in the above events because of inclement or threatening weather.

The School administration will develop a standardized uniform for each unit for Board of Education approval. In developing a recommendation, parents of students participating in the instrumental music program will be consulted

SUBJECT: COMPENSATORY EDUCATION POLICY

It is the policy of the Fabius-Pompey Board of Education that:

- (a) Each pupil who receives Chapter 1 and PSEN/PCEN services. . .
 - 1. Is monitored and evaluated for progress, beyond report cards and pupil/parent conferences;
 - 2. Is eligible to receive such services until the pupil is performing at grade level;
- (b) Parents of pupils who receive Chapter 1 and PSEN/PCEN services are involved in program planning and implementation;
- (c) There is coordination between the compensatory and developmental programs based on a quality core curriculum

SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/ INTERPERSONAL VIOLENCE PREVENTION EDUCATION**Civility, Citizenship and Character Education**

The Board of Education 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 School System.

The School 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/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 shall 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 shall 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;
- 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 shall be incorporated in existing School 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.

Education Law Sections 801 and 801-a

Interpersonal Violence Prevention Education

The District will utilize the interpersonal violence prevention education package provided by the State Education Department. These materials will be incorporated as part of the health or other related curricula or programs for students in grades K through 12.

Education Law Section 801-a, 804(4)

8 NYCRR 100.2(2)(c)(2)

BOE Adopted 9/3/13

Instruction

SUBJECT: SUMMER SCHOOL

The School District may provide summer school in any given year, but is not required to do so. Summer school is an additional opportunity to meet the needs of students by providing courses for enrichment, acceleration, and improvement of skills or making up course work from the regular school year.

Summer School Program Requirements

Summer Elementary School

A summer elementary school shall provide an elementary school program during the months of July and August of at least twenty (20) hours of instruction. Daily instructional sessions must be provided of at least one (1) hour but not more than five (5) hours.

Summer Secondary School

A summer secondary school shall provide a secondary school program during the months of July and August of at least twenty (20) hours of instruction, exclusive of days used for registration, final examinations or Regents examinations. Daily instructional sessions must be provided of at least one (1) hour but not more than five and one half (5 ½ hours).

Rules Limiting the Summer School Calendar

- 1) No summer school State aid may be paid before July 1 or after August 30. No aid is paid for Saturdays, Sundays or legal holidays.
- 2) Summer School may not meet on July 4 or, if July 4 is a Sunday, on July 5.
- 3) Summer school typically is in session for at least thirty (30) days of instruction.
- 4) The New York State Education Department (SED) does not schedule Regents examinations on days of known religious observance.
- 5) Two (2) days are necessary for Regents examinations because the English Regents Examination requires two (2) three-hour sessions.
- 6) The School District must report pupil hours of summer school attendance to the State Aid Office on the Pupil Data Form A (completed by the District Business Office) by September 4.

Resident Students-Public, Nonpublic and Home Schooled

When the School District operates a summer school or participates in a Board of Cooperative Educational Services (BOCES) regional summer school, all resident students, including public, nonpublic, and home-schooled students, are entitled to attend the District's summer school program. For the purpose of summer school instruction, a resident nonpublic school student is not considered to be an enrollee of the nonpublic school. The School District cannot charge resident students fees for any part of the District's program offered to meet high school diploma requirements. However, students must meet any academic requirements for a particular course.

The District may seek recovery of costs for lost books or other liability that an individual student may incur. However, the District may not withhold admission to the next semester, report cards, transcripts, recommendation letters, textbook loans, or other entitlement for lack of payment.

(Continued)

Instruction

SUBJECT: SUMMER SCHOOL (Cont'd.)

Nonresident Students

When the District operates a summer school or participates in a BOCES regional summer school, the District decides whether or not it will accept nonresident students. The District must treat all nonresident applicants equally and may charge tuition calculated in accordance with Commissioner's Regulations Section 174.2.

Students with Disabilities

Students with disabilities are entitled to attend summer school on the same basis as their nondisabled peers. Students who qualify under Section 504 of the Rehabilitation Act of 1973 are entitled to those accommodations deemed necessary to ensure access to all public school programs and activities. If a student with a disability requires accommodations to participate in a summer school program, the District is required to provide necessary supports and services, including testing accommodations.

Students with disabilities receive extended school year programs and services if the Committee on Special Education (CSE) determines for particular students that the programs and services are required to prevent substantial regression during July and August.

Attendance

Part 104 of Commissioner's Regulations pertaining to attendance applies to all students enrolled in scheduled instruction during the school year from July 1 through June 30, including summer school. The School District must use the same Board-approved attendance policy for summer school that is used during the regular school year. Summer school attendance requirements are based on a pro-rata of the regular year attendance requirements.

Minimum Attendance for Course Credit

Commissioner's Regulations Section 104.1 specifically authorizes school districts to adopt minimum attendance requirements, which distinguish between excused and unexcused student absences for the purpose of awarding course credit. Such policies may provide that a properly excused student absence does not count as an absence for the purpose of determining course credit eligibility if the student has performed any assigned make-up work. Minimum attendance requirements for the purpose of awarding course credit will be in accordance with the District's Comprehensive Student attendance policy as may be applicable.

Driver Education

No resident student may be required to pay tuition or fees for a Driver and Traffic Safety Education course offered for credit by the student's Home School District. A public high school may offer driver education outside the course of a regular school day and charge a fee. In doing so, however, SED has required that the District ensure that:

- 1) The course is supplemental to and not part of the regular school curriculum;
- 2) The course does not count as credit toward a diploma;
- 3) The course is not offered as part of an adult or continuing education program; and
- 4) No student is denied access if he/she cannot pay the fee.

(Continued)

SUBJECT: SUMMER SCHOOL (Cont'd.)**Post-Secondary Credit-Bearing Courses**

The School District may arrange with institutions of higher education to provide advanced courses, that is, post-secondary courses beyond the normal high school curriculum. If the coursework is to be awarded credit toward a high school diploma, it must be provided at no cost to the student. If the course work will also earn college credit, the institution of higher education may charge the student for the college credit.

Physical Education

Students in grades 9 through 12 must attend and participate in a physical education program during both semesters of the regular school year to meet the requirements of Part 135.4 of Commissioner's Regulations and must accumulate two (2) units of credit to graduate. Students may not attend a summer school physical education course as a substitute for the physical education requirement in an upcoming regular school year, but they may attend a summer school physical education course to make up for a semester they did not earn credit or as an elective.

Cardiac Automated External Defibrillators (AED)

The School District must provide and maintain on-site in each instructional school facility sufficient automated external defibrillator (AED) equipment to ensure ready and appropriate access for use during emergencies. Administrators must also ensure the presence of at least one (1) trained staff/person. Specific information concerning AED requirements is contained in Education Law Section 917 and Commissioner's Regulations Section 136.4, and is available at www.emsc.nysed.gov/sss/.

Fire Drills

In accordance with Education Law Section 807, at least two (2) fire drills must be held during summer school in buildings where summer school is conducted; and one (1) such fire drill must be held during the first week of summer school.

Course Requirements and CreditSummer Course Taken without Regard to Previous Course Work

If a student has never taken a particular course before or did so poorly that he/she received no partial grade, the summer school course must provide ninety (90) hours of instruction for the student to earn a full credit, or forty-five (45) hours to earn a half credit.

Summer Course Taken to Improve an Existing Grade

A summer "make-up" course to improve an existing grade may be offered for less than ninety (90) hours/credit and carries only partial credit. It is appropriate to factor in the grades from both summer and the regular school year in determining the final grade and whether to grant credit. A student who enrolled in a regular school year course, but did very poor or no work, may be required to take the entire course over again; that is, such a student may be denied enrollment in a summer "make-up" course.

The Home School Principal's approval is required before a student enrolls in a make-up course to improve a failing grade. Upon program completion, the district providing the summer school course must report the student's grade to the school that issued the original unsatisfactory grade.

(Continued)

SUBJECT: SUMMER SCHOOL (Cont'd.)**Recognition of Earned Credit**

All New York State registered high schools must grant transfer credit for all credit awarded by any public or nonpublic registered New York State high school. After consultation with relevant faculty, the High School Principal may also grant transfer credit for work done at institutions other than New York State registered high schools upon determining that the work is consistent with New York State learning standards and was comparable in scope and quality to the work done in the District high school(s).

Contracting for Instruction

The School District may contract for summer school instruction with another school district or with a BOCES. These courses must be provided at no cost to resident students. No contracts or agreements regarding the provision of elementary, middle or secondary level instruction may be made with any other entity.

Summer School Program Eligible for State Aid

In accordance with Commissioner's Regulations Section 110.6, the School District shall be eligible to receive an apportionment pursuant to Education Law Section 3602(39) for summer school programs that meet the requirements of Commissioner's Regulations Section 110.1 for summer elementary schools and Commissioner's Regulations Section 110.2 for summer secondary schools, and are designed to:

1. Improve student performance in required academic subjects, including assisting students in achieving the State Learning standards as defined in Commissioner's Regulations Section 100.1(t), in any area for graduation or promotion;
2. Prepare students to retake parts of the Regents examination pursuant Commissioner's Regulations Section 100.5; and/or
3. Prepare students for Regents examinations,

Allowable program expenses for apportionments made pursuant to Education Law Section 3602(39) include transportation, maintenance and operation, and personal services.

Summer school is an ordinary contingent expense and may be included in an austerity budget without voter approval.

The following do not constitute State aidable summer school programs:

- 1) Nonpublic programs;
- 2 Private tutorial programs;
- 3) Learning center programs;
- 4) Driver education programs which assess a fee;
- 5) Recreation programs;
- 6) Any other activities which would not be aidable during the regular school year.

(Continued)

SUBJECT: SUMMER SCHOOL (Cont'd.)

The School District must report pupil hours of summer school attendance to the State Aid Office on the Pupil Data Form A (completed by the District Business Office) by September 4.

State Assessments (Regents Examination/Regents Competency Tests)

- 1) Regents examinations may be administered to students enrolled in the summer school program who either:
 - a. Have been previously admitted to the examination, or
 - b. Have attended a minimum of forty-two (42 hours) of summer school, or
 - c. Were approved for credit by examination in accordance with Commissioner's Regulations Section 100.5(d)(1).
- 2) Only students who have completed the required units of study in a subject at an approved school may be admitted to take the Regents Competency Test for that subject.
- 3) The School District may establish its own policies regarding the admission to State examinations of nonresident students who are not enrolled in the District's summer school, including charging a reasonable fee to cover administrative and scoring costs.
- 4) Students not enrolled in the District's summer school program must provide written permission from their Home School Principal to be admitted to an August examination. Public school districts may not charge resident students a fee for admission to or scoring of the August examinations.
- 5) Both the summer school and the school attended during the regular school year must maintain an accurate record of students' examination scores.

Regents Examinations Administered in Summer Secondary Schools

In accordance with Commissioner's Regulations Section 110.4, a student who is enrolled in an approved New York State summer high school who attends a minimum of forty-two (42) hours of actual instruction in a subject area is eligible for admission to August Regents examinations in such subject area. The Principal of a high school offering August Regents examinations may admit to a Regents examination other students enrolled in the summer high school or enrolled in the same high school during the regular school year, provided such students have demonstrated adequate proficiency in the subject involved. The Principal of a high school offering August Regents examinations may also admit students who are not enrolled in such school, provided the Principal of the student's home high school requests in writing that the student be permitted to take an examination for which the student has demonstrated adequate proficiency.

A summer school session that provides forty-five (45) hours of instruction shall be considered the equivalent of one (1) semester of work for each subject. Standings earned in Regents examinations in August may be applied toward a Regents diploma.

POLICY

2012

8250

Instruction

SUBJECT: EVALUATION OF THE INSTRUCTIONAL PROGRAM

Evaluation may be concerned with the extent to which:

- a) Each student achieves in accordance with his/her ability;
- b) Each staff member performs at full potential;
- c) The total learning environment, including institutional processes, physical facilities, and the educational program, remains consistent with the needs of students and the larger society and contributes to the accomplishment of the goals of the school.

The Board of Education expects staff members to maintain a continual program of evaluation at every level to determine the extent of progress toward the schools' objectives. The Board of Education will periodically request the Superintendent to present factual information that it considers necessary to evaluate the effectiveness of the school system.

Commissioner's Regulations Section 100.2(0)

BOE Adopted 7/10/12

SUBJECT: INSTRUCTIONAL TECHNOLOGY

The Board of Education recognizes its responsibility to further the District's educational goals through the use of appropriate and high quality technology.

Continuing advances in technology are bringing about changes that have an increasing impact on the way we obtain, process, evaluate and use information. Therefore, the District is committed to:

- a) A comprehensive staff development program to ensure appropriate and effective use of technology.
- b) The preparation of students to utilize multiple types of technology.
- c) The integration of technology within and across all curriculum areas.
- d) The equitable distribution and access to technological equipment and materials for all students.
- e) The promotion of technology as an alternative to traditional methods of gathering, organizing and synthesizing information.
- f) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.

The Board directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, research and review current materials and make recommendations to the Board.

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;
- b) Assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities;
- c) 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.

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.

- 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;

SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)

- d) 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;
- e) Provide other reasonable support for parent and family member engagement activities as parents or family members may request;
- f) 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.

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 6/18/19

Instruction

SUBJECT: PROCEDURES FOR FILING COMPLAINTS/APPEALS

As required by Title IX, General Provisions of the Elementary and Secondary Education Act (ESEA). The New York State Education Department (NYSED) has adopted the following procedures for receiving and resolving complaints and for reviewing appeals from decisions of Local Education Agencies (LEA/District.) Complaints concerning violations of ESEA Title I, Parts A, and or of General Education Provisions Act; or of Section 100.2(ee) Academic Intervention Services of the Regulations of the Commissioner are covered by these procedures.

Districts must disseminate free of charge, adequate information about the State Complaint and Appeal Procedures to parents of students, and appropriate private school officials or representatives. (General Provisions Regulations, 34 CFR Sections 299.10-299.12)

Filing Complaints/Appeals with the Local School District Complaints

Any public or nonpublic school parent or teacher, other interested person, or agency may file a complaint.

All complaints must:

- 1) Be written;
- 2) Be signed by the person or agency representative filing the
- 3) Specify the requirement of law or regulation being violated and the related issue, problem, and/or the concern;
- 4) Contain information/evidence supporting the complaint; and
- 5) State the nature of the corrective action desired.

Complaints/appeals regarding the District's administration and implementation of its ESEA Title I Grant or Academic Intervention Services for students identified under Commissioner's Regulations Part 100 should be sent first to the School Superintendent of the District against whom the complaint is made. The District has a thirty (30) business day period in which to resolve a complaint.

Appeals

An appeal must contain:

- 1) A copy of the original signed complaint;
- 2) A copy of the local School district's response to the original complaint or a statement that the School district failed to respond in thirty (30) business days; and
- 3) A statement identifying those parts of the local School District's response which the party wishes to appeal.

SUBJECT: PROCEDURES FOR FILING COMPLAINTS/APPEALS (Cont'd.)**Filing Complaints/Appeals with the New York State Education Department**

The State Education Department will review complaints when the complaint pertains to:

- 1) The State's administration of the ESEA Title I Basic Grant, Migrant Education, or Neglected or Delinquent Program; or
- 2) An appeal from the decision of a local School district regarding an action by the LEA.

Note: Complaints which do not meet any of the above criteria, including complaints concerning the LEA's administration of its Title I Program will be referred for possible resolution to the local School district against whom the complaint is made.

An appeal must be requested and postmarked within twenty (20) business days of receipt of the LEA's response to the original complaint.

Within sixty (60) business days of the receipt of the complaint/appeal, the Department staff will complete an on-site review (if necessary) and/or records examination and will notify all parties of its findings. An extension of the 60-day complaint resolution period is permitted under CPR Part 299.1 1 (b), for exceptional circumstances.

Complaints/appeals should be sent to:
New York State Education Department
Title I School & Services Office
Room 365 EBA
89 Washington Avenue
Albany, NY 12234

The Title I representative in the NYSED office who is assigned as the program manager for the District against the complaint is made and such other Department staff as may be appropriate shall conduct the review of complaints or appeals.

The Department's response shall contain:

- 1) The names of persons interviewed;
- 2) The records or other evidence examined;
- 3) Relevant dates/times/locations/ events;
- 4) Summary of findings and
- 5) Nature of corrective action to be taken including applicable timelines.

Failure of the local School District to take corrective action within the time period stipulated in the complaint resolution shall be cause to withhold all, or a portion of, the ESEA Title I allocation to District.

(Continued)

Instruction

SUBJECT: PROCEDURES FOR FILING COMPLAINTS/APPEALS (Cont'd.)

Copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint/appeal resolution will be maintained at the New York State Education Department for five years. Records will be made available to interested parties in accordance with the provisions of the New York State Freedom of Information Law (Public Officers Law Sections 84-89).

Extension of 60-Day Limit

The Department has determined that exceptional circumstances may include, but need not be limited to, such occurrences as:

- 1) Illness of involved parties;
- 2) Cancellation of scheduled on-site reviews due to unscheduled school closings;
- 3) The need for extended review activities beyond those specified in the written notification; and/or
- 4) Any other mutual agreement to changes in review scope or activity.

When exceptional circumstances are identified, the revised date for the completion of the complaint review will be provided in writing to all parties involved in the complaint or appeal.

All parties to the complaint have the right to initiate a request for an extension beyond the sixty (60) business day complaint resolution period based on exceptional circumstances. All such requests must be presented to the State Education Department.

Procedures for Adjudicating Appeals from the Decision of the State Education Agency

Parties dissatisfied with the State Education Department's complaint resolution may file an appeal directly with the United States Department of Education at:

United States Department of Education
Compensatory Education Programs
400 Maryland Avenue, S.W.
Room 3W230, FOB #6
Washington, D.C. 20202-6132

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY

The Board of Education recognizes its responsibility to ensure that students of foreign birth or ancestry, who have limited English proficiency (LEP) or English Language Learners (ELL), are provided with an appropriate program of bilingual transitional education or a free-standing program of English as a Second Language (ESL).

The District has developed a comprehensive plan to meet the educational needs of students with limited English proficiency. The plan will be kept on file in the District and made available for SED review upon request. The plan includes:

- a) The District's philosophy for the education of ELL/LEP students;
- b) Administrative practices and procedures to:
 - (1) Diagnostically screen students for limited English proficiency;
 - (2) Identify students with limited English proficiency;
 - (2) Annually evaluate each ELL/LEP student including his/her performance in content areas to measure the student's academic progress.
- c) A description of the nature and scope of the bilingual and/or English as a second language instructional program and services available to ELL/LEP students;
- d) A description of the criteria used by the District to place ELL/LEP students in appropriate bilingual or free-standing English as a second language programs;
- e) A description by building of the curricular and extracurricular services provided to ELL/LEP students;
- f) A description of the District and school level procedures for the management of the program, including staffing, site selection, parental notification, coordination of funds, training and program planning.

The instructional programs and services available to limited English proficient pupils to help them acquire English proficiency may include, pursuant to Commissioner's Regulations, bilingual education programs, free-standing English as a second language programs, appropriate support services, transitional services, in-service training, and parental notification.

A student who, as a result of a disability, scores below the State designated level on the Language Assessment Battery-Revised (LAB-R) or the NYS English as a Second Language Achievement Test (NYSESLAT) shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services available to an ELL/LEP student when those services are recommended in the IEP. Such a student will be counted as an ELL/LEP student as well as a student with a disability for purposes of calculating State aid.

The parent/guardian of a student identified as an English language learner or as limited English proficient shall be informed in his/her native language, if necessary, of the student's identification for and/or participation in an English language learner instructional program as well as other school related information.

The Superintendent shall ensure that all data required by the Commissioner's Regulations is submitted to the State Education Department in a timely manner.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Sections 1112(g) and 3302(a)

Education Law Sections 207, 215, 2117, 3204(2X2-a), 3602, and 3713

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(g) and Parts 117 and 154

BOE Adopted 7/10/12

Instruction

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY

A student, who by reason of foreign birth or ancestry speaks a language other than English, and scores at or below the fortieth percentile on an English language instrument approved by the Commissioner, is to be classified as an English Language Learner/Limited English Proficient student ELL/LEP.

District Responsibilities

In attempting to ensure that students who are ELL/LEP receive appropriate schooling in English and curriculum areas, the Fabius-Pompey School District shall:

- 1) In accordance with Part 117 of the Commissioner's Regulations, within two weeks of enrollment diagnostically screen every new entrant and reentrant with no available record of prior screening to determine whether they are possibly ELL/LEP in accordance with Section 3204 (2-a) of the Education Law. It will also be determined through such screening whether the student is of foreign birth or ancestry and comes from a home where language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English;
- 2) Ensure that ELL/LEP students suspected of having a disability are referred to the CSE and that a bilingual multidisciplinary assessment is conducted before the CSE identifies an ELL/LEP student as having a disability;
- 3) Ensure that students diagnostically determined to be ELL/LEP are annually evaluated. Such evaluation will include evaluation of each student's performance in content areas to measure the student's progress;
- 4) Ensure that all ELL/LEP students have access to appropriate instructional and support services, including guidance programs;
- 5) Ensure that all ELL/LEP students have equal opportunities to participate in all school programs and extracurricular activities as non-ELL/LEP students;
- 6) Annually provide the Commissioner with the following documents, in the form and by the dates prescribed by the Commissioner:
 - a. Results of the annual evaluation of ELL/LEP students, including test data and any additional data required by the Commissioner;
 - b. An assurance:
 - (1) Of access to appropriate instructional and support services for ELL/LEP students, including guidance programs;
 - (2) That each ELL/LEP student has equal opportunities to participate in all school programs and extracurricular activities as non-LEP students;
 - (3) That the minimum ESL and ELA requirements for the freestanding ESL programs are adhered to;
 - (4) That the minimum English as a Second Language (ESL), English Language Arts (ELA) and Native Language Arts (NLA) requirements prescribed for bilingual education programs are adhered to;

(Continued)

Instruction

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)

- (1) That teachers in the District's free-standing ESL and bilingual education programs are appropriately certified;
 - (2) The District will comply with the requirements of Commissioner's Regulations and the provisions of the Education Law governing programs for ELL/LEP students;
 - (3) That programs for ELL/LEP students will be administered in accordance with applicable federal and state law and regulations and the District's comprehensive plan;
- c. A report by building of the number of students identified as being limited English proficient in the preceding year, including their grade level, native language and instructional program;
 - d. A report by building of the number of ELL/LEP students served in the preceding year, including their grade level, native language and instructional program;
 - e. A report by building of the number and qualifications of teachers and support personnel providing services to ELL/LEP students;
 - f. A fiscal report containing such data concerning the preceding school year as may be required by the Commissioner; and
 - g. Beginning in July 2008 and annually thereafter, a report on the expenditure of state, local, and federal funds in the prior year on programs, activities, and services for ELL/LEP students.

ELL/LEP

Bilingual Education Program

Should twenty (20) or more ELL/LEP students with the same native language at the same grade level be assigned to the same school building in the District, such students shall be provided with a bilingual program. Such program shall be composed of:

- 1) English as a second language (ESL) instruction which emphasizes understanding, listening, speaking, reading, writing, and communicating skills in English;
- 2) Course content instruction in both English and the native language; and
- 3) Native language arts instruction which emphasizes communication skills in the student's home language.

Free-standing English as a Second Language Instruction

Should fewer than twenty (20) ELL/LEP students with the same native language at the same grade level all attend the same school building in the District, such students shall be provided either with a freestanding English as a Second Language (ESL) program, or a bilingual education program. Such program shall be composed of:

- 1) Instruction which emphasizes understanding, listening, speaking, reading, writing, and communicating skills in English; and
- 2) Course content area instruction using ESL methods.

(Continued)

Instruction

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)

Such program need not provide a native language arts component designed to develop skills in the native language.

The District reserves the right to contract with a Board of Cooperative Educational Services (BOCES) or another school district to provide bilingual and/or ESL programs.

Parental Notification

The District will distribute to the parents or other persons in parental relation to ELL/LEP students, school-related information in English and the language they understand. Such parental information will also be provided for those educational services and/or notices mandated by No Child Left Behind (NCLB).

- 1) For new school entrants designated as ELL/LEP, the parent(s)/person(s) in parental relation shall be provided an orientation session on the state standards, assessments, school expectations and general program requirements for the bilingual education program and the free-standing English as a second language program. This orientation shall take place within the first semester of the child's enrollment in school and, when needed, shall be provided in the first language of the pupil's parent(s)/person(s) in parental relation.
- 2) Appropriate District personnel shall make an effort to meet at least twice a year with all parent(s)/person(s) in parental relation of ELL/LEP students to help them understand the goals of the program and how they might help their children.
- 3) Notice to parents will be provided no later than thirty (30) days after the beginning of the school year, or within two (2) weeks after enrollment for students newly identified after the beginning of the school year. The notice will be in a language that the parent can understand as well as English, and will:
 - a. State the reasons for identifying the student as limited English proficient,
 - b. Describe the student's level of proficiency and how the District determined that level,
 - c. Include information about the student's overall academic achievement,
 - d. Explain the instruction methods used in the student's ELL/LEP program compared to methods used in other available programs and how these methods meet the student's educational strengths and needs,
 - e. Describe how the program will specifically help the student learn English and meet age-appropriate academic achievement standards for grade promotion and graduation,
 - f. Describe how students transition from the ELL/LEP program into the regular classroom including specific exit requirements, transition rates, and secondary school graduation rates,

(Continued)

SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)

- g. In the case of a child with a disability, describe how the program meets the objectives of the child's IEP, and
- h. Explain parental right to remove their child from the ELL/LEP program, to choose an alternative program, and to get help in choosing a program. Parents have the option to withdraw their child/children only from a bilingual program provided that they meet with the school Principal along with the school or District supervisor of bilingual education to discuss and explain further the nature, purposes and educational values of the program and the skills required of personnel. At a minimum such student shall participate in a free-standing English as a second language program. Parents do not have the option to withdraw their child/children from an English as a second language program.

If the school building the student attends is unable to offer a bilingual education program due to an insufficient number of ELL/LEP students attending that school, the parent has the option to transfer the student to a school within the District that offers a bilingual program. If the parent chooses not to exercise the transfer option they will be informed that the student will participate in a free-standing ESL program.

Support Services

The District shall provide appropriate support services to students who are participating in either bilingual or freestanding ESL programs in order for such students to achieve and maintain a satisfactory level of academic performance. Such services may include, but need not be limited to, individual counseling, group counseling, home visits and parent/guardian counseling. Where appropriate, such services shall be provided in the first language of the student and the student's parent(s)/person(s) in parental relation.

Transitional Services

The District shall ensure a transition for former ELL/LEP students who are transferring from a bilingual or freestanding ESL program into an English mainstream program. Transitional services shall be provided for the first year after such students are placed in the English mainstream instructional program.

In-Service Training

The District shall provide in-service training to all personnel providing instruction or other services to ELL/LEP students in order to enhance staff appreciation for such students' native languages and cultures and their ability to provide appropriate instructional and support services.

Services to ELL/LEP Students With Disabilities

If a student's score on an English language assessment instrument approved by the Commissioner of Education is the result of a disability, the student shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student(s). Such student shall also be eligible for all services described above, if such services are recommended in his/her IEP. These students will be counted as ELL/LEP students as well as students with a disability for purposes of calculating State aid.

POLICY

2012

8280

Instruction

SUBJECT: INSTRUCTION RELATING TO GENERAL ELECTIONS/USE OF SAMPLE BALLOTS

At least one week before each general election, the District shall post in convenient places, in each school providing 9th through 12th grade instruction, sample and/or facsimile ballots provided by the Board of Elections.

In those school buildings which provide instruction at grade levels other than ninth through twelfth grade, such sample and/or facsimile ballots may be posted in convenient places within the school building at the discretion of the building administrator.

Additionally, all teachers in the District shall utilize such a sample and/or facsimile ballot when providing instruction in the electoral process relating to an on-going general election, for which a sample or facsimile ballot has been created, or when holding mock elections.

Education Law Section 802-a
Election Law Section 7-118

BOE Adopted 7/10/12

POLICY

2012

8310

Instruction

SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Education Law Section 701

BOE Adopted 7/10/12

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 of Education, 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 animals certified to assist persons with disabilities.

Study and Care of Live Animals

Any school which cares for or uses animals for study shall ensure that each animal in the school be afforded the following:

- a) Appropriate quarters;
- b) Sufficient space for the normal behavior and postural requirements of the species;
- c) Proper ventilation, lighting, and temperature control;
- d) Adequate food and clean drinking water; and
- e) Quarters which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

Only the teacher or those students designated by the teacher are to handle the animals.

It shall be the responsibility of the Principal or his/her 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, shall be provided the opportunity to undertake and complete an alternative project approved by the student's teacher; provided, however, that such 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 shall not be penalized.

(Continued)

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES) (Cont'd.)

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall 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. Such instruction shall 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 United States Code (USC) Section 12101 et. seq.

Education Law Section 809

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)(8)

REGULATION

2012

8315R
1 of 2

Instruction

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES): TREATMENT OF LIVE VERTEBRATE ANIMALS

Education Law Section 809(5) provides that no school district, school principal, administrator, or teacher shall require or permit the performance of certain specified types of lessons or experimental studies on live vertebrate animals in the school or during an activity conducted under the school's auspices. These activities are prohibited whether or not they take place on school premises. For example, a teacher may not allow a student to conduct the prohibited experiments on live vertebrate animals for a school sponsored science fair even if the experiment is conducted at a research institution.

Restrictions apply where the lesson or experimental study employs:

- 1) Micro-organisms which cause disease in humans or animals;
- 2) Ionizing radiation;
- 3) Known cancer producing agents;
- 4) Chemicals at toxic levels;
- 5) Drugs producing pain or deformity;
- 6) Severe extremes of temperature;
- 7) Electric or other shock;
- 8) Excessive noise;
- 9) Noxious fumes;
- 10) Exercise to exhaustion;
- 11) Overcrowding;
- 12) Paralysis by muscle relaxants or other means;
- 13) Deprivation or excess of food, water or other essential nutrients;
- 14) Surgery or other invasive procedures;
- 15) Other extreme stimuli; or
- 16) Termination of life

REGULATION

2012

8315R
2 of 2

Instruction

SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES): TREATMENT OF LIVE VERTEBRATE ANIMALS

The Commissioner of Education may, upon a school's submission of a written program plan, issue to the school a written waiver of such restrictions for students subject to the following provisions:

- 1) The student shall be in grade ten, eleven, or twelve; and
- 2) The student shall be under the supervision of one or more teachers certified in science; and
- 3) The student shall be pursuing an accelerated course of study in the sciences as defined by the Commissioner examination in preparation for taking a state or national advanced placement examination.

The Commissioner of Education shall issue a waiver of the restrictions for any teacher certified in science instructing such student.

The written program plan shall include, but not be limited to:

- 1) The educational basis for requesting a waiver;
- 2) The objective of the lesson or experiment;
- 3) The methods and techniques to be used; and
- 4) Any other information required by the Commissioner.

The School District must obtain a waiver *before the lesson or experimentation begins*.

SUBJECT: RESOURCE CENTERS' SELECTION POLICY**Authority**

The Board of Education is the legal governing body of the School District. As such, it retains the legal responsibility for the operation of the school but delegates to the professional staff authority and responsibility for selecting materials, both print and non-print, in accordance with this policy.

Rationale for This Policy

Library Bill of Rights - The American Association of School Librarians reaffirms its belief in the Library Bill of Rights of the American Library Association. Library Media Specialists are concerned with generating understanding of American freedoms through the development of informed and responsible citizens. To this end, the American Association of School Librarians asserts that the responsibility of the school library media center is:

- a) To provide a comprehensive collection of instructional materials selected in compliance with basic written selection principles, and to provide maximum accessibility to these materials.
- b) To provide materials that will support the curriculum, taking into consideration the individual's needs, and the varied interests, abilities, socio-economic backgrounds, and maturity levels of the students served.
- c) To provide materials for teachers and students that will encourage growth in knowledge, and that will help develop literary, cultural and aesthetic appreciation, and ethical standards.
- d) To provide materials which reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups and their contribution to the American and world heritage and culture, thereby enabling student to develop an intellectual integrity in forming judgments.
- e) To provide a written statement, approved by the local Boards of Education, of the procedures for meeting the challenge of censorship of materials in school library media centers.
- f) To provide qualified professional personnel to serve teachers and students.

Selection

Selection of materials is done on a routine, methodical basis chiefly by using reputable, professionally recognized selection tools as guides. The Library Media Specialist consults with faculty, students, administration, and/or members of the community concerning items being considered for purchase.

The following criteria shall be used in evaluating items for purchase:

- a) Needs of the school and community;
- b) Needs of the individual students;
- c) Needs of the professional staff;
- d) Accuracy of the material ;
- e) Objectivity of the author;
- f) Authority of the author;
- g) Clarity of presentation;
- h) Suitability of the media for presenting the information or ideas expressed;
- i) Value of the work judged as a whole;
- j) Significance of the material;
- k) Overall quality of the material;
- l) Style of the format and presentation;
- m) Extent of achievement of stated purpose;
- n) Proportion of materials in various curriculum areas;
- o) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.

SUBJECT: RESOURCE CENTERS' SELECTION POLICY (continued)

Gifts meeting the selection standards of this policy may be accepted by the Library Media Specialist for inclusion in the collection.

Selection Review

In order to keep the collection useful, attractive, and up to date to the teachers and students, culling of the collection shall be carried out continually.

Policy Review

This policy shall be reviewed every three years in order that it remain of current value.

Challenged Materials

- a) Since the subjects listed below are sometimes targets of criticism the following procedure shall be followed:
1. Science -- Medical and scientific knowledge shall be made available without any biased selection of facts.
 2. Ideologies -- The selection of materials shall make available basic factual information at the level of its reading public, on ideology or philosophy which exerts a strong influence in government, current events, politics, education, etc. The presentation of this information shall not involve any effort to sway the reader's judgment.
 3. Religion -- Factual unbiased materials which represent major religions shall be included in the school materials selections.
 4. Sex and Profanity -- Materials presenting accents on sex shall be subjected to a stern test of literary merit and reality by the professional staff, taking in to consideration its reading public and their accepted moral standards. While sensational and over-dramatic materials would not in any case be permitted, the fact of a sexual incident or profanity appearing shall not automatically disqualify a book. Rather, the decision shall be made on the basis of whether circumstances are realistically dealt with, whether the book is of literary value and whether the book is pertinent to the ages of the students in the particular classroom or library. Factual material of an educational nature on the level of the reading public shall be included in the materials selected.

POLICY

2012

8330

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS

Any criticism of instructional materials that are in the schools should be submitted in writing to the Superintendent. The Board of Education will be informed. A committee, including the Library Media Specialist and building principal, will be designated by the Superintendent to investigate and judge the challenged material according to the principles and qualitative standards stated in policy #8320.

BOE Adopted 7/10/12

POLICY

2012

8331

Instruction

SUBJECT: CONTROVERSIAL ISSUES

Controversial issues may be studied as part of the curriculum and teachers shall present these issues in their classrooms in an impartial and objective manner.

Teachers wishing to call upon outside speakers in the presentation of controversial issues are required to obtain the approval of the principal who shall keep in mind the obligation for presenting opposing views as well, and who shall inform the Superintendent prior to the presentation.

It is recognized that parents and citizens of the community have a right to protest to the school administration when convinced that unfair and biased presentations are being made by the teacher. In considering such protests, the Superintendent of Schools shall provide for a hearing so that both parties may fairly express their views. If requested, the Superintendent's decision may be appealed to the Board of Education.

POLICY

2012

8332

Instruction

SUBJECT: CURRICULUM AREAS IN CONFLICT WITH RELIGIOUS BELIEFS

A student may be excused from the study of specific materials if these materials are in conflict with the religion of his/her parents or guardian. Alternatives may be provided that are of instructional value.

Education Law Section 3204(5)

BOE Adopted 7/10/12

SUBJECT: TEXTBOOKS/WORKBOOKS

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for his/her personal use and basic to the study of a subject.

The Board of Education shall make provision for funds to be budgeted for the purchase of textbooks and related instructional materials.

Upon the recommendation of the Superintendent of Schools, the Board of Education shall designate the textbooks to be used. Students will be required to pay for lost books or for excessive damage to books.

Textbooks for Resident Students Attending Private Schools

Resident students attending private schools will be supplied non-sectarian textbooks in accordance with the requirements of Education Law.

Workbooks

The Board of Education shall approve the expenditure funds for the purchase of workbooks and manuals.

The term "workbook" shall refer to the type of book that provides spaces to write in and is consumed each year. It is usually paper-covered and designed to be used in connection with a textbook.

Education Law Section 701 et seq.

BOE Adopted 7/10/12

POLICY

2012

8350

Instruction

SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17, United States Code, Sections 101, et seq.).

All employees 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.

Any employee who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer will be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Title 17, United States Code (U.S.C.) Sections 101, et seq.

POLICY

2012

8410

Instruction

SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY

School Calendar

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board for adoption.

School Day

The school day shall be set by the Superintendent with approval of the Board.

Education Law Sections 3204(4) and 3604(7)(8)
Commissioner's Regulations Section 175.5

BOE Adopted 7/10/12

POLICY

2012

8420

Instruction

SUBJECT: OPENING EXERCISES

The Board directs the administration to include the Pledge of Allegiance as part of the opening exercises in all the schools. Under certain circumstances, such as religious conviction, students may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802
Commissioner's Regulations Section 108.5

BOE Adopted 7/10/12

SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION DAYS/STUDENT ATTENDANCE**Days of Session**

School districts must be in session for all students, including students with disabilities, for not less than 180 days. Included in the 180 days are days on which attendance is taken; days on which Regents examinations, State Assessments or local examinations are given; and days on which Superintendent's Conference Days are held.

Legal Holidays

District officials may not schedule days of session on a Saturday or a legal holiday except Election Day, Washington's Birthday and Lincoln's Birthday (however, driver education classes may be conducted on a Saturday).

Legal holidays include: New Year's Day; Dr. Martin Luther King, Jr. Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Flag Day (second Sunday in June); Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; and Christmas Day.

Length of School Day

The minimum length of the school day for purposes of generating state aid is 2.5 hours for half-day kindergarten, 5.0 hours for full-day kindergarten through grade 6, and 5.5 hours for grades 7 through 12. These hours are exclusive of the time allowed for lunch. If the School District establishes a school calendar in excess of 180 required days, the excess days need not comply with the mandated daily time requirements.

Extraordinary Conditions

The length of the school day requirement does not apply if schools open late or close early due to extraordinary circumstances beyond their control. Similarly, because of circumstances beyond its control, the School District may lose whole days of instruction due to emergency school closings.

Pursuant to Education Law Section 3604(7), if the Commissioner of Education finds that the schools of the District were not in session for 180 days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, or the destruction of the school building either in whole or in part, the Commissioner is authorized to excuse up to five (5) days under certain circumstances.

For the District to receive such a "waiver" from the Commissioner, the Commissioner must find that those "lost days" of instruction could not have been made up by using, for the secondary grades, all scheduled vacation days which occur prior to the first scheduled Regents examination day in June; and, for the elementary grades, all scheduled vacation days which occur prior to the last scheduled Regents examination day in June. Scheduled vacation days that may be used include days of religious observance associated with Passover, Easter, and other religious holidays. Only Saturdays, Sundays, and legal holidays are excluded from days that may be used for this purpose.

SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION DAYS/STUDENT ATTENDANCE (continued):

Requests for excusal must be made in writing to the State Education Department at the close of the school year. If scheduled vacation days and days waived by the Commissioner are insufficient and the School District still remains one (1) or more days short of the 180 days, the District may schedule additional sessions after Regents examinations, through June 30, to satisfy the length of session requirement.

In the event that only one (1) building in the District will be short the required days of session because of some extraordinary condition, the day(s) for only that building must be made up by using all scheduled vacation days before an excusal can be given.

The rescheduling/make up of "lost days" of instruction will take into consideration collective bargaining agreements as may be applicable.

A declaration of a State of Emergency by the Governor due to adverse weather conditions does not authorize the school districts affected to operate an annual session of less than 180 days.

Reporting

Pursuant to Commissioner's Regulations Section 155.17(h), each Superintendent shall notify the Commissioner of Education as soon as possible whenever the emergency plan or building-level school safety plan is activated and results in the closing of a school building in the District; and shall provide such information as the Commissioner may require. School districts within a Supervisory District shall provide such notification through their District Superintendent, who shall be responsible for notifying the Commissioner. Such information need not be provided for routine snow emergency days.

Education Law Sections 3210, 3602(4), 3604(7), and 3604(8)

General Construction Law Section 24

General Municipal Law Section 92-c

8 New York Code of Rules and Regulations (NYCRR) Sections 155.7 and 155.17 and Part 175

BOE Adopted 7/10/12

BOE reviewed and approved 11/18/14

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Instruction

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION
DAYS/STUDENT ATTENDANCE**

Days of Session

In accordance with Education Law Section 3604(7), school districts must be in session for all students, including students with disabilities, for not less than 180 days. Included in the 180 days are days on which attendance is taken; days on which Regents examinations, State Assessments or local examinations are given; and days on which Superintendent's Conference Days are held.

District officials may not claim partial or full attendance on days when classes are not in actual session. This situation is most likely to occur on Regents examination days or Superintendent's Conference Days. Such days do count toward the 180 required days, but, since they are not days of actual session, they do not affect and are not factored into average daily attendance.

Legal Holidays

Pursuant to Education Law Section 3604(8), District officials may not schedule days of session on a Saturday or a legal holiday except Election Day, Washington's Birthday, and Lincoln's Birthday (however, driver education classes may be conducted on a Saturday).

Legal holidays include: New Year's Day; Dr. Martin Luther King, Jr. Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Flag Day (second Sunday in June); Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day; and Christmas Day.

Length of School Day

In accordance with 8 New York Code of Rules and Regulations (NYCRR) Section 175.5, the minimum length of the school day for purposes of generating State Aid is 2.5 hours for half-day kindergarten, 5.0 hours for full-day kindergarten through grade 6, and 5.5 hours for grades 7 through 12. These hours are exclusive of the time allowed for lunch. If District officials establish a school calendar in excess of 180 required days, the excess days need not comply with the mandated daily time requirements.

Extraordinary Conditions

The length of the school day requirement does not apply if schools open late or close early due to extraordinary circumstances beyond their control. Similarly, because of circumstances beyond its control, the School District may lose whole days of instruction due to emergency school closings.

(Continued)

REGULATION

2012

8421R

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Instruction

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION
DAYS/STUDENT ATTENDANCE (Cont'd.)**

Pursuant to Education Law Section 3604(7), if the Commissioner of Education finds that the schools of the District were not in session for 180 days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, or the destruction of the school building either in whole or in part, the Commissioner is authorized to excuse up to five (5) days under certain circumstances.

For the District to receive such a "waiver" from the Commissioner, the Commissioner must find that those "lost days" of instruction could not have been made up by using, for the secondary grades, all scheduled vacation days which occur prior to the first scheduled Regents examination day in June; and, for the elementary grades, all scheduled vacation days which occur prior to the last scheduled Regents examination day in June. Scheduled vacation days that may be used include days of religious observance associated with Passover, Easter and other religious holidays. Only Saturdays, Sundays, and legal holidays are excluded from days that may be used for this purpose.

Requests for excusal must be made in writing to the State Education Department (SED) at the close of the school year. If scheduled vacation days and days waived by the Commissioner are insufficient and the School District still remains one (1) or more days short of the 180 days, the District may schedule additional sessions after Regents examinations, through June 30, to satisfy the length of session requirement.

In the event that only one (1) building in the District will be short the required days of session because of some extraordinary condition, the day(s) for only that building must be made up by using all scheduled vacation days before an excusal can be given.

The rescheduling/make up of "lost days" of instruction will take into consideration collective bargaining agreements as may be applicable.

A declaration of a State of Emergency by the Governor due to adverse weather conditions does not authorize the school districts affected to operate an annual session of less than 180 days.

Since Education Law Section 3604(7) requires a minimum of 180 days of session for State aid purposes, school districts cannot extend the regular school day and count the extended times as additional days of session to make up "lost days."

(Continued)

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Instruction

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION
DAYS/STUDENT ATTENDANCE (Cont'd.)**

Communication Liaisons

Pursuant to Commissioner's Regulations Section 155.17(g), each District Superintendent, during a local or State emergency, shall act as the chief communication liaison for all educational agencies within the Supervisory District territorial limits.

The Superintendent of Schools in the Cities of Buffalo, Rochester, Syracuse and Yonkers, during a local or State emergency, shall act as the chief communication liaison for all educational agencies located within the city district.

Reporting

Pursuant to Commissioner's Regulations Section 155.17(h), each Superintendent shall notify the Commissioner of Education as soon as possible whenever the emergency plan or building-level school safety plan is activated and results in the closing of a school building in the District; and shall provide such information as the Commissioner may require. School districts within a Supervisory District shall provide such notification through their District Superintendent, who shall be responsible for notifying the Commissioner. Such information need not be provided for routine snow emergency days.

Schools as Emergency Shelters

School facilities are generally perceived as safe havens during emergencies and disasters. Commissioner's Regulations Section 155.17(f) states that Boards of Education and Boards of Cooperative Educational Services (BOCES) shall cooperate with appropriate State, county and city agencies in developing agreements for the use of school-owned facilities and vehicles during a disaster. School districts and BOCES are required to relinquish to the appropriate State or county agencies the control and use of school transportation vehicles and facilities in accordance with county emergency preparedness plans or directives.

Accordingly, SED has long stressed the importance of schools working with their local Red Cross chapter in completing a *Statement of Agreement Concerning the Use of Facilities as Mass Shelters by the American Red Cross*. The agreement states that after meeting its responsibility to students, schools will permit their facilities to be used by the Red Cross as shelters. In addition, the Red Cross will reimburse the school for food and supplies used during the school's use as a shelter. Finally, the Red Cross will defend, hold harmless, and indemnify the School District against legal liability arising from the negligence of the Red Cross.

(Continued)

**SUBJECT: EMERGENCY SCHOOL CLOSINGS: EXTRAORDINARY CONDITION
DAYS/STUDENT ATTENDANCE (Cont'd.)**

While the completion of a Red Cross sheltering agreement is key, a shelter cannot open unless a Red Cross trained individual is present to serve as the shelter manager. It would be beneficial for School District employees to volunteer to complete the Red Cross shelter manager training and serve as the shelter managers for Red Cross shelters in the School District. This would achieve two (2) main objectives: first, District employees are most familiar with their own school buildings and would be the most effective and efficient shelter managers; second, the School District has a commitment to serve the entire community. School District employees serving as Red Cross volunteer shelter managers will enable the District to be prepared to aid the community in time of need.

Some key shelter manager responsibilities include:

- 1) Determining the shelter layout and assigning shelter staff.
- 2) Assessing feeding options.
- 3) Ensuring that shelter residents are kept current on the disaster and recovery process.
- 4) Inspecting the shelter for safety and sanitation.
- 5) Coordinating plans to close the shelter.

Information on Red Cross shelter agreements and manager training may be obtained by contacting John Coffey, Red Cross Liaison to State Emergency Management Office at 518-457-8909 or the local Red Cross chapter.

Emergency Service Volunteer Leave

In accordance with General Municipal Law Section 92-c, 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 shall be granted leave from work with pay for up to twenty (20) days in any calendar year to participate in specialized disaster relief operations. This leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled.

SUBJECT: *MAKE-UP CREDIT PROGRAMS FOR HIGH SCHOOL STUDENTS

The School District will provide a student, who had the opportunity to complete a unit of study in a given high school subject, but who failed to demonstrate mastery of the learning outcomes for such subject, with an opportunity to make up a unit of credit for the subject toward either a Regents or local diploma, pursuant to the following:

To receive credit, the student shall successfully complete a make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable.

The make-up credit program shall:

- 1) Be aligned with the applicable New York State learning standards for such subject;
- 2) Satisfactorily address the student's course completion deficiencies and individual needs; and
- 3) Ensure that the student receives equivalent, intensive instruction in the subject matter area provided, as applicable, under the direction and/or supervision of:
 - a. A District teacher who is certified in the subject matter area; or
 - b. A teacher from a board of cooperative educational services (BOCES) that contracts with the School District to provide instruction in the subject matter area pursuant to Education Law Section 1950, and who is certified in such area; or
 - c. A teacher of the subject matter area in the registered nonpublic school or charter school.

In a school district or registered nonpublic school, the student's participation in the make-up credit program shall be approved by a school-based panel consisting of at a minimum the Principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator. The teacher shall have some specific authority in determining whether the actual make-up program meets the regulatory criteria, and there is a shared responsibility at the local district level between the school-based panel and the teacher in determining the student needs and the availability of an appropriately aligned make-up credit program.

Voluntary Participation

Participation in make-up credit programs is voluntary on the part of the School District. However, the newly adopted Commissioner's Regulations have established standards for make-up credit programs and the educational institutions that choose to offer such programs.

8 New York Code of Rules and regulations (NYCRR) Section 100.5(d)(8)

****District participation in make-up credit programs is voluntary.***

Adopted by BOE 7/10/12

SUBJECT: *MAKE-UP CREDIT PROGRAMS FOR HIGH SCHOOL STUDENTS

The School District will provide a student who had the opportunity to complete a unit of study in a given high school subject but who failed to demonstrate mastery of the learning outcomes for such subject, an opportunity to make up a unit of credit for the subject toward either a Regents or local diploma, pursuant to the following:

To receive credit, the student shall successfully complete a make-up credit program and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation if applicable.

The make-up credit program shall:

- 1) Be aligned with the applicable New York State learning standards for such subject;
- 2) Satisfactorily address the student's course completion deficiencies and individual needs; and
- 3) Ensure that the student receives equivalent, intensive instruction in the subject matter area provided, as applicable, under the direction and/or supervision of:
 - a. A District teacher who is certified in the subject matter area; or
 - b. A teacher from a board of cooperative educational services (BOCES) that contracts with the School District to provide instruction in the subject matter area pursuant to Education Law Section 1950 and who is certified in such area; or
 - c. A teacher of the subject matter area in the registered nonpublic school or charter school.

Educational Oversight

Accordingly, the teacher shall have some specific authority in determining whether the actual make-up program meets the regulatory criteria, and there is a shared responsibility at the local District level between the school-based panel and the teacher in determining the student needs and the availability of an appropriately aligned make-up credit program.

The school-based panel will have the authority to permit or deny student participation in a make-up credit program. As part of the decision-making process, the panel needs to consider the student's deficiencies and the suitability of an aligned make-up credit program. In other words, authority to permit or deny can be based on the appropriateness of the make-up program when making the determination to permit a student's participation in it.

(Continued)

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Instruction

SUBJECT: *MAKE-UP CREDIT PROGRAMS FOR HIGH SCHOOL STUDENTS (Cont'd.)

To receive make-up credit, the student must successfully complete the make-up credit program.

The student's participation in the make-up credit program shall be approved by a school-based panel consisting of at a minimum the Principal, a teacher in the subject area for which the student must make up credit, and a guidance director or other administrator.

Examples of Make-Up Credit Programs

A make-up credit program may include, but is not limited to:

- b. Repeating an entire course;
- c. Taking the course again as part of a summer school program;
- d. Receiving intensive instruction in the deficiency areas of the course; or
- e. Digital learning (online study) that:
- f. Is comparable in scope and quality to regular classroom instruction;
- g. Provides for documentation of satisfactory student achievement; and
- h. Includes regular and substantive interaction between the student and the teacher providing direction and/or supervision pursuant to Commissioner's Regulation Section 100.5(d)(8).

Voluntary Participation

Participation in make-up credit programs is voluntary on the part of the School District. However, the newly adopted Commissioner's Regulations have established standards for make-up credit programs and the educational institutions that choose to offer such programs.

****District participation in make-up credit programs is voluntary.***

SUBJECT: SUMMER SCHOOL

The School District may provide summer school in any given year, but is not required to do so. Summer school is an additional opportunity to meet the needs of students by providing courses for enrichment, acceleration, and improvement of skills or making up course work from the regular school year.

Summer School Program Requirements**Summer Elementary School**

A summer elementary school shall provide an elementary school program during the months of July and August of at least twenty (20) hours of instruction. Daily instructional sessions must be provided of at least one (1) hour but not more than five (5) hours.

Summer Secondary School

Summer secondary school shall provide a secondary school program during the months of July and August of at least twenty (20) hours of instruction, exclusive of days used for registration, final examinations or Regents examinations. Daily instructional sessions must be provided of at least one (1) hour but not more than five and one half (5 ½) hours.

Resident Students - Public, Nonpublic and Home Schooled

When the School District operates a summer school or participates in a Board of Cooperative Educational Services (BOCES) regional summer school, all resident students, including public, nonpublic, and home-schooled students, are entitled to attend the District's summer school program. For the purpose of summer school instruction, a resident nonpublic school student is not considered to be an enrollee of the nonpublic school. The School District cannot charge resident students fees for any part of the District's program offered to meet high school diploma requirements. However, students must meet any academic requirements for a particular course.

Nonresident Students

When the District operates a summer school or participates in a BOCES regional summer school, the District decides whether or not it will accept nonresident students. The District must treat all nonresident applicants equally and may charge tuition calculated in accordance with Commissioner's Regulations Section 174.2.

Students with Disabilities

Students with disabilities are entitled to attend summer school on the same basis as their nondisabled peers. Students who qualify under Section 504 of the Rehabilitation Act of 1973 are entitled to those accommodations deemed necessary to ensure access to all public school programs and activities. If a student with a disability requires accommodations to participate in a summer school program, the District is required to provide necessary supports and services, including testing accommodations.

Students with disabilities receive extended school year programs and services if the Committee on Special Education (CSE) determines for particular students that the programs and services are required to prevent substantial regression during July and August.

(continued)

SUBJECT: SUMMER SCHOOL (continued)**Attendance**

Part 104 of Commissioner's Regulations pertaining to attendance applies to all students enrolled in scheduled instruction during the school year from July 1 through June 30, including summer school. The School District must use the same Board-approved attendance policy for summer school that is used during the regular school year. Summer school attendance requirements are based on a pro-ration of the regular year attendance requirements.

Minimum Attendance for Course Credit

Commissioner's Regulations Section 104.1 specifically authorizes school districts to adopt minimum attendance requirements, which distinguish between excused and unexcused student absences for the purpose of awarding course credit. Such policies may provide that a properly excused student absence does not count as an absence for the purpose of determining course credit eligibility if the student has performed any assigned make-up work. Minimum attendance requirements for the purpose of awarding course credit will be in accordance with the District's Comprehensive Student attendance policy as may be applicable.

Recognition of Earned Credit

All New York State registered high schools must grant transfer credit for all credit awarded by any public or nonpublic registered New York State high school. After consultation with relevant faculty, the High School Principal may also grant transfer credit for work done at institutions other than New York State registered high schools upon determining that the work is consistent with New York State learning standards and was comparable in scope and quality to the work done in the District high school(s).

Contracting for Instruction

The School District may contract for summer school instruction with another school district or with a BOCES. These courses must be provided at no cost to resident students. No contracts or agreements regarding the provision of elementary, middle or secondary level instruction may be made with any other entity.

Education Law Sections 807.917, 1950,2040,3602(1)(g), 3602(39), and 4402(2)(a)

8 New York Code of Rules and Regulations (NYCRR) Parts 104, 110, and 112 and Sections 100.5(d)(5)(i), and 136.4

SUBJECT: SUMMER SCHOOL

The School District may provide summer school in any given year, but is not required to do so. Summer school is an additional opportunity to meet the needs of students by providing courses for enrichment, acceleration, and improvement of skills or making up course work from the regular school year.

Summer School Program RequirementsSummer Elementary School

A summer elementary school shall provide an elementary school program during the months of July and August of at least twenty (20) hours of instruction. Daily instructional sessions must be provided of at least one (1) hour but not more than five (5) hours.

Summer Secondary School

A summer secondary school shall provide a secondary school program during the months of July and August of at least twenty (20) hours of instruction, exclusive of days used for registration, final examinations or Regents examinations. Daily instructional sessions must be provided of at least one (1) hour but not more than five and one half (5 ½ hours).

Rules Limiting the Summer School Calendar

- 2) No summer school State aid may be paid before July 1 or after August 30. No aid is paid for Saturdays, Sundays or legal holidays.
- 2) Summer School may not meet on July 4 or, if July 4 is a Sunday, on July 5.
- 3) Summer school typically is in session for at least thirty (30) days of instruction.
- 4) The New York State Education Department (SED) does not schedule Regents examinations on days of known religious observance.
- 5) Two (2) days are necessary for Regents examinations because the English Regents Examination requires two (2) three-hour sessions.
- 6) The School District must report pupil hours of summer school attendance to the State Aid Office on the Pupil Data Form A (completed by the District Business Office) by September 4.

Resident Students-Public, Nonpublic and Home Schooled

When the School District operates a summer school or participates in a Board of Cooperative Educational Services (BOCES) regional summer school, all resident students, including public, nonpublic, and home-schooled students, are entitled to attend the District's summer school program. For the purpose of summer school instruction, a resident nonpublic school student is not considered to be an enrollee of the nonpublic school. The School District cannot charge resident students fees for any part of the District's program offered to meet high school diploma requirements. However, students must meet any academic requirements for a particular course.

The District may seek recovery of costs for lost books or other liability that an individual student may incur. However, the District may not withhold admission to the next semester, report cards, transcripts, recommendation letters, textbook loans, or other entitlement for lack of payment.

SUBJECT: SUMMER SCHOOL (Cont'd.)**Nonresident Students**

When the District operates a summer school or participates in a BOCES regional summer school, the District decides whether or not it will accept nonresident students. The District must treat all nonresident applicants equally and may charge tuition calculated in accordance with Commissioner's Regulations Section 174.2.

Students with Disabilities

Students with disabilities are entitled to attend summer school on the same basis as their nondisabled peers. Students who qualify under Section 504 of the Rehabilitation Act of 1973 are entitled to those accommodations deemed necessary to ensure access to all public school programs and activities. If a student with a disability requires accommodations to participate in a summer school program, the District is required to provide necessary supports and services, including testing accommodations.

Students with disabilities receive extended school year programs and services if the Committee on Special Education (CSE) determines for particular students that the programs and services are required to prevent substantial regression during July and August.

Attendance

Part 104 of Commissioner's Regulations pertaining to attendance applies to all students enrolled in scheduled instruction during the school year from July 1 through June 30, including summer school. The School District must use the same Board-approved attendance policy for summer school that is used during the regular school year. Summer school attendance requirements are based on a pro-ratio of the regular year attendance requirements.

Minimum Attendance for Course Credit

Commissioner's Regulations Section 104.1 specifically authorizes school districts to adopt minimum attendance requirements, which distinguish between excused and unexcused student absences for the purpose of awarding course credit. Such policies may provide that a properly excused student absence does not count as an absence for the purpose of determining course credit eligibility if the student has performed any assigned make-up work. Minimum attendance requirements for the purpose of awarding course credit will be in accordance with the District's Comprehensive Student attendance policy as may be applicable.

Driver Education

No resident student may be required to pay tuition or fees for a Driver and Traffic Safety Education course offered for credit by the student's Home School District. A public high school may offer driver education outside the course of a regular school day and charge a fee. In doing so, however, SED has required that the District ensure that:

- 1) The course is supplemental to and not part of the regular school curriculum;
- 2) The course does not count as credit toward a diploma;
- 3) The course is not offered as part of an adult or continuing education program; and
- 4) No student is denied access if he/she cannot pay the fee.

(Continued)

SUBJECT: SUMMER SCHOOL (Cont'd.)**Post-Secondary Credit-Bearing Courses**

The School District may arrange with institutions of higher education to provide advanced courses, that is, post-secondary courses beyond the normal high school curriculum. If the coursework is to be awarded credit toward a high school diploma, it must be provided at no cost to the student. If the course work will also earn college credit, the institution of higher education may charge the student for the college credit.

Physical Education

Students in grades 9 through 12 must attend and participate in a physical education program during both semesters of the regular school year to meet the requirements of Part 135.4 of Commissioner's Regulations and must accumulate two (2) units of credit to graduate. Students may not attend a summer school physical education course as a substitute for the physical education requirement in an upcoming regular school year, but they may attend a summer school physical education course to make up for a semester they did not earn credit or as an elective.

Cardiac Automated External Defibrillators (AED)

The School District must provide and maintain on-site in each instructional school facility sufficient automated external defibrillator (AED) equipment to ensure ready and appropriate access for use during emergencies. Administrators must also ensure the presence of at least one (1) trained staff/person. Specific information concerning AED requirements is contained in Education Law Section 917 and Commissioner's Regulations Section 136.4, and is available at www.emsc.nysed.gov/sss/.

Fire Drills

In accordance with Education Law Section 807, at least two (2) fire drills must be held during summer school in buildings where summer school is conducted; and one (1) such fire drill must be held during the first week of summer school.

Course Requirements and Credit**Summer Course Taken without Regard to Previous Course Work**

If a student has never taken a particular course before or did so poorly that he/she received no partial grade, the summer school course must provide ninety (90) hours of instruction for the student to earn a full credit, or forty-five (45) hours to earn a half credit.

Summer Course Taken to Improve an Existing Grade

A summer "make-up" course to improve an existing grade may be offered for less than ninety (90) hours/credit and carries only partial credit. It is appropriate to factor in the grades from both summer and the regular school year in determining the final grade and whether to grant credit. A student who enrolled in a regular school year course, but did very poor or no work, may be required to take the entire course over again; that is, such a student may be denied enrollment in a summer "make-up" course.

The Home School Principal's approval is required before a student enrolls in a make-up course to improve a failing grade. Upon program completion, the district providing the summer school course must report the student's grade to the school that issued the original unsatisfactory grade.

SUBJECT: SUMMER SCHOOL (Cont'd.)**Recognition of Earned Credit**

All New York State registered high schools must grant transfer credit for all credit awarded by any public or nonpublic registered New York State high school. After consultation with relevant faculty, the High School Principal may also grant transfer credit for work done at institutions other than New York State registered high schools upon determining that the work is consistent with New York State learning standards and was comparable in scope and quality to the work done in the District high school(s).

Contracting for Instruction

The School District may contract for summer school instruction with another school district or with a BOCES. These courses must be provided at no cost to resident students. No contracts or agreements regarding the provision of elementary, middle or secondary level instruction may be made with any other entity.

Summer School Program Eligible for State Aid

In accordance with Commissioner's Regulations Section 110.6, the School District shall be eligible to receive an apportionment pursuant to Education Law Section 3602(39) for summer school programs that meet the requirements of Commissioner's Regulations Section 110.1 for summer elementary schools and Commissioner's Regulations Section 110.2 for summer secondary schools, and are designed to:

4. Improve student performance in required academic subjects, including assisting students in achieving the State Learning standards as defined in Commissioner's Regulations Section 100.1(t), in any area for graduation or promotion;
5. Prepare students to retake parts of the Regents examination pursuant Commissioner's Regulations Section 100.5; and/or
6. Prepare students for Regents examinations,

Allowable program expenses for apportionments made pursuant to Education Law Section 3602(39) include transportation, maintenance and operation, and personal services.

Summer school is an ordinary contingent expense and may be included in an austerity budget without voter approval.

The following do not constitute State aidable summer school programs:

- 1) Nonpublic programs;
- 2) Private tutorial programs;
- 3) Learning center programs;
- 4) Driver education programs which assess a fee;
- 5) Recreation programs;
- 6) Any other activities which would not be aidable during the regular school year.

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Instruction

SUBJECT: SUMMER SCHOOL (Cont'd.)

The School District must report pupil hours of summer school attendance to the State Aid Office on the Pupil Data Form A (completed by the District Business Office) by September 4.

State Assessments (Regents Examination/Regents Competency Tests)

- 4) Regents examinations may be administered to students enrolled in the summer school program who either:
 - a. Have been previously admitted to the examination, or
 - b. Have attended a minimum of forty-two (42 hours) of summer school, or
 - c. Were approved for credit by examination in accordance with Commissioner's Regulations Section 100.5(d)(1).
- 5) Only students who have completed the required units of study in a subject at an approved school may be admitted to take the Regents Competency Test for that subject.
- 6) The School District may establish its own policies regarding the admission to State examinations of nonresident students who are not enrolled in the District's summer school, including charging a reasonable fee to cover administrative and scoring costs.
- 4) Students not enrolled in the District's summer school program must provide written permission from their Home School Principal to be admitted to an August examination. Public school districts may not charge resident students a fee for admission to or scoring of the August examinations.
- 5) Both the summer school and the school attended during the regular school year must maintain an accurate record of students' examination scores.

Regents Examinations Administered in Summer Secondary Schools

In accordance with Commissioner's Regulations Section 110.4, a student who is enrolled in an approved New York State summer high school who attends a minimum of forty-two (42) hours of actual instruction in a subject area is eligible for admission to August Regents examinations in such subject area. The Principal of a high school offering August Regents examinations may admit to a Regents examination other students enrolled in the summer high school or enrolled in the same high school during the regular school year, provided such students have demonstrated adequate proficiency in the subject involved. The Principal of a high school offering August Regents examinations may also admit students who are not enrolled in such school, provided the Principal of the student's home high school requests in writing that the student be permitted to take an examination for which the student has demonstrated adequate proficiency.

A summer school session that provides forty-five (45) hours of instruction shall be considered the equivalent of one (1) semester of work for each subject. Standings earned in Regents examinations in August may be applied toward a Regents diploma.

POLICY

2012

8430

Instruction

SUBJECT: INDEPENDENT STUDY

Independent study, for credit, will be available to meet special individual needs of students in grades nine (9) through twelve (12). Credit shall be granted only for courses in the approved curriculum.

Regulations to implement this policy shall be developed under the direction of the high school principal.

Commissioner's Regulations Section 100.5(d) (1)

POLICY

2012

8440

Instruction

SUBJECT: HOMEWORK

The Board of Education acknowledges the educational value of homework as an adjunct to and extension of the instructional program of the schools. For the purposes of this policy, "homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school.

BOE Adopted 7/10/12

POLICY

2012

8450

Instruction

SUBJECT: HOME TUTORING

Resident children attending public or non-public schools who qualify for home tutoring due to a long term illness shall be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or his/her designee.

Education Law Sections 1604(20), 1709(24), 3202 and 4401

POLICY

2012

8460

Instruction

SUBJECT: FIELD TRIP POLICY

School-sponsored Field Trips

It is the belief of the Fabius-Pompey Central School District that curricular and extra-curricular trips away from school can serve as a meaningful tool in expanding and enriching the curriculum and student participation in extra-curricular activities. Since student time and transportation funds are limited, it becomes necessary to carefully evaluate and select the best opportunities.

SUBJECT: FIELD TRIP POLICY

Contemplated field trips must be approved, well in advance. The school calendar, the most up-to-date copy of which is in the Main Office, and our procedure on scheduling activities should be considered to avoid conflicts with testing periods, review periods, (e.g. months of May and June), major events in the school's program, and so forth.

The Board of Education or the administration reserves the right to cancel a field trip if it is judged to be in the best interest of the safety and welfare of students and staff.

The following requirements for school-sponsored field trips should be followed:

- 1) All field trips are restricted to travel within the United States and Canada.
- 2) a) Field trips must be supervised by school personnel and Board of Education approved volunteers, and must be non-profit for both the supervisors as well as the group. A minimum ratio of 1:10 (1 chaperone to 10 students) is required. When necessary, chaperones will include both males and females.
b) Parents or other volunteers may not physically or verbally punish students but are encouraged to reinforce proper behavior. Students who do not exhibit proper behavior should be reported to an appropriate staff person on the trip.
- 3) All field trips require the approval of the building principal and Superintendent of Schools, or their designees. All overnight, out-of-state, and out-of-country trips require the approval of the Board of Education. In addition, all athletic trips require the approval of the Athletic Director. Travel associated with inter-scholastic athletic contests is addressed in regulations 7420R, 5750R, and 5730R.
- 4) Upon trip approval, the organization's advisor or staff person in charge will make necessary arrangements for transportation, supervision, parental permission, and other agency contacts as needed. All contractual agreements must be approved by the Building Principal and the Business Manager. All contractual agreements must be made between the vendor and the Fabius-Pompey Central School District, and signed by the Superintendent of Schools.
- 5) All field trips must relate to a specific topic of study at the particular teacher's grade level or subject, or directly relate to the purpose of an extra-curricular activity or organization.
- 6) The length of time at the destination must be long enough to adequately explore relevant facets of appropriate curriculum, and the distance (e.g. travel time) needs to be considered in relation to the actual time spent on location to determine if it is reasonable to take the trip.
- 7) All field trips should be scheduled as closely as possible to the time of year the unit or topic is discussed in class. With the exception of extended field trips, approval of a field trip must be obtained at least three (3) weeks prior to the date of the trip.
- 8) Field trips should not be scheduled after May 1st unless specific circumstances warrant.
- 9) Field trips involving swimming require the supervision of a certified lifeguard at the swimming area.

(Continued)

SUBJECT: FIELD TRIP POLICY (continued)

- 10) a) Students will behave in an exemplary manner at all times as governed by the Code of Conduct.
b) The principal may prohibit a student from participating in a trip based upon a violation of the Code of Conduct. The individual so prohibited and his or her parents must be informed of the Principal's decision.
- 11) If limited unstructured time is planned, the following restrictions apply: Student must have permission of the staff member in charge to go beyond the immediate area of supervision; and, if necessary, must remain together in small groups of at least three (3) students.
- 12) All group fund raising directed toward offsetting the cost of a trip shall be under the general supervision of the building principal, or designee (Board Policy #7430 – Fund raising by students). Should it be learned that a student is unable to meet the financial obligations of a trip; the advisor should share that information with the principal.

Extended School-sponsored Field Trips

Extended field trips are any school-sponsored field trip with duration longer than one school day.

Overnight field trips involve extensive planning and coordination, and for that reason, the trip proposal shall include the objectives for the trip, a general outline of the scope of the trip, and an evaluation procedure. In these cases, the following additional requirements apply:

To minimize the number of days of absence from the regular school program, extended field trips should be scheduled on days of the weekend and vacation periods, insofar as possible. In addition to the requirements specified earlier, the following shall apply to extended field trips:

- 1) Prior to discussing a trip with the general group, the advisor and organization officers should present trip options for approval by the building principal or a designee. This approval must occur at least five months prior to the trip.
- 2) Once the options are pre-approved by the building principal or a designee, the advisor and the organization officers then may present the options to the membership for discussion and a vote.
- 3) After the organization has selected a trip, the advisor and organization officers should establish a detailed itinerary and detailed cost per student. They must discuss the final itinerary and detailed cost per student with the building principal or a designee prior to confirming the trip with an outside organization.
- 4) Following discussion of the final itinerary with the building principal or a designee, the advisor and organization officers will present the proposed trip to the Board of Education for final approval.

(Continued)

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Students

SUBJECT: FIELD TRIP POLICY (continued)

- 5) Upon approval by the Board of Education, and at least two months in advance of the trip, students and parents shall be provided with detailed information about the trip, including the itinerary, hotel arrangements, roster of chaperones, parent permission, medical authorization, expected conduct, provision for returning a student home who violates expected conduct, and exact cost per student. In addition, chaperones should be fully informed of their responsibilities.
- 6) Student participation in the trip is voluntary. A student cannot be penalized for non-participation.
- 7) The staff member in charge, in collaboration with the organization officers, will give a summative report on out-of-country and overnight trips to the building principal and Superintendent of Schools within a reasonable time after the trip has concluded.

Transportation for School-sponsored Field Trips

- 1) Transportation shall be provided only by:
 - a) Bus drivers driving school-owned or school-leased vehicles. No other persons are to provide transportation or to drive school vehicles on field trips.
 - b) Chartered or public transportation (buses, trains, planes, etc.) to include rental or leased vehicles.
 - c) Teachers or administrators (with prior written approval) driving their own vehicles.
- 2) Transportation of a student to a site other than Fabius-Pompey property is to be provided by the District, except when provided:
 - a) by a parent with approval of the building principal or designee. A parent may transport his or her child only; or
 - b) by a student with approval of the building principal or designee, when the student is commuting between school and an externship, work study, school activity, or school-approved community service activity. Additionally, written parental permission is required. The student may transport him or herself only.
- 3) Arrangements for chartered buses should be made through, and approved by, the Transportation Department in accordance with A.4. above.

Responsibilities of bus driver and chaperones

The bus driver's responsibility is to ensure the safety of all passengers by adhering to all federal, state, and local laws pertaining to the safe operation of a school bus. To assist the chaperone in keeping the bus clean, a driver will provide the chaperone with trash bags to facilitate clean up.

(Continued)

SUBJECT: FIELD TRIP POLICY (continued)

The staff person in charge responsibility is to ensure that the bus driver can fulfill his/her responsibility by consistently following this set of rules:

- 1) Review safety procedures on the bus.
- 2) Leaving the bus in the same condition as it was found upon boarding it. All refuse must be picked up and stored in the trash bags provided by the bus driver.
- 3) Supervising students at all times.
 - a) Students are to remain seated while the bus is in motion.
 - b) The noise level should be monitored and controlled.
 - c) Students are to exit only through the front doors (except in the case of an emergency).
 - d) The top hatches of the bus are to be opened only in case of emergency.
 - e) During layovers, chaperones are expected to continue to supervise students while on the bus. The driver should not be expected to act as chaperone.

Parental Permission for School-sponsored Field Trips

- 1) Written parental permission, using the approved District form, must be received for all school-sponsored field trips.
- 2) Written parental permission is not required for graduation, graduation rehearsal, prom, senior ball, after-the-formal informals, or a school-sponsored recognition banquet/activity. District transportation is not provided for graduation, prom, senior ball, after-the-formal informals, or a school-sponsored recognition banquet/activity.
- 3) Written authorization for emergency medical care must be obtained for all field trips. For a destination greater than fifty miles, notarized medical authorization specific to the trip is required.

Non-school-sponsored Field Trips

Occasionally, staff members, acting as independent agents, organize and sponsor non-school-sponsored trips which involve Fabius-Pompey students, but which are outside the aegis of the District.

- 1) All planning and organizing must take place outside school hours.
- 2) Planning meetings may be held in school buildings if approval for building use is obtained.
- 3) Literature distributed, and information presented, must contain a statement clearly indicating that the School District is not a sponsor of the trip.
- 4) Announcements must indicate that the trip is not school sponsored.
- 5) School time or school resources (copiers, etc.) may not be used to distribute literature or information.
- 6) No use may be made of student records or school mail.

FORM

2012

8460F

Students

PARENTAL AUTHORIZATION FORM

Your child has an opportunity to participate in _____
(event including location and emergency phone)

_____ on _____ from _____. Approximately _____ students will be
(Date) (Time) (Number)

participating and they will be chaperoned by _____ of the school's staff plus _____ non-school personnel.
(Number) (Number)

Transportation will be by _____.
(school bus, private bus, train, etc.)

In order for your child to participate, this form must be filled out completely and returned prior to the event. No student will be allowed to participate without a completed authorization form.

To contact in case of emergency:

Name

Home Phone

Work Phone

Parent/Guardian

Parent/Guardian

Relative/Friend

Family Physician:

Phone:

Special medical conditions of your child:

Statement of Consent:

I give _____ my consent to participate in this event. In doing so, I agree to the
(Student's name)
following:

1. In case of a medical emergency, I grant the chaperones the right to authorize medical care, if none of the person's names above can be reached.
2. I agree to pay the expense of returning my child home before termination of the event if he/she does not adhere to established standards of conduct.
3. The school is not responsible for damage or loss of property personally owned by my child.

(Signature of Parent/Guardian)

(Date)

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING)

The School District will attempt to cooperate with parents who wish to provide home instruction for their children. The child who is educated at home should receive an education in a manner consistent with an educational plan and at least substantially equivalent to that given to students of like age and attainments in the local public schools. The required subjects should be taught in a competent, systematic, and sequential manner, specifically in relation to the required courses as enumerated in Commissioner's Regulation Section 100.10.

Primary responsibility for determining compliance with Commissioner's Regulations addressing home instruction rests with the Superintendent of Schools of the school district in which a home-instructed student resides.

Provision of Services to Home-Instructed Students

They are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

a) Extracurricular Participation

Students instructed at home are *not* eligible to participate in interscholastic sports. Commissioner's Regulations mandate that only students enrolled in the public school are allowed to participate in interscholastic sports. Further, the District *does not* permit home-instructed students to participate in any extracurricular activities.

b) Textbooks and Materials

The District is not required to loan available textbooks and other materials (e.g., library materials, microscopes, computer software, movie projectors) to home-instructed students. However, the School District may provide home-instructed students with such textbooks and library materials only if available and not being used.

c) Health Services

The School District is *not required* to furnish health services.

d) Remedial Programs

The District *is not responsible* for providing remedial programs.

(Continued)

SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**e) Career and Technical/Gifted Education**

The District is *not authorized* to provide Occupational and Vocational Education programs (career and technical education) nor programs for the Gifted to home-instructed students.

f) Special Education Services

Solely for the purpose of Education Law Section 3602-c, home-instructed students with disabilities are deemed to be students enrolled in and attending a nonpublic school, which enables them to receive special education services, as well as to be included for computation of state aid for such education by the District.

The Committee on Special Education (CSE) will develop an Individualized Education Services Program (IESP) for the student. The IESP shall be developed in the same manner and with the same content as an IEP. The Board of Education will determine a location where special education services are to be provided to a home-instructed student. This location may, but is not required to be, in the student's home.

g) Use of School Facilities

Students instructed at home shall not be allowed to use school facilities, except as provided for community organizations in Policy #3280 -- Use of School Facilities, Materials and Equipment.

Education Law Sections 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c, 3602-c(2-c), and 4402
8 NYCRR Sections 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)