



**UPDATED ON  
December 11, 2023**

## **FOREWORD**

Contained herein are the policy statements formulated by the Board of Education of the Rocky Point Union Free School District.

Policy is defined as a basic plan of action. It establishes limits within which freedom of judgment can be exercised.

Policy is a governing principle of management. It is a statement that has an effect on the interests of those who come under its jurisdiction. A policy may originate from the constitution, from statute, from local determinations and/or from customary patterns of formal behavior.

Policy should accomplish the following:

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

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

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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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

## **PHILOSOPHY STATEMENT**

In preparing individuals to develop their fullest potential for living in the society of today and tomorrow, the Board of Education and the staff of the School District:

- I. Recognize their responsibility to help meet the physical, intellectual and emotional needs of children; particularly the needs to inquire, learn, think, and create; to establish aesthetic, moral and ethical values; and to relate satisfactorily to others in social situations involving family, work, government and recreation.
- II. Accept primary responsibility for giving students a mastery of the basic skills of learning, thinking and problem-solving; for teaching them to use the various media of self-expression; for instilling in them a knowledge of the social and natural sciences; for acquainting them with the richness of our heritage; and for stimulating them to productive work in the various areas of human endeavor.
- III. Acknowledge the importance of their supplemental role to the home and other social agencies in developing habits and attitudes which make for effective personal living, the maintenance of optimum physical and mental health, and the establishment of sound moral, ethical, and aesthetic values.

Realizing that education, as here defined, is a lifelong process, the School System seeks to orient its graduates toward various types of post-secondary education and further formal training and study of many types; and to provide educational opportunities particularly suited to the needs of adults, both as individuals and as citizens in a democracy.

**Rocky Point Union Free School District**

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

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 State Legislature has implemented this constitutional mandate through the creation of school districts of various types. The Rocky Point Union Free School District is governed by the laws set forth for Union Free School Districts in Education Law Article 35, and bylaws relating to, or affecting, Common School Districts as set forth in Education Law Article 33.

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.

**Board of Education Authority**

As a body created under the Education Law of New York State, the Board of Education of the Rocky Point Union Free 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, 1805, 2502, 2503 and Articles 33, 35, 37, 51 and 53  
New York State Constitution

## By-Laws

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

A Board of Education member of the Rocky Point Union Free School District must meet the following qualifications:

- a) A citizen of the United States;
- b) Eighteen (18) years of age or older;
- c) Able to read and write;
- d) A legal resident of the District for a continuous and uninterrupted period of at least one (1) year prior to the election;
- e) Cannot be an employee of the Rocky Point Union Free School District;
- f) The only member of his/her family (that is, cannot be a member of the same household) on the Rocky Point Union Free School District Board;
- g) May not simultaneously hold another incompatible public office, including, but not limited to Superintendent, clerk, tax collector, treasurer or librarian, or an employee of the Board. In union free school districts, a Board member may be appointed clerk of the Board and of the District.
- h) Must not have been removed from a school district office within one (1) year preceding the date of appointment or election to the Board.

**Number of Members**

The Board of Education of the Rocky Point Union Free School District shall consist of five (5) members elected by the qualified voters of the School District at the annual election as prescribed by law.

**Terms of Office**

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 (30th) day of June of the third year.

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

## By-Laws

**SUBJECT: BOARD OF EDUCATION MEMBERS: NOMINATION AND ELECTION**

- a) Candidates for the office of member of the Board of Education shall be nominated by a petition directed to the Clerk of the School District which is signed by at least twenty-five (25) qualified voters of the District, or by two percent (2%) of the number of voters who voted in the previous annual election, whichever is greater. Petitions must state the residence of each signer, the name and residence of each candidate.
- b) The notice of the Annual District Meeting must state that petitions nominating candidates for the Board of Education must be filed with the Clerk of the District no later than thirty (30) days before the Annual or Special District Meeting at which the school board election will occur, between 9 a.m. and 5 p.m.
- c) Voting will be by machine, and provision shall be made for the election by "write-in-vote" of any candidate not previously nominated. The position of candidates on ballots shall be determined by lot at a drawing conducted by the District Clerk on the day after the last filing. Candidates or their proxies may be present for the drawing.
- d) The hours of voting shall be as indicated by Board resolution.
- e) The candidates receiving the largest number of votes shall be declared elected in accordance with Education Law.
- f) At least ten (10) days prior to the election, the Board shall appoint at least two (2) inspectors of election for each voting machine, and set their salary.
- g) The District Clerk shall oversee the election. The Clerk shall give notice immediately to each person declared elected to the Board, informing him/her of the election and his/her term of office.
- h) Only qualified voters as determined by Education Law Section 2012 may vote at any District meeting or election.
- i) No electioneering will be allowed within one hundred (100) feet of the polling place.
- j) When a term of office expires at the end of a school year and the office has become vacant at the time of election, the person elected to fill the new full term vacancy also fills the remaining days of the previous term, beginning his/her term of office immediately upon election and the taking and filing of the oath of office.

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

## By-Laws

**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 five hundred dollars (\$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 transferor, contributor or person from whom received;
- c) If that transferor, contributor or person is a political committee as defined in Election Law Section 14-100;
- d) The name and political unit represented by the committee;
- e) The date of receipt;
- f) The dollar amount of every expenditure;
- g) The name and address of the person to whom the expenditure was made, or the name of and political unit represented by the committee to which it was made; and
- h) The date of the expenditure.

The times for filing the statements are as follows:

- a) The first statement on or before the thirtieth day preceding the election to which it relates;
- b) A second statement on or before the fifth day before the election;
- c) A third statement within twenty days after the election.

Any contribution or loan in excess of one thousand dollars (\$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 twenty-four (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)

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Adoption Date 3/23/09  
Revision Date  
Review Date 5/21/13



**SUBJECT: RESIGNATION AND DISMISSAL**

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

Alternatively, a Board member may resign under Public Officers Law Section 31 by filing a written resignation with the District Clerk. The Clerk must then notify the School Board and the State Board of Elections.

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

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

It shall be the duty of each member of the Board of Education to attend all meetings of the Board and, if any member shall refuse to attend three (3) consecutive meetings of the Board after having been regularly notified and a satisfactory cause for each non-attendance is not shown, the Board will proceed to declare that office vacant.

A Board member may be removed from office by the Commissioner of Education for willful violation of any provision of law, neglect of duty, or willfully disobeying any decision, order or regulation of the Commissioner. The Board of Education may also remove a Board member for misconduct relating to the exercise of authority as a Board member. A written copy of all charges made of such misconduct must be served upon the Board member at least ten (10) days before the time designated for a hearing on the charges; and the Board member shall be allowed a full and fair opportunity to refute such charges before removal.

In the event of death, resignation, removal from office or from the School District, or refusal to serve as a Board member, the District has the power and duty to fill the vacancy. If the Board chooses to fill the vacancy by appointment, the appointment requires a majority vote of the full Board and shall be only for a term ending with the next annual election of the School District.

The Board, at its own option, may instead call a special election within ninety (90) days to fill the unexpired term. If not filled by Board appointment or special election, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election. Alternatively, the Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered, the vacancy shall not be otherwise filled.

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

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 (1) year from the date of such removal.

Education Law Sections 306, 1607, 1706, 1709(17)(18), 1804(1), 2103(2), 2109, 2111, 2112, 2113, 2502, 2503 and 2553

Public Officers Law Sections 30, 31 and 35

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Revision Date

Review Date 5/21/13

**SUBJECT: POWERS AND DUTIES OF THE BOARD**

As a Union Free School District, the Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 33, and 35, and other applicable Federal and State laws and regulations. In general, the Board shall have in all respects the superintendence, management and control of the educational affairs of the District and shall have all the powers necessary to exercise these powers expressly granted to it by the laws of New York State and the Commissioner of Education.

Education Law Sections 1604, 1709, 1804 and 2503

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

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

Officers of the Board of Education shall be nominated and elected by the simple majority of the Board at its Annual Organizational Meeting for a term of one (1) year. They will take their oath as officers at this meeting along with newly elected members.

The elected officers of the Board of Education are:

- a) President;
- b) Vice President.

**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.

**Duties of the Vice President of the Board of Education**

The Board of Education may, in its discretion, elect one (1) 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 Sections 1701, 2105(6) and 2502

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

The Board is authorized to appoint individuals to positions which 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:

- a) District Clerk;
- b) District Treasurer;
- d) Tax Collector
- e) External (Independent) Auditor;
- f) Treasurer, Extra classroom Activities Account;
- g) Audit Committee.

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

- a) Census Enumerator and assistants if District conducts census;
- b) School Physician(s) and or Chief Medical Officer(s) who may act as Director of School Health Services (District Physician/Nurse Practitioner);
- c) Supervisors of Attendance;
- d) Committee on Special Education and Committee on Preschool Special Education;
- e) Records Access/Management Officer;
- f) Asbestos Hazard Emergency Response Act (AHERA) Local Educational Agency (LEA) designee;
- g) Title IX/Section 504/ADA Compliance Officer;
- h) Liaison for Homeless Children and Youth;
- i) Chemical Hygiene Officer;
- j) Dignity Act Coordinator [one (1) in each building].

(Continued)

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

The following may also be appointed:

- a) School Attorney;
- b) Claims Auditor;
- c) Internal Auditor;
- d) Insurance Advisor;
- e) Deputy Treasurer;
- f) Copyright Officer.

**Designations**

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

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

(Continued)

## By-Laws

**SUBJECT: APPOINTMENTS AND DESIGNATIONS BY THE BOARD OF EDUCATION  
(Cont'd.)****Authorizations**

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

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

**SUBJECT: DUTIES OF THE DISTRICT CLERK**

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

- a) Attends all meetings of the Board and keeps a record of its proceedings and records, by name, those in attendance;
- b) Prepares minutes of the meetings of the Board, obtains approval of the minutes by the Board at the next meeting, signs the minutes to signify their official standing and forwards copies of the minutes to each member of the Board of Education;
- c) Sends notices of special meetings to members of the Board; contacts and communicates with members as required;
- d) Sees that the proper legal notices and announcements are published on all specifications and items out on bid, in accordance with state law;
- e) Maintains an up-to-date record of Board policies and bylaws;
- f) Delivers to, and collects from, the President (or Vice President) such papers for signature as may be necessary;
- g) 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;
- h) Administers oaths of office, as required by Public Officers Law Section 10;
- i) Gives written notice of appointment to persons appointed as inspectors of election;
- j) Calls all meetings to order in the absence of the President and Vice President;
- k) Assumes other duties customary to the office or as directed by the Board of Education or the Superintendent of Schools as delegate of the Board of Education.

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.

Education Law Section 2121  
Public Officers Law Section 104

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Revision Date 5/15/12  
Review Date

**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, and approved payment of bills and salaries;
- d) Makes all such entries and posts all such financial ledgers, records and reports, including bond and note registers, as may be properly required to afford the District an acceptable and comprehensive financial accounting of the use of its moneys and financial transactions;
- e) Signs all checks drawn on District fund accounts provided that the District's Claims Auditor has attested to the authority to issue the check based upon proper evidence of a charge against the District's funds;
- f) Assumes other duties customary to the office and as directed by the Board of Education or the Superintendent of Schools as delegate of the Board of Education.

Education Law Sections 2122, 2130 and 2523

Bond:

Education Law Section 2130, Part 5

8 New York Code of Rules and Regulations (NYCRR) Sections 170.2(g), 170.2(o) and 170.2(p)

Local Finance Law Sections 163 and 165

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Adoption Date 3/23/09

Revision Date 5/15/12

Review Date



**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 where required:

- a) Prepares and mails tax notices;
- b) Uses suitable printed tax receipt forms as prescribed by the State Tax Commission;
- c) Collects taxes in the amount of the warrant, upon the issuance of the tax warrant by the Board of Education and penalty fees in accordance with the terms of such warrant;
- d) Turns over daily to the School District Treasurer all money collected by virtue of any tax list and warrant issued;
- e) Submits a report, certified by him/her to the Board of Education, showing the amount of taxes and fees collected along with the unpaid listing. The combination of taxes collected and uncollected shall equal the amount of the warrant;
- f) Turns over to the County Treasurer, prior to November 15, a list of unpaid taxes;
- g) Carries out such other duties of the position as prescribed in Education Law, Real Property Tax Law, or as established by the Regulations of the Commissioner of Education.

In the event that tax collection is performed for the District by the government of the township(s) that encompass the taxing authority of the Board, the duties of the Tax Collector shall be limited to those responsibilities necessary to validate the tax levy and the collection thereof.

Education Law Sections 2126, 2130 and 2506

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

8 New York Code of Rules and Regulations (NYCRR) Section 170.2

## By-Laws

**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 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.

**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.

Education Law Sections 1709(20-a), 2110-a, 2116-a and 2854(c)

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

Adoption Date: 3/23/09

**SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR**

The Board may adopt a resolution establishing the appointment of a Claims Auditor who shall hold the position subject to the pleasure of the Board and report directly to the Board on the results of audits of claims. The Board may require that the Claims Auditor report to the Clerk of the District or the Board, or to the Superintendent for administrative matters such as workspace, time and attendance.

**Qualifications**

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims including experience with purchasing, bidding and claims. The Claims Auditor must be bonded prior to assuming his/her duties.

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 Superintendent or official of the District responsible for business management;
- d) The Purchasing Agent;
- e) Clerical or professional personnel directly involved in accounting and purchasing functions of the District or under the direct supervision of the Superintendent;
- f) The individual or entity responsible for the internal audit function (the Internal Auditor);
- g) The External (Independent) Auditor responsible for the external audit of the financial statements;
- h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

The Claims Auditor is not required to be a resident of the District and, if an employee of the District, shall be classified in the civil service exempt class.

The Board may delegate this claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, providing that the individual or organization serving as independent contractor meets the following standards for independence between the Claims Auditor and the District:

(Continued)

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

- a) Has no other responsibilities related to the business operations of the School District;
- b) Has no interest in any other contracts with, and does not provide any goods or services to, the School District; and
- c) Is not a close or immediate family member of anyone who has responsibilities related to business operations of the School District, or has an interest in any other contracts with the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

Valid claims against the District shall be paid by the Treasurer only upon the approval of the Claims Auditor. The Claims Auditor shall certify that each claim listed on the warrant was audited and payment was authorized. He/she shall:

- a) Examine all claim forms with respect to the availability of funds within the appropriate codes and adequacy of evidence to support the District's expenditure;
- b) Meet such other requirements as may be established by the Regulations of the Commissioner of Education and/or the Comptroller of the State of New York.

Education Law Sections 1604(35), 1709(20-a), 2526 and 2554(2-a)  
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(c)

## By-Laws

**SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND TREASURER**

The Extraclassroom Activity Fund Treasurer is appointed by the Board of Education and is responsible for the supervision of the extraclassroom activity fund.

The Treasurer's duties include the following:

- a) Countersigns all checks disbursing funds from the Extraclassroom Activity 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

Adoption Date: 3/23/09

**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 to determine legality of procedure;
- c) Matters related to "due process" hearings or procedures.

## By-Laws

**SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER**

The school physician(s)/nurse practitioner(s) shall be appointed by the Board of Education. The duties of the school physician(s)/nurse practitioner(s) shall include, but are not limited to, the following:

- a) Performs professional medical services in the examination and care of school children;
- b) Performs routine examinations of school children to detect the presence of contagious diseases and physical defects;
- c) Serves as an on call member of the Committee on Special Education;
- d) Reports to the Board on school health services;
- e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
- f) Provides final medical clearance for a return to extra class athletic activities for all students who have or are believed to have sustained a mild traumatic brain injury;
- g) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- h) Conducts physical exams for all bus drivers and substitutes prior to employment by the District, and annually thereafter;
- i) Conducts physical exams for all new employees (instructional and non-instructional) as requested by the District;
- j) Conducts a medical evaluation on any employee at the request of the Board of Education.

8 NYCRR Section 136.5  
Education Law Sections 902, 913 and 6902

**SUBJECT: DUTIES OF THE INTERNAL AUDITOR**

The Internal Auditor reports directly to the Board of Education.

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

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

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

Education Law Sections 1950, 2116-b and 2116-c  
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

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



**SUBJECT: BOARD OF EDUCATION CODE OF ETHICS**

The Board of Education of the Rocky Point Public School District adopts for its operating code of ethics that code of ethics prescribed by the New York State School Boards Association which is as follows:

- a) Observe and enforce state laws and regulations pertaining to education.
- b) Accept office as a Board member as a means of unselfish service.
- c) Transact school business only in regular sessions.
- d) Represent the entire community without fear or favor.
- e) Remember at all times that he/she is one of a team.
- f) Accept all Board decisions once they are made and assist in carrying them out effectively.
- g) Delegate action to the Chief School Administrator as the Board Executive and to confine Board action to policy making, planning and appraisal.
- h) Employ only competent, trained personnel and these only on the recommendation of the Chief School Administrator.
- i) Preserve the right and obligation of teachers to teach controversial issues fairly and without bias.

**SUBJECT: POLICY AND ADMINISTRATIVE REGULATIONS**

The Board of Education shall reserve to itself the function of providing guides for the discretionary action of those to whom it delegates authority. The Superintendent shall act as an advisor to the Board in the adoption and approval of written Board policies. The Board shall seek input from the staff and community where appropriate. These guides for discretionary action shall constitute the policies governing the operation of the School System.

The formulation and adoption of these written policies shall constitute the basic method by which the Board of Education shall exercise its leadership in the operation of the School System. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board of Education shall exercise its control over the operation of the School System.

The adoption of a written policy shall occur only after the proposal has been moved, discussed and voted on affirmatively at two (2) separate meetings of the Board of Education (i.e., the "first reading" and the "second reading"). The policy draft may be amended at the second meeting. By a majority vote, the Board may waive the "second reading" and complete the adoption of the proposed policy at its "first reading."

The formal adoption of written Board policy shall be recorded in the official minutes of the Board. Such written Board policy shall govern the conduct and affairs of the District and shall be binding upon the members of the educational community in the District.

It shall be the Board's responsibility to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision.

The Superintendent is given the continuing commission of calling to the Board's attention all policies that are out-of-date or for other reasons appear to need revision.

**Execution of Policy: Administrative Regulations**

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

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

**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. A "meeting" is defined as an official convening of a public body for the purpose of conducting public business and 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.

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.

If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

Regular meetings of the Board of Education of Rocky Point Union Free 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 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.

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.

(Continued)

## By-Laws

**SUBJECT: REGULAR BOARD MEETINGS AND RULES (QUORUM AND PARLIAMENTARY PROCEDURE) (Cont'd.)****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. Public comment at meetings of the Board shall be subject to the following guidelines:

- Speakers shall be required to give their name and address. Non-residents do not have the privilege of speaking at Board meetings except when permission is granted by the chair.
- Public comment at meetings of the Board shall be restricted to civil discourse, free from disparaging remarks or inferences toward any person or organization. Speakers who fail to observe this protocol will be ruled out of order.
- A period of time not to exceed fifteen (15) minutes, unless extended at any given meeting by resolution of the Board, shall be provided prior to Board action on the agenda. Each speaker shall be limited to a maximum of three minutes. Speakers may not share, defer, or otherwise reallocate any or all of the three minutes afforded them.
- A period of time not to exceed thirty (30) minutes, unless extended at any given meeting by resolution of the Board, shall be provided subsequent to the completion of Board action on the agenda. Each speaker shall be limited to a maximum of three minutes. Speakers may not share, defer, or otherwise reallocate any or all of the three minutes afforded them.
- Speakers shall be ruled out of order if they attempt to speak about any specific student or employee, by name or title; or seek to address the board on a workplace concern that has not previously reviewed through administrative channels.

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 three (3) 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.

**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

(Continued)

## By-Laws

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

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.

Education Law Sections 1708 and 2504

Public Officers Law Article 7

General Construction Law Section 41

NOTE: Refer also to Policies #1520 -- Special Meetings of the Board of Education  
#1540 -- Executive Sessions  
#5410 -- Purchasing  
#6217 -- Employment of Relatives of Board of Education Members  
#8340 -- Textbooks/Workbooks/Calculators/Instructional Computer Hardware

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Adoption Date 3/23/09

Revision Dates 5/15/12, 10/28/13, 8/25/14, 9/20/21

Review Date

**SUBJECT: SPECIAL MEETINGS 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 (24) 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 and/or in accordance with provisions of the Open Meetings Law as may be applicable.

In an emergency, the twenty-four (24) hour notice may be waived by having each Board member sign a waiver-of-notice form.

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 (1) or more designated public locations at a reasonable time prior to the meeting.

Education Law Section 1606(3)  
Public Officers Law Sections 103 and 104

NOTE: Refer also to Policy #1510 -- Regular Board Meetings

**SUBJECT: MINUTES**

The Board 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 District Clerk or, in their absence, by the Superintendent or designee. The minutes shall be complete, accurate, and maintained in accordance with the law. All minutes must be signed by the District Clerk when approved. Unless otherwise provided by law, minutes will be available to the public and posted on the District website within two (2) weeks from the date of a meeting; draft copies, so marked, are acceptable, subject to correction.

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

The minutes of each meeting of the Board of Education will state:

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, including a record or summary of all motions, proposals, resolutions, and other matters formally voted upon, with evidence of those voting in the affirmative and the negative, and those abstaining.

**Minutes of Executive Sessions**

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

If action is taken by a formal vote in executive session, minutes shall be available to the public and posted on the District website within one (1) week of the date of the executive session law.

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

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

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

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Adoption Date 3/23/09

Revision Date 11/19/12, 3/27/23

Review Date

**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 an Education Law Section 3020-a probable cause finding, or other matters permitted by law. 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 Civil Service Law Article 14;
- f) Medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;
- g) Preparation, grading or administration of examinations;
- h) Proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.

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

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

Education Law Section 3020-a  
Public Officers Law Article 7



## By-Laws

**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 and Election/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 1.

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

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 (2) newspapers, if there are two (2) newspapers which have a general circulation within the District, or one (1) newspaper, if there is one (1) 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 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 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.

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

NOTE: Refer also to Policy #1640 -- Absentee Ballots

Adoption Date: 3/23/09

## By-Laws

**SUBJECT: BUSINESS OF THE ANNUAL DISTRICT ELECTION**

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

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

- a) 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, 2025 and 2601-2613

Adoption Date: 3/23/09

## By-Laws

**SUBJECT: ANNUAL ORGANIZATIONAL MEETING**

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 it 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.

**Officers**

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

**Oath of Office**

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

Education Law Sections 1701, 1706, 1707, 1709, 2109, 2502(9) and 2504(1)

Adoption Date: 3/23/09

## By-Laws

**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 preceding the next meeting at which he/she offers to vote.

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

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

**Personal Registration of Voters**

Personal registration of voters in the Rocky Point Union Free School District has been provided.

The Board of Education will authorize registration of voters on dates to be determined at their discretion.

The registration must include all persons registering personally for the referendum or election in question. The register will also include:

- a) All persons who previously have registered for any annual budget referendum or special meeting of election held with four (4) calendar years prior to the year in which such register is being prepared.
- b) Any person who is registered to vote under the provisions of Election Law Section 5-612(2) and amendments.

The last day of registration shall not be less than five (5) days nor more than fourteen (14) days preceding the annual budget referendum or election. Such registration must be open for at least four (4) consecutive hours between 7:00 a.m. and 8:00 p.m.

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

Adoption Date: 3/23/09

## By-Laws

**SUBJECT: ABSENTEE BALLOTS**

The Board of Education authorizes the District Clerk or a Board designee (the latter only if the District does not provide for the personal registration of voters) to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, School District public library trustees, the adoption of the annual budget and School District public library budget and referenda.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason he/she will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk or Board designee at least seven (7) days before the election/vote if the ballot is to be mailed to the voter, or the day before the election/vote if the ballot is to be delivered personally to the voter.

Pursuant to the provisions of Education Law, a qualified District voter is eligible to vote by absentee ballot if he/she is unable to appear to vote in person on the day of the School District election/vote because:

- a) He/she is or will be a patient in a hospital, or is unable to appear personally at the polling place on the day of the election/vote because of illness or physical disability;
- b) He/she has duties, occupation or business responsibilities, or studies which require being outside of the county or city of residence on the day of the School District election/vote;
- c) He/she will be on vacation outside of the county or city of residence on the day of such District election/vote;
- d) He/she will be absent from the voting residence due to detention in jail awaiting action by a grand jury or awaiting trial, or is confined in prison after conviction for an offense other than a felony; or
- e) He/she will be absent from the School District on the day of the School District election/vote by reason of accompanying spouse, parent or child who is or would be, if he/she were a qualified voter, entitled to apply for the right to vote by absentee ballot.

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

An absentee ballot must reach the office of the District Clerk or Board designee not later than 5 p.m. on the day of the election/vote in order that his/her vote may be canvassed.

(Continued)

**SUBJECT: ABSENTEE BALLOTS (Cont'd.)**

A list of all persons to whom absentee ballots have been issued shall be maintained in the office of the District Clerk or Board designee and made available for public inspection during regular office hours until the day of the election/vote. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reason for such challenge. The written challenge shall be transmitted by the District Clerk or Board designee to the election inspectors on the day of the District election/vote. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making his/her reasons known to the election inspector before the close of the polls.

**Nursing Homes or Other Qualifying Adult Care Facilities**

When the Board of Elections of the county or city in which the School District is located, receives twenty five (25) or more absentee ballot applications from a nursing home (or other qualifying adult care facility), the Board of Elections must send election inspectors to the nursing home between one (1) and thirteen (13) days before the election, to supervise the completion of absentee ballots by the residents of that facility. This provision of the Election Law applies to all elections conducted by the School District.

Education Law Sections 1501-c, 2014, 2018-a, 2018-b and 2613  
Election Law Section 8-407

Adoption Date: 3/23/09

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

**Questions and Propositions at the Annual Meeting and Election**

The following rules and regulations shall apply to the submission of the questions or propositions at the annual meeting and election 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.
- 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 sixty (60) days preceding the election at which the question or proposition is to be voted upon.
- d) Questions or propositions submitted in accordance with these rules and accepted will be printed on the ballot for the voting machine. The School District, however, retains the right to reject petitions as permitted by law, including but not limited to instances where such petitions are advisory in nature or beyond the power of the voters.
- e) The Board of Education shall cause the rules and regulations set forth in this policy to be distributed within the District.
- f) Nothing herein contained shall affect the nominations of candidates as set forth in the Annual District Election notice pursuant to Education Law Section 2018.

**Questions or Propositions to be Submitted at Special District Meetings**

The procedure for requesting the Board of Education to call a Special District Meeting to vote on a question or proposition shall be in accordance with subdivisions 2 and 3 of Education Law Section 2008.

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

2007

2000

Internal Operations

**Rocky Point Union Free School District**

**NUMBER**

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## Internal Operations

**SUBJECT: ORIENTING NEW BOARD MEMBERS**

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

- a) The electee shall be given selected materials relating to the responsibilities of Board membership, which material is supplied by a recognized professional organization and/or governmental entity.
- b) The electee shall be invited to attend Board meetings and to participate in its discussions exclusive of Executive Sessions;
- c) The Clerk shall supply material pertinent to meetings and shall explain its use;
- d) A copy of the Board's policies and bylaws, if applicable, shall be given to the electee by the Clerk;
- e) The opportunity shall be provided for new Board members to receive mandated training.

## Internal Operations

**SUBJECT: BOARD MEMBER TRAINING ON FINANCIAL OVERSIGHT,  
ACCOUNTABILITY AND FIDUCIARY RESPONSIBILITIES**

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 up the District.

Education Law Section 2102-a

8 New York Code of Rules and Regulations (NYCRR) Section 170.12(a)

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Adoption Date 3/23/09

Revision Date 7/11/13

Review Date

**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 less than a quorum of the full membership for special purposes. These committees shall be discharged on the completion of their assignment. 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. The Board has the right to accept, reject or modify all or any part of a committee recommendation.

**Audit Committee**

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

Education Law Sections 1708, 2116-c and 4601

## Internal Operations

**SUBJECT: ADVISORY COMMITTEES OF THE BOARD OF EDUCATION****Appointment and Organization**

- a) Advisory Committees are to be appointed and/or approved at the pleasure of the Board of Education.
- b) Committees generally will be appointed for a specific purpose or to study a particular problem, and care should be exercised to operate within this area of need.
- c) A committee shall have a specific goal and shall be disbanded after this goal is achieved.
- d) A committee shall represent, to the best extent possible, a true cross section of the school community.
- e) At no time will the Board of Education accept a recommendation contrary to existing law or regulations.

**Operation**

- a) A committee shall name its own officers.
- b) Members shall be allowed sufficient time to talk through problems and to investigate aspects of topics under consideration, so that understanding and general agreement can be reached.
- c) The final recommendation of a committee shall be based upon general agreement among the members. Until such agreement is reached, recommendations are not to be made to the Board of Education.
- d) A target date for the final report should be agreed upon at the outset, to impress members with the urgency of the project, and to give them an idea of how much personal time they will be required to sacrifice for committee work.
- e) Minutes considered adequate for the purpose of the committee shall be maintained and submitted to the Board of Education. The Board will provide the necessary clerical assistance to reproduce and distribute the minutes.

**SUBJECT: MEMBERSHIP IN ASSOCIATIONS**

The School District may be a member of the New York State School Boards Association (NYSSBA) and the Nassau/Suffolk Counties School Boards Association. Additionally, the Board may maintain membership and participate cooperatively in other associations.

Education Law Section 1618  
Comptroller's Opinion 81-255

## Internal Operations

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

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

- a) 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 likely to produce 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 conferences, conventions, workshops and the like will be budgeted for on an annual basis. When funds are limited, the Board will designate which members are to participate at a given meeting.
- c) Reimbursement to Board members for all actual and necessary registration fees, expenses of travel, meals and lodging, and all necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established regulations for expense reimbursement.
- d) When a conference, convention or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

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

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

Education Law Section 2118  
General Municipal Law Sections 77-b and 77-c

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

Adoption Date: 3/23/09

## Internal Operations

**SUBJECT: EXPENSE REIMBURSEMENT**

The District shall reimburse employees, officials and members of the Board of Education for reasonable, actual and necessary out-of-pocket expenses incurred while traveling for school-related business upon receipt of a completed voucher with itemized receipts along with an approved attendance form. The following rules shall guide the reimbursement of school-related expenses:

**Transportation**

- a) Travel shall be by the most economical method, whether by private automobile, school vehicle or common carrier such as bus, train or plane.
- b) If travel is by private automobile, mileage shall be reimbursed at the level approved by the Internal Revenue Service for business travel. Parking and tolls will also be reimbursed but gasoline will not.
- c) Rental car expenses will be reimbursed only if authorized in advanced. Receipts must be attached. Air travel shall be reimbursed at the lowest feasible fare available and shall not exceed regular coach class fare. Travel arrangements should be made as soon as reasonably practicable so as to avoid payment of a higher fare due to a late booking.
- d) Persons traveling on District-related business are expected to secure the most reasonable rate for necessary hotel accommodations. The District will reimburse for actual lodging fees up to the maximum lodging fee set by the District.

**Meals**

Reimbursable meal charges, including gratuities, for persons traveling for District-related business shall be subject to daily per-meal limits as follows:

Breakfast	\$10
Lunch	\$15
Dinner	\$50

**Personal Expenses**

The District does not reimburse persons traveling on District-related business for personal expenses including, but not limited to, pay television, hotel health club facilities, alcoholic beverages, theater and show tickets, telephone calls and transportation costs unrelated to District business.

Education Law Section 1604(27); 1709(300; 1804; 2118; 3023; 3028)  
General Municipal Law Section 77-b

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Adoption Date 3/23/09  
Revision Date 1/9/23  
Review Date

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.



**Rocky Point Union Free School District**

**NUMBER**

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## Community Relations

**SUBJECT: MEDIA/MUNICIPAL GOVERNMENTS/SENIOR CITIZENS****School District 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 prior to release. Copies of all final news releases will be sent to the Superintendent's Office.

As the official spokesperson, the Superintendent or his/her designee shall issue all news releases concerning the District. The Board maintains the right to communicate with the media through the President or his/her designee.

In addition, a periodic 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.

**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, but not limited to, the County Social Service Department, the Board of Health, the Recreation Department, the Public Library, and all community emergency service agencies.

**Senior Citizens**

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

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

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Adoption Date 3/23/09

Revision Date

Review Date 11/25/2013

## Community Relations

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET****Introduction**

New technologies are changing the ways that information may be accessed, communicated, and transferred. These technological shifts also offer the opportunity to enhance instruction and student learning. 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 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. District staff, students, and visitors are authorized to use the District's on-line services in accordance with the user obligations and responsibilities specified below.

**Purpose**

The purpose of this policy is to define guidelines for student, staff, and visitors for the use of District networked computer equipment, including those that provide access to the Internet.

**1:1 Student and Staff Chromebook Program**

The focus of the one-to-one (1:1) Chromebook program at the Rocky Point UFSD is to prepare students for their future, a world of digital technology and information. The 21st Century Skills in Education requires that technology be integrated throughout the curriculum. By increasing student access to technology, it allows each to learn at their full potential and prepare them for the real world of college and the workplace. Technology encourages problem solving and critical thinking skills, yet does not diminish the teacher from facilitating learning. The Rocky Point UFSD, following the Children's Internet Protection Act (CIPA) requirements and the Children's Online Privacy & Protection Act (COPPA) -- governs the collection, use, and disclosure of personal information collected from children under age 13, has safety policies and technology protection in place to filter and monitor the online activities of minors/students. Your child will be issued a Chromebook once an agreement has been signed and returned. Upon receipt of a Chromebook, the agreement between the Rocky Point UFSD, the student, and his/her parent or legal guardian is in effect. The student and parent(s), in consideration of being provided with a Chromebook and related materials for use while a student at Rocky Point UFSD, agree to the following:

The District has the sole right of possession of the Chromebook and any related equipment and gives the student and staff permission to use the device and accessories according to the guidelines stated in this document. The District administrative staff retains the right to collect and/or inspect the device at any time, including by remote access, and to add, delete or change installed extensions, apps, software and hardware. The District administration may deny, revoke, suspend, or limit a network account at any time without prior notification.

The District will retain records of serial numbers of the Chromebooks and to whom they are assigned. The District will stock a limited number of Chromebooks that may be loaned out if the assigned device becomes inoperable; however, the District cannot guarantee a loaner may be available at all times. Report all Chromebook problems immediately following the procedures set forth by building administration. Students may not keep a broken Chromebook or avoid

(Continued)

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET (Cont'd.)**

using a Chromebook due to loss or damage. If a student forgets to bring the device or power adapter to school, a substitute may be provided if one is available. Students are solely responsible for bringing the fully charged Chromebook to school each day. Students are solely responsible for any data stored on the Chromebook. Lost work due to mechanical failure or accidental deletion is not an acceptable excuse for not submitting work. Additional files such as music files, video files, and applications not related to schoolwork may be deleted without notification upon discovery and may result in a violation of the Internet Acceptable Use Policy and applies to students and staff.

Chromebooks are not to be used for personal profit or nonprofit purposes such as advertising, rentals, selling or buying, soliciting for charity, or other similar uses. Use of Chromebooks at home will be under the same filtering and security policies that they are in school. Inappropriate web use will be reported automatically in a daily report to school administration.

Chromebooks will be treated in the same manner as other school-owned educational tools. Therefore, all District policies, rules, handbooks, contracts, directives, including disciplinary measures apply to the Chromebook use. No additional permanent markings of any kind (stickers, engraving, permanent ink pen, tape, etc.) shall be placed on the Chromebook. While the devices are issued to students, they are still district-owned property. Additional permanent markings on the device will be considered vandalism.

The District cannot guarantee that content stored on Chromebooks or Google's server will be private. The District respects the rights of its employees and students; however, the District is also responsible for servicing and protecting its property. The District reserves the right to monitor using a variety of methods or access school Google accounts and Chromebooks if it suspects or is advised of possible breaches of security, harassment, or other violations of school policy, rules, regulations, or law, or if there is evidence of data or other intellectual property that belongs to another person.

Students and staff are solely responsible for reasonable care and use to ensure the Chromebook is not damaged. Treat this Chromebook with as much care as if it were your own. Instructions for care can be found on the District's website. If damage is caused by student negligence, as determined by the administration, the student and parent or guardian will be billed a fee on a case by case basis. Examples of gross negligence include, but are not limited to: leaving the computer unattended and unlocked resulting in loss or damage, lending equipment to others other than one's parent/guardian, using the computer in an unsafe environment, or using the computer in an unsafe manner. All repairs and service must be processed through the District. Do not attempt to repair the Chromebook on your own or to contact the equipment manufacturer.

Students and staff are responsible for the ethical and educational use of technology resources on District devices. Access to these resources is a privilege, not a right. Each employee, student, and visitor to the District will be required to follow the Acceptable Use Policy. Transmission of any material that is in violation of any federal or state law is prohibited. This includes, but is not limited to the following: student and staff confidential information, copyrighted material, threatening or obscene material, cyber bullying, and computer viruses.

(Continued)

## Community Relations

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET (Cont'd.)**

Inappropriate media may not be used as a screensaver or background. Presence of guns, weapons, pornographic materials, inappropriate language, alcohol, drugs, gang related symbols or pictures may result in disciplinary action.

For students, sound must be muted at all times unless the teacher gives permission for instructional purposes. Headphones may be used at the discretion of the teacher and are not provided by the District.

Only school-approved applications/extensions are to be loaded on the Chromebook. Students and employees must not intentionally interfere with the functioning of a Chromebook.

The use of any Internet-based file-sharing tools other than Google Apps for Education is prohibited. File sharing programs such as, but not limited to, Bit Torrent, LimeWire, Kazaa, Acquisition and others may not be used to facilitate illegal sharing of copyrighted material (music, video, and images). The use of virtual private networks (VPN) is prohibited.

**Student Internet Access**

The use of computer technology may be revoked or be the subject of student discipline, or employee reprimand/termination, if abused. Users will follow a sequential, structured approach to gaining skills, which will allow them to become independent, responsible users of the Internet. This approach addresses Internet use from an age and topic appropriate standpoint.

- a) In elementary schools (K through 2), teachers will actively supervise student's use of the Chromebooks, computers, peripherals and/or Internet access. Students will access Internet resources, which the teacher has previously explored and selected. Teachers will make every effort to ensure that students are directed to sites with only age-and topic-appropriate material and resources.
- b) In upper elementary school (3 through 5), teachers will supervise and model appropriate use of Chromebooks, computers, peripherals, and the Internet. Students will continue to have Internet access under direct teacher supervision; however, students will also experience guided practice leading towards gaining skills to become an independent, responsible user of the Internet. Teachers will model skills needed to search for information within an area of study, to filter information for credibility and worth, and to recognize areas of inappropriate information sources or access. Teachers will explore an Internet site before directing students to that site. Teachers will make every effort to ensure that students are directed only to sites with age-and topic-appropriate material and resources.
- c) In middle school and high school (6 through 12), teachers will provide guided practice and model appropriate use of Chromebooks, computers, peripherals, other electronic technology, and the Internet. Teachers will supervise student initiated information search activities and provide support for students as they begin to assume responsibility for becoming independent users of the Internet. Teachers will make every effort to ensure that students explore only sites with age-and topic-appropriate material and resources.

(Continued)

## Community Relations

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET (Cont'd.)**

**Electronic Mail**

**Students in grades K-8 and visitors to the District** will not be issued individual electronic mail accounts. Students in grades 9-12 will be issued Google Apps for Education individual electronic mail accounts and provided with internal @rpufsd.org access only. Students may not email outside the @rpufsd.org domain or receive mail from outside the @rpufsd.org domain. Select staff will be issued electronic e-mail accounts. Students, staff, and visitors who have electronic mail accounts from sources outside the school division may be granted permission to use school resources to access those accounts. At the discretion of the Superintendent or his/her designee, some e-mail providers may be blocked. (Example: AOL, Yahoo)

**Right to Privacy**

The Superintendent or his/her designee has the right to access information stored in any user directory, on the computer hard drive, Chromebook, school-issued disks/flash memory, or in electronic mail. Users may not place confidential documents in their user Google Drive or attempt to access folders that are not their own. Network management and monitoring software packages will be used for random access to individual accounts to review educational progress and for security purposes. Each computer keeps a history of Internet sites visited if that information is required.

**Acceptable Uses**

The following actions, which are not exhaustive, constitute acceptable use of the Internet, whether that use is initiated from a school or any other site:

- a) All Internet or computer equipment, including Chromebooks, use shall be consistent with the purposes, goals, and policies of the School District.
- b) Use of computers, Chromebooks, extensions/apps, software, peripherals, and other information resources to support learning and to complete school assignments.
- c) Sending and receiving electronic files using school-issued e-mail (Staff and students in grades 9-12) for academic purposes.

**Unacceptable Uses**

The following actions (*which are not exhaustive*) constitute unacceptable use of the **DCS and/or Chromebook**, whether that use is initiated from a school or any other site:

- a) Using impolite, abusive, or otherwise objectionable language in either public or private messages.
- b) Placing unlawful information on the **DCS and/or Chromebook**.
- c) Using the **DCS and/or Chromebook** illegally in ways that violate federal, State, or local laws or statutes.

(Continued)

## Community Relations

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET (Cont'd.)**

- d) Using the DCS **and/or Chromebook** at school or home for non-school related activities including but not limited to accessing personal e-mail, bank accounts, or other personal accounts through the DCS **and/or Chromebook**.
- e) Sending messages that are likely to result in the loss of the recipient's work or systems.
- f) Using the DCS **and/or Chromebook** for commercial purposes.
- g) System users may not use the network for entering contests, advertising, political lobbying, or personal commercial activities including online purchasing.
- h) Posting, sending or downloading copyrighted material without written permission from the owner.
- i) Accessing files or changing computer files that do not belong to the user.
- j) Using another person's password or knowingly giving one's password to others.
- k) Using DCS **and/or Chromebook** access for sending or retrieving inappropriate, obscene, pornographic material.
- l) Posting inappropriate text files, storing personal images/photographs, or files dangerous to the integrity of any network.
- m) Circumventing security measures on school or remote computers or networks (hacking).
- n) Attempting to gain access to another's resources, programs, or data without written permission of the owner.
- o) Vandalizing, which is defined as any malicious attempt to harm or destroy data of another user on the DCS **and/or on Google Apps**, and includes the uploading or creation of computer viruses.
- p) Falsifying one's identity to others while using the DCS **and/or Google Apps**.
- q) Using chat rooms and instant messenger is strictly forbidden when used for non-academic purposes.
- r) Using the District system **and/or Chromebook** for commercial purposes, defined as offering or providing goods or services or purchasing goods or services for personal use.

(Continued)

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET (Cont'd.)**

- s) Unauthorized exploration of the Network Operating System/Google Apps or changes to any District-installed software/extensions/apps is strictly prohibited.
- t) Disclosing personal information, such as address, phone number, age, on the DCS **and/or Chromebook**.
- u) System users will not be able to download, upload, or run any software, games, apps, extensions, or shareware that are not approved, installed, and licensed by the District.
- v) Tampering with or copying school-licensed installed software/extensions/apps or loading personal software/extensions/apps onto school-owned computers or Chromebooks
- w) Visiting and posting to social networking sites such as Facebook, Instagram, TikTok, Twitter, and all other online social media platforms is strictly prohibited.
- x) Printing non-school related materials on District printers.
- y) Disclosing, using, or disseminating personal identification information (PII) regarding minors without authorization. (Refer to BOE Policy #5676 Privacy and Security for Student Data and Teacher and Principal Data)
- z) Communicating any credit card number, bank account number, or any other financial information via the DCS **and/or Chromebook**.

**System Security**

- a) System logins or accounts are to be used only by the authorized owner of the account for the authorized purpose. Users may not share their account number or password with another person or leave an open file or session unattended or unsupervised. Account owners are ultimately responsible for all activity under their account.
- b) Users will be prompted to change their Network passwords every 40 days, they should be complex and alphanumeric and a minimum of eight (8) characters/numbers/symbols. Users should avoid easily guessed passwords and may not use any of their 10 previous passwords.
- c) Users shall not seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users; misrepresent other users on the system; or attempt to gain unauthorized access to any entity on the K through 12 Network.
- d) Only authorized District computer administrative personnel may install software and extensions/apps.

(Continued)



## Community Relations

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET (Cont'd.)**

- e) When considering a new program for use in the District, users will submit a software/Google extension or App request form (Available on the Extranet) to the Executive Director for Educational Services.
- f) Users will adhere to the District virus protection procedures.
- g) Permission of authorized District computer administrative personnel is required for relocation, removal, or adjustment of any hardware and/or peripheral device.
- h) Users may not bring in personal hardware and/or peripheral devices, install them and/or connect personal devices to the DCS.
- h) Food and/or drink will not be consumed in computer labs or when using the Chromebook in school or at home.

**Internet Control Filtering and Monitoring**

(Refer to Policies #8270 -- Instructional Technology and #8271 -- Children's Internet Protection Act: Internet Content Filtering/Safety Policy)

In accordance with federal, state, and local regulations, filtering software is used to control access to the Internet on the DCS **and/or Chromebook**. This blocks or filters visual depictions that are obscene and other content that is harmful to minors. Parents are advised, however, that filtering technology is imperfect, and that the possibility exists of obtaining access to prohibited materials. Educational staff will, to the best of their ability, monitor students' use of the Internet and will take reasonable measures to prevent access to inappropriate materials.

From time to time the District will make a determination on whether specific uses of the network are consistent with the regulations stated above. For security and administrative purposes, the District reserves the right for authorized personnel to review network use and content. The District reserves the right to remove an individual's network access privileges to prevent further unauthorized activity.

**Plagiarism and Copyrighted Infringement**

- a) Any software/extensions/apps that are protected under the copyright laws will not be loaded onto or transmitted via the network or other on-line servers without the written consent of the copyright holder.
- b) Users will honor all copyright rules and not plagiarize or use copyrighted information without permission. Plagiarism is the using of writings or ideas of others and presenting them as if they were original.
- c) The District will provide parents/guardians an opt out written permission form at the start of each school year that parents/guardians can submit to the building main office if they would like to refuse student access to the DCS and Google Apps as well as denying permission to publish any student's work, pictures or name on the Internet or District web pages.

(Continued)

## Community Relations

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET (Cont'd.)****Access to Inappropriate Material**

- a) Users will not utilize the DCS **and/or Chromebook** to access material that is profane or obscene, that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature).
  - 1. For students, a special exception may be made for hate literature if the purpose of such access is to conduct research and both the teacher and parent approve the access.
  - 2. District employees and visitors to the District may access the above material only in the context of legitimate research.
- b) Users should immediately disclose any inadvertent access in a manner specified by their school. This will protect them against an allegation that they have intentionally violated the Acceptable Use Policy (AUP).

**Consequences**

Use of the District's electronic resources by staff, students, and/or visitors to the District in an illegal or unethical manner may result in disciplinary action, including loss of privileges to use the system, school or District sanctions, and referral to appropriate law enforcement authorities. Users may be required to make full financial restitution.

**Implementation**

To gain access to the Rocky Point Union Free School District network and the Internet, all staff, students and visitors to the District must sign an AUP Affidavit annually attesting to the fact that they have read, understand and agree to the terms of this Acceptable Use Policy. Copies of student affidavits will be kept at the building in which the student attends; copies of staff affidavits will be kept in the Personnel Office; copies of visitor affidavits will be sent to and kept on file in the Personnel Office.

**District Limitation of Liability**

The District makes no warranties of any kind, express or implied, that the functions or the services provided by or through the DCS **and/or Chromebook** will be error-free or without defect. The District will not be responsible for any damage users may suffer including, but not limited to, loss of data or interruption of service. The District is not responsible for financial obligations arising through the unauthorized use of the system.

(Continued)

## Community Relations

**SUBJECT: ACCEPTABLE USE POLICY - STAFF/STUDENTS/VISITORS TO THE DISTRICT FOR DISTRICT NETWORK, 1:1 CHROMEBOOKS, COMPUTERS, E-MAIL, AND THE INTERNET (Cont'd.)**

The District web site is intended to be used for educational purposes only. It contains links to and frames of other sites that may be of educational interest to staff and students. The District is not the author of or otherwise associated with these linked or framed sites and is not responsible for the material contained in or obtained from these linked or searched sites. Information on school events is posted on the District web page for the convenience of users and is subject to change at the District's sole discretion.

The District respects student/staff and values their privacy. In order, however, to maintain system integrity and ensure responsible use of the system, the District has the right to examine the contents of the file server, individual computers, Chromebooks, Google Drive, and any electronic mail. Files will only be examined when there is reason to suspect an activity or material that violates any of the school's codes of conduct or the law. Use of the District's electronic resources by staff, students, and/or visitors to the District in an illegal or unethical manner may result in disciplinary action, including loss of privileges to use the system, school or District sanctions, and referral to appropriate law enforcement authorities. Users may be required to make full financial restitution.

The signature(s) at the end of the Acceptable Use Policy Affidavit, the Chromebook Staff Agreement, and the Chromebook Student/Guardian Agreement are legally binding and indicate that the parties who signed have read the terms and conditions carefully and understands the significance.

**Indemnification**

The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District relating to any breach of this Acceptable Use Policy.

## 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.

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

Education Law Sections 418 and 419

Executive Law Sections 402 and 403

8 New York Code of Rules and Regulations (NYCRR) Sections 108.1-108.3

## Community Relations

**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.

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

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

Administrative regulations will be developed to implement the terms of this policy.

The District reserves the right to have volunteers fingerprinted. Children are never to be left alone with District volunteers.

Volunteer Protection Act of 1997, 42 United States Code (USC) Section 14501 et seq.  
Education Law Sections 3023 and 3028  
Public Officers Law Section 18

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

**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, and Health and Welfare Services defined in Education Law Section 912, 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 as nonpublic school students; that is, subject to the applicable

(Continued)

**SUBJECT: CHARTER SCHOOLS (Cont'd.)**

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).

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 with another provider. Where the district of residence provides the special education programs or services, they will be provided in the same manner as provided to students in other public schools in the District. This includes the provision of supplementary and related services on site to the same extent the District's policy and practices provide such services on the site of other public schools.

All employees of a public school *converted* to a charter school are included within the negotiating unit for the local school district, *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.

(Continued)

**SUBJECT: CHARTER SCHOOLS (Cont'd.)****Charter School Finances**

Charter school financing in the first year of operation shall be based on the number of students projected to be served by the charter school and the approved operating expenses of the district *of residence* of those students. Adjustments will be made in each subsequent year based upon the final report by the charter school of actual enrollment.

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 directly or indirectly. The New York Charter Schools Act requires that the *school district of residence* forward such payments to the charter school, 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. Payment of federal aid attributable to a student with a disability attending a charter school must be made according to the requirements in 20 United States Code (USC) Sections 76.85-76.799 and Section 300.209 of Title 34 of the Code of Federal Regulations (CFR). 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.

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 unless otherwise authorized pursuant to the federal grant program, *State Charter School Facilities Incentive Program*.

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 *shall 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.

Such notification shall be provided by the charter entity within thirty (30) days of its receipt of an application for formation of a new charter school or for renewal of an existing charter school and at least forty-five (45) days prior to initial approval of the charter application by the charter entity.

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**SUBJECT: CHARTER SCHOOLS (Cont'd.)**

Before a charter is issued, revised or renewed, the school district in which the charter school is located shall hold a public hearing to solicit comments from the community potentially impacted by the proposed charter school. When a revision involves the relocation of a charter school to a different school district, the proposed new school district shall also hold a hearing. The school district shall, at the time of its dissemination, provide the State Education Department with a copy of the public hearing notice.

No later than the business day next following the hearing, the school district shall provide written confirmation to both the charter entity and the State Education Department of the date and time the hearing was held. Copies of all written records or comments generated from the hearing shall be submitted to the charter entity and the State Education Department within fifteen (15) days of the hearing.

The school district shall also be given the opportunity to comment on the proposed charter to the charter entity. The charter entity shall consider any comments raised and submit them to the Board of Regents with the application for issuance, revision or renewal of a charter.

In the event the school district fails to conduct a public hearing, the Board of Regents shall conduct a public hearing to solicit comments from the community in connection with the issuance, revision or renewal of a charter.

20 United States Code (USC) Sections 76.785-76.799  
State Charter School Facilities Incentive Program, 34 Code of Federal Regulations (CFR) Part 226  
34 Code of Federal Regulations (CFR) Section 300.209  
Education Law Article 56 and Sections 3602(11) and 3635  
8 New York Code of Rules and Regulations (NYCRR) Parts 100 and 119

## Community Relations

**SUBJECT: VISITORS TO THE SCHOOL**

All visitors shall be required to report to the main office upon arrival at school and state their business.

Requests to visit the classrooms or any other parts of the school building for any purpose require permission in advance from the Building Principal, in order to protect student confidentiality and minimize disruption to the educational process.

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

All visitors will observe the sign-in procedures and other school regulations.

Education Law Section 2801  
Penal Law Sections 140.10 and 240.35

## Community Relations

**SUBJECT: PUBLIC COMPLAINTS**

Complaints by citizens regarding any facet of the school operation often can be handled most 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 submitted to the Board of Education by the Superintendent. 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.

NOTE: Refer also to Policies #8330 -- Objection to Instructional Materials  
#8331 -- Controversial Issues

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.

Community Relations

**SUBJECT: PARENT-TEACHER ASSOCIATION**

The Board of Education recognizes that the goal of the Parent-Teacher Association is 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, parents and community members are encouraged to join the Parent-Teacher Association and to participate actively in its programs.

## Community Relations

**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 may not discriminate on the basis of sex, sexual orientation, color, national origin, ethnic background, disability, religion or any other criteria in violation of prevailing statutes, regulations or Board policies.

Booster clubs and other related organizations shall establish rules to govern their activities.

The Board may further require that:

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

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

Civil Rights Law Section 40-c, Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

**SUBJECT: SOLICITATION OF CHARITABLE DONATIONS****School Children**

Direct solicitation of charitable donations from children in the District schools on school property during regular school hours shall not be permitted. It will be a violation of District policy to ask District school children directly to contribute money or goods for the benefit of a charity during the hours in which District students are compelled to be on school premises.

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

- a) Fund raising activities which take place off school premises, or outside of regular school hours during before-school or after-school extracurricular periods;
- b) Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended;
- c) Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

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

Regulations shall be developed by the administration to implement this policy.

**School Personnel**

Soliciting of funds from 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.

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.

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Community Relations

**SUBJECT: SOLICITATION OF CHARITABLE DONATIONS**

New York State Constitution Article 8, Section 1

Education Law Section 414

8 New York Code of Rules and Regulations (NYCRR) Section 19.6

NOTE: Refer also to Policy #7450 -- Fund Raising by Students

Adoption Date: 3/23/09



## Community Relations

**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 or conflict with the Rules of the Board of Regents Section 19.6;
- 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 Rocky Point Union Free School District except as authorized by law or the Commissioner's Regulations.

New York State Constitution Article 8, Section 1  
8 New York Code of Rules and Regulations (NYCRR) Section 19.6

Adoption Date: 3/23/09

## Community Relations

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

The use of buildings, grounds, and facilities of the Rocky Point Union Free School District as community centers, for legitimate and appropriate activities by the people of the community, is encouraged by the Board of Education. An organization whose membership is comprised of a majority of District residents may apply to use District facilities. Such use shall be subject to appropriate sections of New York State Education Law, decisions by the New York State Commissioner of Education, and the policies of the Board of Education. Priority for the use of these facilities shall always be given to the various aspects of the educational program for which they were primarily provided, including activities relating to the regular school program, intramural and other extracurricular activities, adult education, summer school, and in-service education programs.

**Permitted Uses**

District facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

- a) Instruction in any branch of education, learning or the arts.
- b) Public library purposes, subject to provisions of the Education Law, or as stations of public libraries.
- c) Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are non-exclusive and open to the general public.
- d) Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
- e) Polling places for holding primaries and elections, for the registration of voters and for holding political meetings.
- f) Civic forums and community centers.
- g) Recreation, physical training and athletics, including competitive athletic contests of children attending a private, nonprofit school.
- h) Child-care programs when school is not in session, or when school is in session for the children of students attending schools of the District and, if there is additional space available, for children of employees of the District.
- i) Graduation exercises held by not-for-profit elementary and secondary schools, provided that no religious service is performed.

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## Community Relations

**SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)****Prohibited Uses**

Any use not permitted by this policy is prohibited. In addition, the following uses are specifically prohibited:

- a) Meetings sponsored by political organizations.
- b) Meetings, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association or organization or a religious sect or denomination, or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer fire fighters or volunteer ambulance workers.
- c) For any purpose that will in any way interfere with the use of school buildings, grounds, or other school property by the school.
- d) For any use that is contrary to the provisions of Section 414 of the Education Law.

**Conditions of Use for District Facilities**

- a) Use of District facilities may be permitted unless such facilities are in use for school purposes, or during educational programs. The District reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the District's educational programs.
- b) To ensure that District facilities are preserved for the benefit of the greater District community, only community-based groups and organizations (that is, groups which are located within the geographic area covered by the District) may be granted access to District facilities.
- c) Use of District facilities by the Boy Scouts or other patriotic youth groups listed as a patriotic society in Title 36 of the U.S. Code will be permitted to the same extent as other outside groups.
- d) The District shall not deny access to or otherwise discriminate against youth groups based solely on the group's membership or leadership criteria or oath of allegiance to God and country.
- e) United States Military Recruiters will be provided the same access to high school students on school grounds that is generally provided to colleges and universities or prospective employers.
- f) Use of District facilities will be permitted only where the applicant agrees to pay the District a user fee according to a schedule adopted by the District to cover the various costs of the facilities, and any other expenses associated with the requested use. Use is further conditioned upon the applicant's agreement to pay additional fees associated with the use of any additional services or equipment. The District retains the right to condition use upon an applicant depositing with the District a sum equaling the estimated costs and fees associated with the proposed use at the time of application acceptance. The District retains the further right to waive user fees for groups that are associated with or sponsored by the District when deemed appropriate by the Superintendent of Schools or designee.

(Continued)

## Community Relations

**SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)**

- g) Where, in the judgment of the District, the requested use of District facilities requires special equipment or supervision, the District reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees.
- h) Use of District facilities will only be permitted where the organization provides the District timely evidence of adequate insurance coverage to save the District harmless from all liability, property damage, personal injuries and/or medical expenses. The District will exercise complete and unreviewable discretion regarding what constitutes adequate insurance coverage for each proposed use.
- i) The Board reserves the discretion to deny use of District facilities described above or to terminate use of District facilities:
  - 1. By an applicant who has previously misused or abused District facilities or property or who has violated this policy;
  - 2. For use which could have the effect of violating the Establishment Clause of the United States Constitution or other provisions of the United States or New York State Constitution;
  - 3. For any use which, in the estimation of the Board, could reasonably be expected to or actually does give rise to a riot or public disturbance;
  - 4. For any use which the Board deems inconsistent with this policy;
  - 5. If the application is made for personal use. An individual not representing a participating organization or group may be denied the use of facilities;
  - 6. For any use by a private for-profit entity that has the direct or indirect effect of promoting the products or services of such entity;
  - 7. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
  - 8. For any use prohibited by law.

**Application Process**

- a) All requests for the use of facilities by any outside organization wishing to use the buildings or facilities are to be initiated through the buildings and grounds department, which will ascertain the availability of the buildings or facilities concerned. Additionally, the buildings and grounds department will forward a copy of all requests to the Building Principal and Athletic Director.
- b) Applications will be accepted not later than forty-five (45) days prior to the requested date for use of the buildings or facilities.

(Continued)

## Community Relations

**SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)**

- c) Only completed applications will be accepted. A complete application includes a fully executed “Application For Use of School Facilities”, acceptable proof of insurance with signed “Insurance Requirements and Hold Harmless” form, signed “Guidelines for the Use of Facilities” document, and a completed “Third-Party Use of Facilities” agreement (as necessary) . All applicable fees must be received from the applicant prior to the final acceptance of the application.
- d) Building use may not commence until approval is given by the Superintendent of Schools or his/her designee.
- e) The applicant must clearly and completely describe the intended use of the District facility in the application.
- f) All applicants must review this policy prior to submitting the application. All applications must be signed by an authorized agent of the group or organization requesting use. The applicant's signature on the application shall attest to the group or organization's intent to comply with all Board policies and regulations and to use District facilities strictly in accordance with the use described in the application.
- g) All applicants must agree to assume responsibility for all damages resulting from its use of District facilities.
- h) The Superintendent is authorized to alter or cancel any use of District buildings or facilities if it becomes necessary to use the facility for school purposes or for other justifiable reason.
- i) With regard to scheduling activities, the District retains the right to give preference to groups and organizations which are associated with or sponsored by the District.

**Materials And Equipment**

The Board of Education permits the use of District-owned materials and equipment (e.g., laptop computers, cell phones, audio-visual equipment, etc.) by Board members, officers, and employees of the District when such material and equipment is needed for District-related purposes.

The Superintendent of Schools, in consultation with the Assistant Superintendent for Business, shall establish regulations governing the loan and use of such equipment. Such regulations must address:

- a) The individuals who may properly authorize the use of such material and/or equipment;
- b) The lack of authority of the borrower to use such material or equipment for private, non-business purposes;
- c) The responsibilities of the borrower for proper use, care and maintenance;

(Continued)

## Community Relations

**SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)**

- d) That, regardless if condition or other factors, all loaned equipment must be returned to the District. No item may be sold to or purchased by the borrower unless such equipment has been returned to the District for evaluation, and if necessary, disposal in accordance with District policy and procedures.

All equipment shall be inventoried and a list shall be maintained of the date such equipment was loaned, to whom it was loaned, and the date of expected and actual return.

Individuals borrowing District-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return.

The Business Office shall maintain records of all equipment that is loaned for long-term use (e.g., school year, term of office, etc.) and shall review such list yearly.

**Schedule of Charges**

Charges for use of buildings and athletic fields shall be assessed according to the criteria outlined below and will be established by the Board of Education. In consultation with the Assistant Superintendent for Business, the Director of Facilities will identify the appropriate level of Buildings & Grounds staffing and the Director of Child Nutrition will determine staffing levels for food service personnel for requested building use.

Level I Users

School-affiliated or not-for-profit community-based organizations that provide direct services to students such as PTA, scouting, youth-centered athletic programs, organizations involved in a partnership program with a school or District club or organization, or community-based organizations which do not meet the criteria set forth above but, nonetheless, provide evidence that the group utilizing district facilities during the times/dates requested is comprised of no less than 75% residents of the district and, furthermore, attest that there is no profit motive in their activities.

- a) For an event that requires one (1) staff member:

1. Days/times when the facility is otherwise appropriately staffed

No charge. (However, charges for staff beyond that which is otherwise scheduled will be applicable at a rate of twenty-five dollars (\$25) per hour. Moreover, additional services and/or requested furniture or equipment, beyond that ordinarily available at the requested location, date, and time, may be subject to charges based upon the actual cost to be incurred in providing said items.)

2. Days/times when the facility is **not** otherwise appropriately staffed

Twenty-five dollars (\$25) per hour. (However, charges for staff beyond one (1) custodian and for additional services, and/or requested furniture or equipment, beyond that ordinarily available at the requested location, date, and time, may apply. Such charges to be based upon the actual cost to be incurred in providing said staffing, services, furniture, and/or equipment.)

(Continued)

## Community Relations

**SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)**

- b) Rate for each food service worker required for events that utilize the kitchens (a minimum of three (3) hours will be required) will be determined by the Child Nutrition department.

Level II Users

Not-for-profit community-based organizations such as local fire departments, hospitals, service clubs, and government agencies.

- a) For an event that requires one (1) staff member:

1. Days/times when the facility is otherwise appropriately staffed

No charge. (However, charges for staff beyond that which is otherwise scheduled will be applicable at a rate of twenty-five dollars (\$25) per hour. Moreover, additional services and/or requested furniture or equipment, beyond that ordinarily available at the requested location, date, and time, may be subject to charges based upon the actual cost to be incurred in providing said items.)

2. Days/times when the facility is **not** otherwise appropriately staffed

Forty dollars (\$40) per hour. (However, charges for staff beyond one (1) custodian and for additional services, and/or requested furniture or equipment, beyond that ordinarily available at the requested location, date, and time, may apply. Such charges to be based upon the actual cost to be incurred in providing said staffing, services, furniture, and/or equipment.)

- b) Rate for each food service worker required for events that utilize the kitchens (a minimum of three (3) hours will be required) will be determined by the Child Nutrition department.

Level III Users

For-profit organizations.

- a) For an event that requires one (1) staff member:

1. Days/times when the facility is otherwise appropriately staffed

Forty dollars (\$40) per hour. (However, charges for staff beyond one (1) custodian and for additional services, and/or requested furniture or equipment may apply. Such charges to be determined at the sole discretion of the District.)

(Continued)

## Community Relations

**SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)**2. Days/times when the facility is **not** otherwise appropriately staffed

One hundred dollars (\$100) per hour. (However, charges for staff beyond one (1) custodian and for additional services, and/or requested furniture or equipment may apply. Such charges to be determined at the sole discretion of the District.)

- b) Rate for each food service worker required for events that utilize the kitchens (a minimum of three (3) hours will be required) will be determined by the Child Nutrition department.

**Liability**

Because it is in the public interest for the Board of Education to protect the School District against substantial financial loss, liability insurance will be required for all individuals or groups, other than District sponsored clubs and organizations, who use school facilities or School District sites. Applicable individuals and organizations shall attach a certificate of insurance, naming the Rocky Point Union Free School District as additional insured, to the application requesting the use of a School District-owned facility or an outdoor site. As a minimum standard, the certificate of insurance shall meet the following coverage requirements:

General Liability Insurance:	\$1,000,000 per occurrence / \$2,000,000 aggregate
Damage to Property:	\$1,000,000
Medical Payments to Others:	\$50,000

Exemptions from this policy are authorized, at the discretion of the Superintendent of Schools, for School District-sponsored events or for events sponsored by school-related organizations such as student groups and parent-teacher organizations. A further modification of this policy is authorized to be made by the Superintendent of Schools for certain community organizations such as civic associations or incorporated groups. In these instances, the Superintendent of Schools may waive the liability insurance. No exemption, however, will be granted to any organization which intends to use school facilities for recreational, athletic, physical fitness, or similar activities.

Organizations whose meetings are of a nature which require the participants to be sedentary are those to be considered for a waiver of liability insurance. Should such an organization wish to depart from its usual business meeting activity to sponsor a recreational, athletic, or physical fitness activity, the minimum insurance will be required and written evidence of same must be filed, in advance, pursuant to the established building use application procedure.

20 United States Code (USC) Section 7905  
36 United States Code (USC) Subtitle II  
34 Code of Federal Regulations (CFR) Parts 75, 76 and 108  
Education Law Section 414

(Continued)



**SUBJECT: USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT (Cont'd.)**

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7310 -- School Conduct and Discipline  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
#7410 -- Extracurricular Activities  
*District Code of Conduct on School Property*

## Community Relations

**SUBJECT: OPERATION OF MOTOR-DRIVEN VEHICLES ON DISTRICT PROPERTY**

The use of motor-driven vehicles, including cars, snowmobiles, mini-bikes, motorcycles, all-terrain vehicles (ATV's) and other such vehicles is prohibited on any school grounds or areas except for authorized school functions or purposes.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

All student vehicles are to be registered with the High School Principal and parked in authorized areas only.

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

Adoption Date: 3/23/09

## Community Relations

**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 District records shall be as indicated in the School District administrative procedures.

**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 Section 87  
21 New York Code of Rules and Regulations (NYCRR) Part 9760

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Adoption Date 3/23/09  
Revision Date 5/15/12  
Review Date

## Community Relations

**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.

Family Educational Rights and Privacy Act of 1974, 20 United States Code (USC) Section 1232(g)  
34 Code of Federal Regulations (CFR) Part 99  
Public Officers Law Section 84 et seq.

Adoption Date: 3/23/09

**SUBJECT: WEBSITE ACCESSIBILITY**

The District is committed to making information on its website accessible to all online visitors, including those individuals with hearing, vision, cognitive, or physical disabilities, in order that they may possess equal opportunity to obtain the same information and reach the same levels of access as those not possessing a disability.

The District has undertaken good-faith efforts to ensure that its website complies with current standards on website accessibility, which include the ongoing review of online content and functionality. The District will make all reasonable efforts to ensure that all newly added, or modified online content and functionality, will be accessible to people with disabilities.

The District will consider the educational opportunities and benefits it provides through its website, how its website provides these opportunities and benefits, whether the website exists in a format that is accessible to individuals with disabilities, whether the website can be modified, and the availability of technology to enhance access to its website. The District may focus upon specific pages, information formats or features; it may expressly identify the pages or information that may be deciphered by screen readers; and it may specify any readers that may require downloading on its website. Moreover, the District may provide links to information or features on its website to further assist users.

**Access Notice**

The District will post a notice on its website regarding how users may request access to information that they believe is not accessible. The District may request that users provide their name, email address, phone number, a description of the problems they experienced, and the location of the information they tried to access. The District will make all reasonable efforts to provide inaccessible information in an alternative format.

**Accessibility Contact Person**

The District will designate a person whom website users may contact if they experience accessibility issues. The District will post contact information and specify how to contact this person on its website home page.

**Exemptions**

The District may conclude that features, programs, applications, or activities on its website are not accessible if making them accessible would cause them to be fundamentally altered, or when ensuring accessibility would result in an undue financial and operational burden. The District will maintain all documents on supporting its exemption determinations as required by law.

**Training**

The District will offer website accessibility training as necessary for appropriate District personnel who maintain or audit its web content or functionality.

**Third-Party Sites**

Any links to third-party sites on the District's website are not under its control, and thus, the District is not responsible for the content or accessibility of third-party sites. Third-party sites may not comply with accessibility standards.

Section 508 of the Rehabilitation Act of 1973, as amended, 29 USC § 794(d)

Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794

Title II of the Americans with Disabilities Act of 1990, 42 USC § 12101, et seq.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400, et seq.

28 CFR Part 35 and 34 CFR Parts 104 and 300

New York State Information Technology Policy No. NYS-P08-005

## Community Relations

**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. 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) Standards and procedures to assure security and safety of students and school personnel;
- c) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- d) 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;
- e) Disciplinary measures to be taken for 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;

(Continued)

## Community Relations

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

- f) 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;
- g) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- h) Provisions ensuring the Code of Conduct and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- i) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- j) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- k) 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 will be filed;
- l) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- m) 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 or more occasions during a trimester, as applicable;
- n) 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;

(Continued)

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

- o) 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; and
- p) 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, parents/persons in parental relation, students, and any other interested parties. Copies of the Code of Conduct shall be disseminated pursuant to law and Commissioner's Regulations.

The District's Code of Conduct shall be reviewed on an annual basis, and updated as necessary in accordance with law. 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 all amendments to the Code with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

**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 2801 and 3214  
Family Court Act Articles 3 and 7  
Vehicle and Traffic Law Section 142  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

NOTE: Refer also to Policy #7310 -- School Conduct and Discipline  
*District Code of Conduct on School Property*

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Adoption Date 3/23/09  
Revision Date  
Review Dates 7/11/11, 7/11/13, 8/25/14, 8/31/15, 8/29/16, 8/28/17, 8/27/18, 8/26/19, 8/24/20, 8/23/21,  
8/29/22, 8/28/23



## Community Relations

**SUBJECT: PROHIBITION OF WEAPONS ON SCHOOL GROUNDS**

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written permission of the Board 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

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

## Community Relations

**SUBJECT: THREATS OF VIOLENCE IN SCHOOL**

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

Any person who commits an act or threatens an act of violence, including bomb threats, whether made orally, in writing, or by e-mail, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct on School Property* and collective bargaining agreements, as may be necessary.

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, visitors and/or the school environment. Employees, students, agents and invitees shall refrain from engaging in threats or physical actions which create a safety hazard for others.

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

Students are to report all acts and/or threats of violence, including threats of suicide, of which they are aware by reporting such incidents to the school hotline, a faculty member, or the Building Principal.

The District reserves the right to seek restitution, in accordance with law, from the parent/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 enforced in accordance with applicable laws and regulations, as well as collective bargaining agreements and the *Code of Conduct* as may be necessary. Additionally, this policy will be disseminated, as appropriate, to students, staff, and parents and will be available to the general public upon request.

Appropriate sanctions for violations of this policy by students will be addressed in the *Code of Conduct*.

Adoption Date: 3/23/09

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

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

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

- a) Age;
- b) Race;
- c) Creed;
- d) Religion;
- e) Color;
- f) National origin;
- g) Citizenship or immigration status;
- h) Sexual orientation;
- i) Gender identity or expression;
- j) Military status;
- k) Sex;
- l) Disability;
- m) Predisposing genetic characteristics;

(Continued)

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

- n) Familial status;
- o) Marital status; and
- p) Status as a victim of domestic violence.

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

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

**Scope and Application**

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

- a) Students;
- b) Employees;
- c) Applicants for employment;
- d) Paid or unpaid interns;
- e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f) Volunteers; and
- g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

(Continued)

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

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

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

**Definitions**

For purposes of this policy, the following definitions apply:

- a) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

**What Constitutes Discrimination and Harassment**

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

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of their membership in a protected class; denying an individual access to facilities or educational benefits on the basis of their membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

(Continued)

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

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

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

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

**Civil Rights Compliance Officer**

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

Ms. Susann Crossan, Assistant Superintendent, 631-849-7568

Mr. Christopher VanCott, Assistant Superintendent for Business, 631-849-7564

Dr. Aaron Factor, Assistant Superintendent for Curriculum and Instruction, 631-849-7080

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

Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

(Continued)

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

**Reporting Allegations of Discrimination and/or Harassment**

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

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

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

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

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

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

In addition to complying with the reporting requirements in this policy, District employees must comply with any other applicable reporting requirements contained in District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

(Continued)

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

**Supervisory Responsibilities**

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

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

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

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

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

**Grievance Process for Complaints of Discrimination and/or Harassment**

All complaints or information about discrimination or harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected discrimination or harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a discrimination or harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

(Continued)



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

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

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

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

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

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

**Knowingly Makes False Accusations**

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

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

The District prohibits all retaliation. Any individual that reports an incident of discrimination or harassment, provides information, or otherwise assists in any investigation of a discrimination or harassment complaint is protected from retaliation. No one should fear reporting discrimination or harassment if they believe it has occurred. Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

(Continued)

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

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

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

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

**Confidentiality**

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

**Training**

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

**Notification**

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

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

(Continued)

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

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

8 USC Section 1324b

29 USC Section 206

42 USC Section 1981

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC Section 621 et seq.

Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.

Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC Section 2000ff et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.

Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.

Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.

Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq.

28 CFR Part 35

29 CFR Chapter I – National Labor Relations Board

29 CFR Chapter XIV – Equal Employment Opportunity Commission

34 CFR Parts 100, 104, 106, 110, and 270

45 CFR Part 86

Civil Rights Law Sections 40, 40-a, 40-c, 47-a, 47-b, and 48-a

Civil Service Law Sections 75-b and 115

Correction Law Section 752

Education Law Sections 10-18, 313, 313-a, 2801, 3201, and 3201-a

Labor Law Sections 194-a, 201-d, 201-g, 203-e, 206-c, 215, and 740

New York State Human Rights Law, Executive Law Section 290 et seq.

Military Law Sections 242, 243, and 318

8 NYCRR Section 100.2

9 NYCRR Section 466 et seq.

(Continued)

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

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination  
#6120 -- Equal Employment Opportunity  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
#8130 -- Equal Educational Opportunities  
#8220 -- Career and Technical (Occupational) Education  
District *Code of Conduct*

## Community Relations

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

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

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

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

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

**Scope and Application of Policy**

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

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

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

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

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)****What Constitutes Sex Discrimination Including Sexual Harassment**

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

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

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

(Continued)

## Community Relations

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

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

**Title IX Coordinator**

The District has designated and authorized the following District employee(s) to serve as its Title IX Coordinator(s):

Susann Crossan, Assistant Superintendent  
Christopher Van Cott, Assistant Superintendent for Business

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

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

**Reporting Allegations of Sex Discrimination**

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

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

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

(Continued)

## Community Relations

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

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

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, Policy #7554 -- Dignity for All Students (DASA) which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or the DAC.

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

**Grievance Process for Complaints of Sex Discrimination Other than Sexual Harassment**

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

**Grievance Process for Formal Complaints of Sexual Harassment**

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

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

(Continued)



## Community Relations

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

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

Definitions

- a) "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.
- b) "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- c) "Days" means in session ("school days") or "calendar days," as specified.
- d) "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the District. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of law and regulation.
- e) "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

(Continued)

## Community Relations

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

- f) "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

General Requirements for the Investigative and Grievance Process

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

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

(Continued)

## Community Relations

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

language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.

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

(Continued)

## Community Relations

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

and not limit the choice or presence of advisor for any complainant or respondent in any meeting or grievance proceeding. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

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

**After a Report of Sexual Harassment Has Been Made**

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

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

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

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

(Continued)

## Community Relations

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

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

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

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

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

Filing a Formal Complaint

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

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

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

(Continued)

## Community Relations

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

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

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

Consolidation of Formal Complaints

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

Written Notice of Allegations

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

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

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

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**Investigation of a Formal Complaint

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

It is anticipated that most investigations will be completed within thirty (30) school days after receiving a formal complaint.

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

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

Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least fifteen (15) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

(Continued)

## Community Relations

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

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

At least ten (10) school days prior to a hearing or other determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.

Dismissal of a Formal Complaint

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

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

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

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

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

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

Informal Resolutions

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

(Continued)



## Community Relations

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

It is anticipated that most informal resolutions will be completed within 15 school days.

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

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

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

**Hearings and Determination Regarding Responsibility**

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

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

(Continued)

## Community Relations

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

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

- a) Submit written, relevant questions that a party wants asked of any party or witness within five (5) school days after the parties have received the investigative report;
- b) Provide each party with the answers given by any party or witness within three (3) calendar days of receipt of same; and
- c) Allow for additional, limited follow-up questions and responses from each party to occur within three (3) calendar days after the parties have received responses to their initial questions.

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

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within three (3) school days after all follow-up questions have been responded to or after the hearing, if one has been provided.

To reach this determination, the decision-maker(s) will use the clear and convincing evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean concluding that a fact is highly probable to be true.

(Continued)

## Community Relations

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

The written notice of the determination regarding responsibility will include:

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

Finality of Determination Regarding Responsibility

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

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

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

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## Community Relations

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

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within thirty (30) calendar days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

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

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

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

Upon receipt of an appeal, the District will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;
- b) Ensure that any decision-maker for the appeal:
  1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
  2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within twenty (20) calendar days after the parties have been notified of the appeal;
- d) Issue a written decision describing the result of the appeal and the rationale for the result; and

(Continued)

## Community Relations

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

- e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within thirty (30) calendar days after receiving the parties written statements in support of, or challenging, the outcome.

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

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

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

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

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

**Confidentiality**

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

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

(Continued)

## Community Relations

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

- e) Respondent; and
- f) Witness.

**Training**

The District will ensure that:

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

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

**Notification**

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

(Continued)

## Community Relations

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

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

**Recordkeeping**

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

- a) Records of each sexual harassment investigation including any:
  1. Determination regarding responsibility;
  2. Audio or audiovisual recording or transcript required under law or regulation;
  3. Disciplinary sanctions imposed on the respondent; and
  4. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
- b) Any appeal and its result.
- c) Any informal resolution and its result.
- d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- e) For each response to sexual harassment where the District had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If a District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

(Continued)

Community Relations

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

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

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#6121 -- Sexual Harassment in the Workplace  
#7554 -- Dignity for All Students  
*District Code of Conduct*



## Community Relations

**SUBJECT: UNIFORM VIOLENT AND DISRUPTIVE INCIDENT REPORTING SYSTEM (VADIR)**

In compliance with the Uniform Violent and Disruptive Incident Reporting System, the District will record each violent or disruptive incident that occurs on school property or at a school function. School property shall mean 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. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

In accordance with the manner prescribed, the District will submit an annual report of violent and disruptive incidents (on the *Summary of Violent and Disruptive Incidents* form) from the previous school year to the Commissioner of Education. Summary data will be used to determine the rate of violent and disruptive incidents in each school and to identify schools as persistently dangerous, as required by the No Child Left Behind Act.

The District will utilize the *Individual Violent and Disruptive Incident Report* form for the reporting of individual incidents by each building and/or program under its jurisdiction and for the tally count of incidents into the Summary Form. Copies of such incident reports will be retained for the time prescribed by the Commissioner in the applicable records retention schedule. These reports will be available for inspection by the State Education Department upon request.

All personally identifiable information included in a violent or disruptive incident report will be confidential and will not be disclosed to any person for any purpose other than that specified in Education Law Section 2802, except as otherwise authorized by law.

The District will include a summary of the District's annual violent or disruptive incident report in its School District Report Card in the format prescribed by the Commissioner.

**Reporting Guidelines**

The District will utilize the New York State Education Department's website to obtain copies of the forms, directions, glossary and additional information at [www.emsc.nysed.gov/irts/](http://www.emsc.nysed.gov/irts/).

Education Law Sections 2801(1) and 2802  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 (gg)

Adoption Date: 3/23/09

## Community Relations

**SUBJECT: EMERGENCY CLOSINGS**

In the event it is necessary to close school for the day, activate a delayed starting time or early dismissal (as well as information relating to cancellation of after-school activities/late bus runs) due to inclement weather, impassable roads, or other emergency reasons, announcement thereof may be made over local radio and television stations and the Internet/District Website and ConnectEd as designated by the Superintendent of Schools.

When school is closed, all related activities, including athletic events and student activities, will ordinarily be suspended for that day and evening unless otherwise approved by the Superintendent of Schools.

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

**Rocky Point Union Free School District**

**NUMBER**

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## 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.

**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. In all cases the individual currently holding the position should receive as much advance notice as possible.

Education Law Sections 1709, 2503(5) and 3013

Adoption Date: 3/23/09

## Administration

**SUBJECT: ADMINISTRATIVE ORGANIZATION AND OPERATION**

The basic principles of Administrative Organization and Operation are:

- a) The working relationships shall involve two (2) types of officers: line and staff. Line organization involves a direct flow of authority upward and downward from Superintendent to Building Principal. A line officer has power and authority over subordinates. Staff officers do not stand in the direct line of authority; they serve as coordinators or consultants.
- b) The Board of Education shall formulate and legislate educational policy.
- c) Administrative regulations shall be developed by the Superintendent 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 and are subject to change, from time to time, at the direction of the Superintendent of Schools.
- g) There shall be full opportunity for complete freedom of communication between all levels in the school staff.

**Line Responsibility**

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

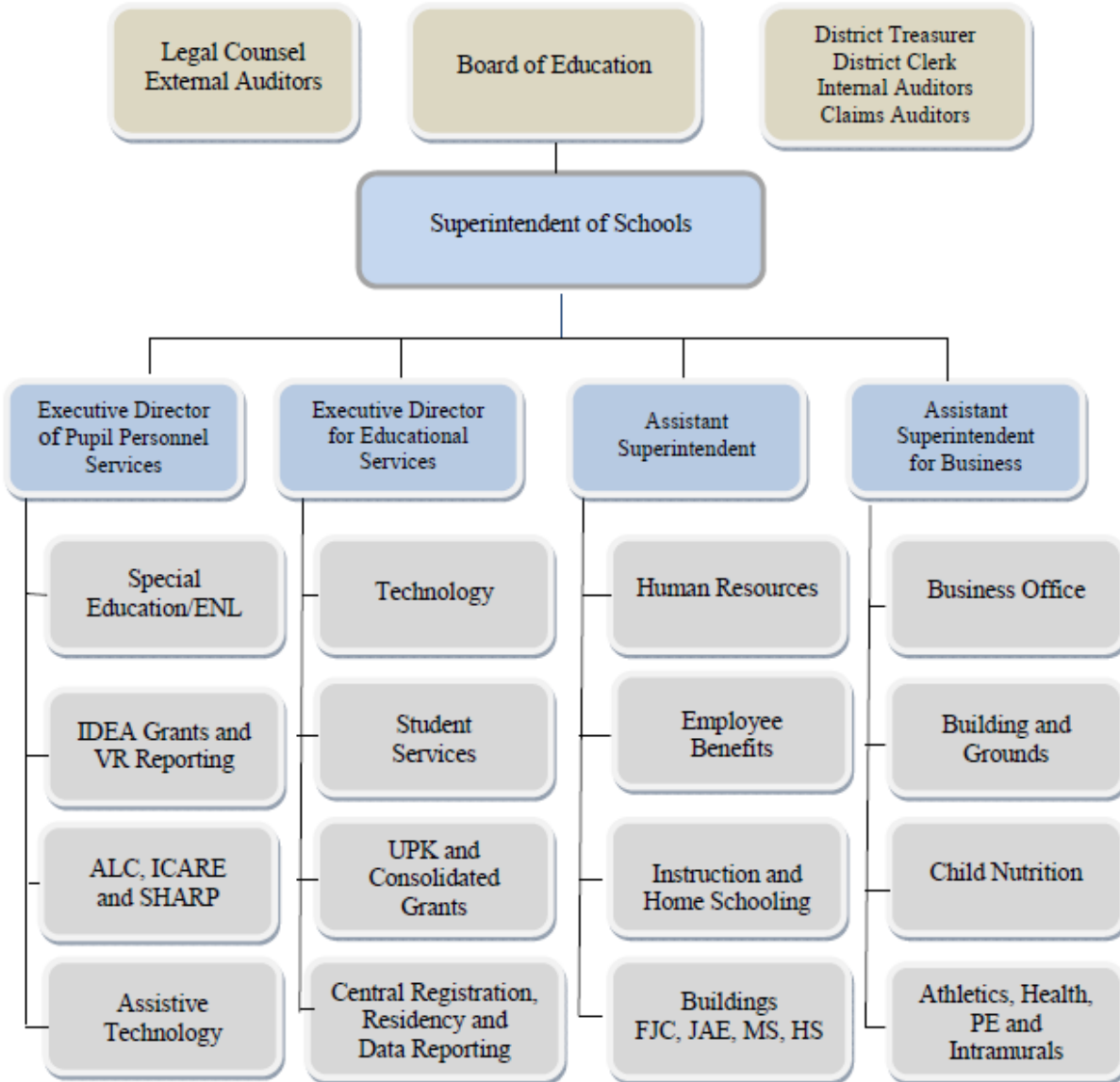
The lines of responsibility/reporting shall be as depicted on the organizational chart.

**SUBJECT: ROCKY POINT USFD ORGANIZATIONAL CHART**



# ROCKY POINT VERTICAL ORGANIZATIONAL CHART

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## Administration

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

The Superintendent of Schools shall delegate to another administrator the authority and responsibility for making decisions and taking such actions as may be required during the absence of the Superintendent for periods of time other than ordinary temporary leaves (i.e. vacation, personal, bereavement, short-term illness, etc.).

**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.

## Administration

**SUBJECT: DISTRICT 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.



## Administration

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

The Board of Education shall annually review the Superintendent's performance according to procedures defined in the employment agreement between the Board of Education and the Superintendent. The employment agreement containing the performance review procedures shall be filed with the District Clerk and made available for review by any individual for the entire period covered by said employment agreement.

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 evaluation of all administrative personnel.

The purposes of this evaluation are:

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

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(o)(2)(v)

## Administration

**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 have a high degree of competence will be recommended for tenure.

(Continued)

**SUBJECT: SUPERINTENDENT OF SCHOOLS (Cont'd.)**

- 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.
- p) He/she shall submit the data from the School Report Card and/or other such reports of student/District performance as prescribed by and in accordance with requirements of the Commissioner of Education.

Education Law Sections 1711, 2508 and 3003  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(m)

## Administration

**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.

Education Law Sections 1711, 2503 and 2508

Adoption Date: 3/23/09

**SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES**

The Board of Education shall encourage administrators to keep 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 Sections 77-b and 77-c

Adoption Date: 3/23/09

*2007*

4420

Administration

**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 and/or shall be in accordance with the terms and conditions of the applicable collective bargaining agreement/contract currently in effect.

Adoption Date: 3/23/09

2021 5000

Non-Instructional/Business  
Operations

**Rocky Point Union Free School District**

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**Rocky Point Union Free School District**

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**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

(Continued)

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

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

- c) An administrative component which shall include, but need not be limited to, office and central administrative expenses, traveling expenses and salaries and benefits of all certified school administrators and supervisors who spend a majority of their time performing administrative or supervisory duties, 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; and
- d) A Property Tax Report Card prepared in accordance with law and Commissioner's Regulations (see subheading "Property Tax Report Card").
- e) A Tax Exemption Report prepared in accordance with law (see subheading Tax Exemption Report).

(Continued)

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

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. For the 2007-2008 school year, surplus funds shall mean any operating funds in excess of three percent (3%); for 2008-2009 school year and thereafter, 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.

**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 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

(Continued)

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

- 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.

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.

**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 New York Code of Rules and Regulations (NYCRR) Sections 170.8, 170.9 and 170.11  
State Education Department Handbook No. 3 on Budget

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Adoption Date 3/23/09  
Revision Date 07/12/12  
Review Date 05/21/13

**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.

**Dissemination of Budget Information**

Copies of the proposed annual operating budget for the succeeding year may be obtained by any District resident, 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 the Annual District Meeting and Election or Special District Meeting at which the budget vote will occur. The availability of this budget information shall be included in the legal notice of the Annual and/or Special District Meeting; and copies of the proposed budget will also be available to District residents at the time of the Annual and/or Special District Meeting. 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 (Cont'd.)****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).

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 New York Code of Rules and Regulations (NYCRR) Sections 100.2(bb), 170.8 and 170.9

**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.

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

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

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may resubmit the original proposed budget or a revised budget for voter approval, or individual propositions may be placed before District voters, at a special meeting held on the third Tuesday of June. If the voters fail to approve the second budget submittal, or budget proposition(s), or if the Board elects not to put the proposed budget to a public vote a second time, the Board must adopt a contingency budget with a tax levy that is no greater than the prior year's levy (i.e., 0% levy growth).

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

- a) The percent of the administrative component to the total budget in the prior year's budget, not including the capital component; or
- b) The percent that the administrative component comprised in the last proposed defeated budget for the subsequent year, not including, the capital component.

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

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

**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.

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

**Budget Transfers**

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

**Statement of the Total Funding Allocation**

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

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



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Non-Instructional/Business  
Operations

**SUBJECT: REVENUES**

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

Education Law Sections 1604(a) and 1723(a)

Adoption Date: 3/23/09

**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 District Treasurer to invest such funds in accordance with all applicable laws and regulations and in conformity with the guidelines established by this policy.

**Objectives**

The objectives of this investment policy are as follow:

- 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 (3) investment objectives.

**Authorization**

The authority to deposit and invest funds is delegated to the District Treasurer. 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 District Treasurer may invest funds in the following eligible investments:

- a) Obligations of the State of New York.
- b) Obligations of the United States Government or any obligations for which principal and interest are fully guaranteed by the United States Government.
- c) Time Deposit Accounts placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law. (Banking Law Section 237(2) prohibits a savings bank from accepting a deposit from a local government. This also applies to savings and loan associations.)

(Continued)

**SUBJECT: DISTRICT INVESTMENTS (Cont'd.)**

- d) Transaction accounts (demand deposits) both interest bearing and non-interest bearing that do not require notice of withdrawal placed in a commercial bank authorized to do business in the State of New York, providing the account is collateralized as required by law.
- 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.

**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 with firms and banks with whom the School District transacts business

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

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

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in 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 District are fully tax deductible so long as the gift is used exclusively for public purposes. The Board may refuse any gifts which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District., The Board may, if it deems it necessary, request that gifts of equipment, facilities, or any item that requires upkeep and maintenance include funds to carry out maintenance for the foreseeable life of the donation. 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 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 or 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 suggests that donors/grantors work first with school administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board.

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

Gifts to the District will be annually accounted for as required by Generally Accepted Accounting Principles (GAAP). All gifts, grants and/or bequests become District property. A letter of appreciation, signed by the President of the Board and the Superintendent, may be sent to donors/grantors in recognition of his/her contribution to the District. Letters will be sent in a timely manner and will acknowledge the possible tax deduction available to donors whose gifts qualify under IRS regulations.

New York State Constitution Article 8, Section 1  
Education Law §§ 404(1), 1604(44), 1709(12), 1709(12-a), 1709(12-b), 1718(2), 3701, and 3703  
Real Property Tax Law 980-a(3)

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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 Assistant Superintendent for Finance and Operations to the Board of Education. Tax collection shall occur by mail or by direct payment to the place designated by the Board of Education.

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

Adoption Date: 3/23/09

**SUBJECT: PROPERTY TAX EXEMPTIONS****Senior Citizens**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife or by siblings, one of whom is sixty-five (65) 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.

Real Property Tax Law Section 467

**Disabled Citizens**

Unless specifically exempted by law, real property used exclusively for residential purposes and owned by one or more persons with disabilities; or owned by a husband, wife or both, or siblings, at least one of whom has a disability; and whose income, as defined pursuant to law, is limited by reason of such disability 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 Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an in-patient of a residential health care facility as defined in Public Health Law.

For purposes of this policy, and in accordance with law, a person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working; and who is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the federal Social Security Act or is certified to receive Railroad Retirement Disability benefits under the federal Railroad Retirement Act, or has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind.

(Continued)

**SUBJECT: PROPERTY TAX EXEMPTIONS (Cont'd.)**

In accordance with Real Property Tax Law, any exemption provided by this policy shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided however, that no parcel or real property may receive an exemption for the same tax purpose pursuant to both this policy and real property tax exemptions granted pursuant to the Real Property Tax Law for persons sixty-five (65) years of age or over.

Real Property Tax Law Sections 459-c  
Public Health Law Section 2801

**Volunteer Firefighters and Ambulance Workers**

In accordance with law, the District may adopt a resolution allowing the full benefits of the real property tax law exemption for enrolled members of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service. The Board may wish to reconsider this resolution annually and request information from the fire department about recruitment of members.

Real Property Tax Law Sections 466-c, 466-f and 466-g

**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 is 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.

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

Adoption Date: 3/23/09



Non-Instructional/Business  
Operations

**SUBJECT: BONDING OF EMPLOYEES AND SCHOOL BOARD MEMBERS**

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), 2526 and 2527  
Public Officers Law Section 11(2)  
8 New York Code of Rules and Regulations (NYCRR) Section 170.2(d)

Adoption Date: 3/23/09

**SUBJECT: EXPENDITURES OF SCHOOL DISTRICT FUNDS**

The Board of Education authorizes the Purchasing Agent to expend school funds as appropriated 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 audited before payment by the Claims Auditor who shall attest to the existence of evidence of indebtedness to support the claim.

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

Arts and Cultural Affairs Law Section 57.19  
Education Law Sections 1720 and 2523  
8 New York Code of Rules and Regulations (NYCRR) Section 185

NOTE: Refer also to Policies #5321 -- Use of the District Credit Cards  
#5322 -- Use of the District Cell Phones  
#5323 -- Reimbursement for Meals/Refreshments  
#6161 -- Conference/Travel Expense Reimbursement

Adoption Date: 3/23/09

**SUBJECT: USE OF THE DISTRICT CREDIT CARDS**

The Board of Education permits the use of district credit cards by certain school officials and Board members to pay for actual and necessary expenses incurred in the performance of work-related duties for the district. A list of those individuals that will be issued a district credit card will be maintained in the Business Office and reported to the Board each year at its reorganizational meeting in July. All credit cards will be in the name of the school district.

The Board shall ensure that the credit card is secured through an RFP process and the relationship between the district and the credit card company is such that the district preserves its right to refuse to pay any claim or portion thereof that is not expressly authorized, does not constitute a proper district charge, or supersedes any laws, rules, regulations, or policies otherwise applicable. In addition, the Board will ensure that no claim shall be paid unless an itemized voucher approved by the officer whose action gave rise or origin to the claim, shall have been presented to the Board and shall have been audited and allowed.

Credit cards may only be used for legitimate school district business expenditures. The use of credit cards is not intended to circumvent the district's policy on purchasing.

Users must take proper care of these credit cards and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office and to the appropriate financial institution. Failure to take proper care of credit cards or failure to report damage, loss or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this policy may result in credit card revocation and discipline of the employee.

Users must submit detailed documentation, including itemized receipts for commodities, services, travel and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the credit card has been used.

The Superintendent of Schools, in consultation with the Assistant Superintendent for Finance and Operations, shall establish regulations governing the issuance and use of credit cards. Each cardholder shall be apprised of the procedures governing the use of the credit card and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Assistant Superintendent for Finance and Operations shall periodically, but no less than twice a year, monitor the use of each credit card and report any serious problems and/or discrepancies directly to the Superintendent and the Board.

**SUBJECT: USE OF THE DISTRICT CELL PHONES**

The Board of Education recognizes that certain District employees will be required to carry District-owned cell phones in order to meet their job responsibilities. Such phones should be provided only when a less costly alternative is not available or is not appropriate in the circumstances.

A list of job titles requiring District-owned cell phones shall be maintained in the Business Office and reported to the Board for its approval each year at its reorganizational meeting in July. All cellular telephone contracts shall be secured through the appropriate purchasing process (e.g., competitive bid, RPF process) and shall be subject to review and approval by the Board.

Cell phones are to be used for school District business purposes only and anything other than incidental private use is prohibited. Failure to follow these guidelines may result in revocation of the phone and discipline of the employee.

As with any District-owned equipment, employees must take proper care of cell phones and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office. Since employees are responsible for the safe return of District-owned cell phones, employees who use District-owned cell phones may be liable for damages or loss which occur during the period of its use.

**SUBJECT: REIMBURSEMENT FOR MEALS/REFRESHMENTS**

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 Assistant Superintendent for Finance and Operations. Meal requests may be approved when:

- a) Officers and/or employees of the District will be prevented from taking time off for food consumption due to a pressing need to complete the business at hand;
- b) The District is faced with business of an immediate nature and meetings of District employees are essential at mealtime;
- c) 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);
- d) Board meetings held during the dinner hour and food is delivered (maximum reimbursement is \$100 per meeting);
- e) Attendance by Board members at conferences, conventions and workshops (see Policy #2320).

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

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Non-Instructional/Business  
Operations

**SUBJECT: BUDGET TRANSFERS**

Within monetary limits as established by the Board, the Superintendent is authorized to transfer funds within the budget up to one million dollars (\$1,000,000) per occurrence. The Assistant Superintendent for Finance and Operations is authorized to transfer funds within the budget under one hundred thousand dollars (\$100,000) per occurrence. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

Education Law Section 1718

8 New York Code of Rules and Regulations (NYCRR) Section 170.2(l)

Adoption Date: 3/23/09

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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.

Local Finance Law Article 2

Adoption Date: 3/23/09

**SUBJECT: PAYROLL & OVERTIME**

Payroll

The Board of Education recognizes the importance of the payroll function to the effective administration of the School District. It is the intention of the Board of Education to take reasonable and necessary steps to safeguard the School District's payroll.

The payroll supervisor will issue paychecks and/or direct deposit authorizations signed by the School District's Treasurer and payable to the order of the persons entitled to receive such moneys, shall be issued. Payroll procedures will also be reviewed periodically by the individuals or firms performing the Internal Audit and Claims Auditing functions. Auditors will report findings and recommendations to the Board of Education.

Overtime

The Board of Education adopts this policy pursuant to the Fair Labor Standards Act (FLSA) and Section 90 of the New York State General Municipal Law (GML). Non-exempt employees under the FLSA are eligible for overtime for all hours worked in excess of 40 in any work week, except as specified by collective bargaining agreements. An employee's supervisor may require a non-exempt employee to work overtime. The District will attempt to give reasonable notice in such instances; however, advance notice may not always be possible.

Every attempt will be made for non-emergency overtime to be approved in advance by the employee's immediate supervisor using a District-prescribed, pre-approval overtime form. Overtime approvals may include, but are not limited to, scheduling for building events, various district projects, construction, use of facilities by outside community groups, shift coverage, weather-related issues and/or other emergency matters. Personnel authorized to assign overtime include central office administration, district-wide directors and building-level administrators. Overtime will be offered in a manner consistent with collective bargaining agreements.

Ref: Fair Labor Standards Act  
New York State Gen. Mun. Law §§90  
Opn. St. Comp. 90-11



**SUBJECT: PURCHASING**

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 process should enhance school operations and educational programs through the procurement of goods and services deemed necessary to meet District needs.

**Competitive Bids and Quotations**

As required by law, the Superintendent will follow normal bidding procedures in all cases where needed quantities of like items will total the maximum level allowed by law during the fiscal year, (similarly for public works-construction, repair, etc.) and in such other cases that seem to be to the financial advantage of the School District.

A bid bond may be required if considered advisable.

No bid for supplies shall be accepted that does not conform to specifications furnished unless specifications are waived by Board action. Contracts shall be awarded to the lowest responsible bidder who meets specifications. However, the Board may choose to reject any bid.

Rules shall be developed by the administration for the competitive purchasing of goods and services.

The Superintendent may authorize purchases within the approved budget without bidding if required by emergencies and are legally permitted.

The Superintendent is authorized to enter into cooperative bidding for various needs of the School District.

**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.

**Procurement of Goods and Services**

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 must 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;

(Continued)

**SUBJECT: PURCHASING (Cont'd.)**

- 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 (purchases pursuant to General Municipal Law, Article 5-A; State Finance Law, Section 162; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), 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 Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

**Best Value**

Effective January 27, 2012, General Municipal Law (GML) Section 103 was amended to permit a school district or BOCES to award purchase contracts in excess of twenty thousand dollars (\$20,000) on the basis of "best value", rather than on the basis of the lowest responsible bid. The Board of Education must adopt a resolution at a public meeting authorizing the award of bids based on "best

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**SUBJECT: PURCHASING (Cont'd.)**

value." The Board of Education may also approve "best value" bid award recommendations on an individual bid basis at a scheduled public meeting. A best value award is one that optimizes quality, cost and efficiency, typically applies to complex services and technology contracts and is quantifiable whenever possible.

**"Piggybacking" Law - Exception to Competitive Bidding**

On August 1, 2012, General Municipal Law (GML) Section 103 was amended to allow school districts to purchase certain goods and services (apparatus, materials, equipment and supplies) 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. The amendment authorizes school districts and BOCES to "piggyback" on contracts let by outside governmental agencies in a manner that constitutes competitive bidding "consistent with state law."

This "piggybacking" 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 and is not in conflict with other New York State laws.

The "piggybacking" amendment and the "best value" amendment may not be combined to authorize a municipality to "piggyback" onto a cooperative contract which was awarded on the basis of "best value." In other words, while a school district or BOCES may authorize the award of contracts on the basis of "best value", it may not "piggyback" onto a purchasing contract awarded by another agency on the basis of "best value."

**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.

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Adoption Date 3/23/09

Revision Dates 8/29/11, 7/11/13, 8/27/18

Review Dates 7/12/12, 8/25/14, 8/31/15, 8/29/16, 8/28/17, 8/26/19, 8/24/20, 8/23/21, 8/29/22, 8/28/23

**SUBJECT: PURCHASING (Cont'd.)**

As required by federal law and New York State 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. Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, 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 New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application, see website: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>

**Geographic Preference in Procuring Local Agricultural Products**

Schools participating in Child Nutrition Programs such as the National School Lunch Program, School Breakfast Program and/or Special Milk Program are encouraged to purchase unprocessed locally grown and locally raised agricultural products. A School District may apply an optional geographic preference in the procurement of such products by defining the local area where this option will be applied. The intent of this preference is to supply wholesome unprocessed agricultural products that are fresh and delivered close to the source.

A geographic preference established for a specific area adds additional points or credits to bids received in response to a solicitation, but does not provide a set-aside for bidders located in a specific area, nor does it preclude a bidder from outside a specified geographic area from competing for and possibly being awarded a specific contract.

**Computer Software Purchases**

Software programs designated for use by students in conjunction with computers of the District shall meet the following criteria:

- a) A computer program which a student is required to use as a learning aid in a particular class; and

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**SUBJECT: PURCHASING (Cont'd.)**

- b) Any content-based instructional materials in an electronic format that are aligned with State Standards which are accessed or delivered through the internet and based on a subscription model. Such electronic format materials may include a variety of media assets and learning tools including video, audio, images, teacher guides, and student access capabilities as such terms are defined in Commissioner's Regulations.

**Environmentally Sensitive Cleaning and Maintenance Products**

In accordance with Commissioner's Regulations, State Finance Law and Education Law, effective with the 2006-2007 school year, the District shall follow guidelines, specifications and sample lists when purchasing cleaning and maintenance products for use in its facilities. Such facilities include any building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instruction.

Environmentally sensitive cleaning and maintenance products are those which minimize adverse impacts on health and the environment. Such products reduce as much as possible exposures of children and school staff to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. The District shall identify and procure environmentally sensitive cleaning and maintenance products which are available in the form, function and utility generally used. Coordinated procurement of such products as specified by the Office of General Services (OGS) may be done through central state purchasing contracts to ensure that the District can procure these products on a competitive basis.

The District shall notify their personnel of the availability of such guidelines, specifications and sample product lists.

**Non-Competitive Bidding Purchases**

The Board's internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to competitive bidding requirements, shall prohibit the purchase of apparel or sports equipment, from any vendor based upon either or both of the following considerations:

- a) 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
- b) 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.

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**SUBJECT: PURCHASING (Cont'd.)****Contracts for Goods, Services and Public Works**

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.

No Board member or employee of the School District shall have an interest in any contract entered into by the Board or the School District.

Per General Municipal Law Section 103(5), upon the adoption of a resolution by a vote of at least three-fifths (3/5) of all Board members stating that for reasons of efficiency or economy there is need for standardization, purchase contracts for a particular type or kind of equipment, materials or supplies of more than twenty thousand (\$20,000) dollars may be awarded by the Board to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in law. In addition, the Board is required to award 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.

7 CFR 210.21, 215.14(a) and 220.16

20 USC Section 1474(e)(3)(B)

Education Law Sections 305(14), 409-I, 701, 751(2)(b), 1604, 1709, 1950, 2503, 2554 and 3602

General Municipal Law Articles 5-A, 18 and Section 103

State Finance Law Sections 162 and 163-b

8 NYCRR Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

NOTE: Refer also to Policy #5660 -- Meal Charging and Prohibition Against Meal Shaming

**SUBJECT: PURCHASING (Cont'd.)**

- 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 (purchases pursuant to General Municipal Law, Article 5-A; State Finance Law, Section 162; State Correction Law, Section 184; or those circumstances or types of procurements set forth in (f) of this section), 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 Board of Education shall solicit comments concerning the District's policies and procedures from those employees involved in the procurement process. All policies and procedures regarding the procurement of goods and services shall be reviewed annually by the Board.

**Best Value**

Effective January 27, 2012, General Municipal Law (GML) Section 103 was amended to permit a school district or BOCES to award purchase contracts in excess of twenty thousand dollars (\$20,000) on the basis of "best value", rather than on the basis of the lowest responsible bid. The Board of Education must adopt a resolution at a public meeting authorizing the award of bids based on "best

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**SUBJECT: PURCHASING (Cont'd.)**

value." The Board of Education may also approve "best value" bid award recommendations on an individual bid basis at a scheduled public meeting. A best value award is one that optimizes quality, cost and efficiency, typically applies to complex services and technology contracts and is quantifiable whenever possible.

**"Piggybacking" Law - Exception to Competitive Bidding**

On August 1, 2012, General Municipal Law (GML) Section 103 was amended to allow school districts to purchase certain goods and services (apparatus, materials, equipment and supplies) 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. The amendment authorizes school districts and BOCES to "piggyback" on contracts let by outside governmental agencies in a manner that constitutes competitive bidding "consistent with state law."

This "piggybacking" 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 and is not in conflict with other New York State laws.

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(Continued)

**SUBJECT: PURCHASING (Cont'd.)**

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(Continued)

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7 CFR 210.21, 215.14(a) and 220.16

20 USC Section 1474(e)(3)(B)

Education Law Sections 305(14), 409-I, 701, 751(2)(b), 1604, 1709, 1950, 2503, 2554 and 3602

General Municipal Law Articles 5-A, 18 and Section 103

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8 NYCRR Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

NOTE: Refer also to Policy #5660 -- Meal Charging and Prohibition Against Meal Shaming

Non-Instructional/Business  
Operations

**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS**

The District will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) whenever it procures goods or services using federal grant funds awarded through formula and/or discretionary grants, including funds awarded by the United States Department of Education as grants or funds awarded to a pass-through entity, such as the New York State Education Department, for subgrants.

**Uniform Grant Guidance Requirements**

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

- a) Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Grant Guidance.
- b) Establish and maintain effective internal controls that provide reasonable assurance that the District is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. Internal controls means a process, implemented by the District, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:
  1. Effectiveness and efficiency of operations;
  2. Reliability of reporting for internal and external use; and
  3. Compliance with applicable laws and regulations.
- c) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- d) Evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of federal awards.
- e) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- f) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- g) Maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

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Non-Instructional/Business  
Operations**SUBJECT: PROCUREMENT: UNIFORM GRANT GUIDANCE FOR FEDERAL AWARDS (Cont'd.)**

- h) Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.
- i) Have procurement procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.
- j) Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- k) Maintain records that sufficiently detail the history of the procurement including, but not limited to:
  - 1. Rationale for the method of procurement;
  - 2. Selection of contract type;
  - 3. Contractor selection or rejection; and
  - 4. The basis for the contract price.
- l) Use time and material contracts, only after a determination that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.
- m) Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.
- n) Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.
- o) Have written procedures for procurement to ensure that all solicitations:
  - 1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
  - 2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids.

(Continued)

Non-Instructional/Business  
Operations

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

- p) Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.
- q) Use one of the following methods of procurement, which include:
  - 1. Micro-purchases;
  - 2. Small purchase procedures;
  - 3. Sealed bids;
  - 4. Competitive proposals; and
  - 5. Noncompetitive proposals.
- r) Have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- s) Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- t) Include in all contracts made by the District the applicable provisions contained in Appendix II of the Uniform Grant Guidance -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- u) Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.
- v) Negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where an analysis is performed.
- w) Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions in the System for Award Management (SAM).

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

(Continued)

Non-Instructional/Business  
Operations

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

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

**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.

**Electronic or Wire Transfers**

Procedures will be implemented specifying who is authorized to initiate, approve, transmit, record, review and reconcile electronic transactions. At least two (2) individuals will be involved in each electronic 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 security procedures for authenticating wire transfer orders.

All wire transfers must be authorized by the District Treasurer. Dual approval controls will be established for non-routine wire transfer orders.

The Internal Auditor will periodically confirm that wire transfers have appropriate signatures, verification and authorization of proper personnel.

Education Law Section 2116-a  
General Municipal Law Section 5-a

Adoption Date: 3/23/09



**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 interest earned by the reserve fund;
- c) The total amount of each withdrawal from the reserve fund;
- d) The total cash balance of each reserve

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.

**SUBJECT: FUND BALANCE**

Fund Balance is an important component in the District's financial planning for future projects, acquisitions, and other lawful purposes. The Board of Education recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the school district and is fiscally advantageous to the district and the taxpayer. To this end, the District may establish and maintain various fund balances in accordance with New York State Laws, Commissioner's Regulations, opinions issued by the Office of New York State Comptroller and/or GASB as applicable.

**Fund Balance Classifications:** GASB Statement 54 classified fund balance based on the relative strength of constraints placed upon how the resources can be spent. There are five classifications of fund balance. They are:

- **Nonspendable** – consists of assets that are inherently nonexpendable; e.g., inventory in the current period either because of their form or they must be maintained intact.
- **Restricted** – consists of amounts that are subject to externally enforceable legal restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation (e.g., grants and/or donations).
- **Committed** – consists of amounts that are subject to a constraint imposed by the Board of Education before the end of the fiscal year and that require the same level of formal action to remove the constraint.
- **Assigned** – consists of amounts that are subject to a constraint that represents an intended use established by the Board of Education or their designated official. The purpose of the assignment must be narrower than the purpose of the fund in the general fund, and in funds other than the general fund, assigned fund balance represents the residual fund balance component.
- **Unassigned** – represents the residual classification for the District's general fund and could report a surplus or deficit. In other funds, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, or committed, or assigned.

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

**SUBJECT: EXTRACLASSROOM ACTIVITY FUND**

An extraclassroom 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 extraclassroom activity funds shall be handled in accordance with the financial procedures illustrated by Finance Pamphlet No. 2, the Safeguarding, Accounting and Auditing of Extraclassroom Activity Funds, published by the New York State Education Department.

Proper books will be kept and all moneys deposited in appropriate accounts as set up by the Board of Education. These accounts shall be subject to audit. All transactions involving extraclassroom funds shall be on a cash basis and no accounts shall remain unpaid at the end of the school year. Funds shall be invested in accordance with the Board of Education's Fiscal Management Policy on the "Investment of District Funds".

Funds of discontinued extraclassroom activities and of graduating classes shall revert to the account of the general student organization or student council and shall be expended in accordance with the organization's constitution.

The Building Principals, with approval of the Superintendent of Schools, shall set up procedures for receipt and payment from the extraclassroom activity fund in their respective schools.

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

Adoption Date: 3/23/09

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

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

Appropriate regulations shall be developed for implementation of this policy.

**Cash in School Buildings**

Not more than two hundred fifty dollars (\$250), whether District or extraclassroom 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 extraclassroom funds, shall be deposited prior to close of school each week. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault.

Education Law Sections 1604(26), 1709(29) and 2503(1)  
8 New York Code of Rules and Regulations (NYCRR) Section 170.4

Adoption Date: 3/23/09

**SUBJECT: PUBLICATION OF DISTRICT'S ANNUAL FINANCIAL STATEMENT**

In compliance with Education Law, the Board of Education is required to publish a financial statement, including a full, detailed account of moneys received and moneys expended, at least once a year, during either July or August. This annual financial report will be in the form prescribed in Commissioner's Regulations.

The law requires that the information be published in one public newspaper which is published in the District. If no public newspaper is published in the District, then the District must use a newspaper having general circulation in the District. If no public newspaper is published in the District, and there is no newspaper having general circulation in the District, then the School District must provide the information to the taxpayers by posting copies in five public places in the District.

Education Law Sections 1610, 1721, 2117, 2528 and 2577  
8 New York Code of Rules and Regulations (NYCRR) Section 170.2

Adoption Date: 3/23/09

**SUBJECT: MAINTENANCE OF FISCAL EFFORT (TITLE I PROGRAMS)**

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

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

The SEA shall not consider the following expenditures in determining an LEA's compliance with the maintenance of effort requirements:

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

The Board of Education assigns the Assistant Superintendent for Finance and Operations the responsibility of reviewing, as part of the budgeting process, combined fiscal effort so that expenditures of state and local funds with respect to the provision of free public education per student and in the aggregate for any fiscal year are not budgeted at less than ninety percent (90%) of the combined fiscal effort per student or the aggregate of expenditures for the preceding fiscal year.

Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001  
34 Code of Federal Regulations (CFR) Part 200

Adoption Date: 3/23/09

Non-Instructional/Business  
Operations**SUBJECT: ALLOCATION OF TITLE I, PART A FUNDS IN THE DISTRICT****Allocation of Funds**

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

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

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

**Funds Will Supplement Not Supplant**

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

**Allocation Methodology**

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

20 USC §§ 6312-6315 and 6321

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

Adoption Date 6/17/19

Revision Date

Review Date

**SUBJECT: USE OF FEDERAL FUNDS FOR POLITICAL EXPENDITURES**

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

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

In recognition of this stricture, the Board of Education assigns the Purchasing Agent the responsibility of monitoring expenditures of federal funds so that said funds are not used for partisan political purposes by any person or organization involved in the administration of any federally-assisted programs.

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

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

Adoption Date: 3/23/09



**SUBJECT: FINANCIAL ACCOUNTABILITY**

School districts must have internal controls in place to ensure that the goals and objectives of the District are accomplished; laws, regulations, policies, and good business practices are complied with; operations are efficient and effective; assets are safeguarded; and accurate, timely and reliable data are maintained.

The Rocky Point Union Free 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, 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.

(Continued)

**SUBJECT: FINANCIAL ACCOUNTABILITY (Cont'd.)**

- 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 location.
- j) The District periodically verifies that its controls are working efficiently.
- k) The District requires all staff to take vacations during which time another staff member performs the duties of the staff on vacation.

8 New York Code of Rules and Regulations (NYCRR) Section 170.12

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

All Board members and officers, District employees and third party consultants are required to abide by the District's policies, administrative regulations and procedures in the 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 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 official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, District policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. *The application of 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.*

(Continued)

**SUBJECT: ALLEGATIONS OF FRAUD (Cont'd.)**

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

**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 against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practices or actions. Follow-up inquiries 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

Adoption Date: 3/23/09

**SUBJECT: AUDIT COMMITTEE**

An Audit Committee has been established by Board resolution. The Audit Committee may consist of:

- a) The Board of Education as a whole;
- b) A subcommittee of the Board of Education; or
- c) Combination of the Board and community members.

Persons other than Board members who serve on the committee shall be independent and shall not:

1. Be employed by the District;
2. Be an individual who within the last two (2) years provided, or currently provides, services or goods to the District;
3. Be the owner of or have a direct and material interest in a company providing goods or services to the District; or
4. Be a close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

The Audit Committee shall consist of at least three (3) members who should collectively possess knowledge in accounting, auditing, financial reporting, and School District finances. They shall serve without compensation, but shall be reimbursed for any actual and necessary expenditure incurred in relation to attendance at meetings. Employees of the District are prohibited from serving on the Audit Committee.

The role of the Audit Committee shall be advisory unless the Audit 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 Audit Committee shall develop and submit to the Board for approval a formal, written charter which includes, but is not limited to, provisions regarding the committee's purpose, mission, duties, responsibilities and membership requirements.

The Audit Committee shall schedule meetings as per the Audit Committee Charter and report to the Board on the activities of the Committee on an as needed basis, but not less than annually. The report will address or include at a minimum:

(Continued)

**SUBJECT: AUDIT COMMITTEE (Cont'd.)**

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

The responsibilities of the Audit Committee include the following:

- a) 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;
- 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 annual draft 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; and
- f) Review every corrective action plan developed by the School District and assist the Board in its implementation.

**Corrective Action Plan**

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

- a) The annual external audit report or management letter;
- b) A final audit report issued by the District's internal auditor;

(Continued)

**SUBJECT: AUDIT COMMITTEE (Cont'd.)**

- c) A final report issued by the State Comptroller;
- d) A final audit report issued by the State Education Department; or
- e) A final audit report issued by the United States or an office, agency or department thereof.

The corrective action plan must be filed with the State Education Department, and if appropriate, must include the expected date(s) of implementation. To the extent practicable, implementation of the corrective action plan should begin no later than the end of the next fiscal year.

Additional responsibilities of the Audit Committee include: assisting in the oversight of the Internal Audit Function including, but not limited to, providing recommendations regarding the appointment of the Internal Auditor; reviewing significant findings and recommendations of the Internal Auditor; monitoring the School District's implementation of such recommendations; and participating in the evaluation of the performance of the Internal Audit Function.

The Audit 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 Committee may be allowed to attend an Audit Committee meeting, including an executive session 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)  
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

Adoption Date: 3/23/09

Non-Instructional/Business  
Operations

**SUBJECT: INTERNAL AUDIT FUNCTION**

The District has established 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, procedures and practices;
- b) An annual review and update of such risk assessment;
- c) Annual testing and evaluation of one or more of the District's internal controls, taking into account risk, control weaknesses, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which analyze significant risk assessment findings, recommend changes for strengthening controls and reducing identified risks, and specify timeframes for implementation of 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 serving as the Internal Auditor and performing the Internal Audit Function shall report directly to the Board of Education. The Audit Committee shall assist in the oversight of the Internal Audit Function on behalf of the Board.

Education Law Sections 1950, 2116-b and 2116-c  
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

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

Adoption Date: 3/23/09



Non-Instructional/Business  
Operations**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 vehicles.

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

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

Education Law Sections 1709(8), 1709(26), 1709(34-b), 2503(10), 2503(10-a), 2503(10-b), 3023, 3028 and 3811  
General Municipal Law Sections 6-n and 52  
Public Officers Law Section 18

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

**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 established procedures.

Uniform System of Accounts for School Districts (Fiscal Section)

**SUBJECT: ACCOUNTING OF FIXED ASSETS**

The Assistant Superintendent for Business shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts and GASB Statement 34 Regulations.

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.

Fixed assets with a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics 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.

The Board has established that such threshold is one thousand dollars (\$1,000). A standardized depreciation method and averaging convention shall also be established for depreciation calculations.

Fixed assets acquired having a value equal to or greater than the established threshold are considered depreciable assets and shall be inventoried for the purposes of GASB 34 accounting practices and placed on a depreciation schedule according to its asset class and estimated useful life as stipulated by the New York State Comptroller's Office or the Internal Revenue Service (IRS).

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) Asset type;
- f) Estimated useful life;
- g) Replacement cost;
- h) Current value;
- i) Salvage value;
- a) Date and method of disposition; and
- b) Responsible official.

The Assistant Superintendent for Business 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.

**Construction and Remodeling of School Facilities**

All capital projects and maintenance must assure compliance with the requirements of the New York State Uniform Fire Prevention and Building Code, the Manual of Planning Standards and the Regulations of the Commissioner of Education. All new buildings must be formally submitted no matter the size or cost. The New York State Education Department Office of Facilities Planning has provided an Instruction Guide at <http://www.emsc.nysed.gov/facplan/ProjMgmt.htm>.

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 ten thousand dollars (\$10,000) or more, and for all projects affecting the health and safety of students.

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 (19 NYCRR Parts 1220 through 1226) and the State Energy Conservation Construction Code (19 NYCRR Part 1240).

For remodeling or construction projects costing five thousand dollars (\$5,000) or more, the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and Commissioner's Regulations Part 155, 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 five thousand dollars (\$5,000), the District shall assure compliance with the requirements of the State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 through 1226) and Commissioner's Regulations Part 155.

(Continued)

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

Pursuant to Labor Law, school districts must collect and maintain sworn to or affirmed as true payroll records of contractors and subcontractors on district capital projects and preserve such records for a pay period of five (5) years from the completion of the work on the awarded contract. The School Business Official will be responsible for receiving, collecting and reviewing payrolls of contractors and subcontractors for valid presentation. In the absence of the School Business Official, the Superintendent shall designate another individual to perform this responsibility. The names of these individuals and their designation shall be conspicuously posted at the project site.

**Inspections**

The administration of the School System shall cooperate with appropriate 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.

In accordance with law, local building inspectors may not enter District premises at any time they wish. Only the Fire Safety Inspector conducting the Annual Fire Safety Inspection may enter District premises for inspections.

In addition, per the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the District will at least once each school year inform all employees and building occupants (or their legal guardians) about all asbestos inspections, response actions, post-response action activities, as well as triennial re-inspection activities and surveillance activities that are either planned or in progress. Written notice will be provided in a District publication and will be filed in the District asbestos management plan.

**Comprehensive Public School Building Safety Program (Rescue)**

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

The program shall be reevaluated and made current at least annually, and shall include the following:

- a) A five (5) year capital facilities plan which will include an appraisal of the following: the educational philosophy of the District, with resulting administrative organization and program requirements; present and projected student enrollments; space use and State-rated student capacity of existing facilities; the allocation of instructional space to meet the

(Continued)

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

current and future education program and service needs, and to serve students with disabilities in settings with nondisabled peers; priority of need of maintenance, repair or modernization of existing facilities, including consideration of the obsolescence and retirement of certain facilities; and the provision of additional facilities.

- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
  - 1. Type of building, age of building, size of building;
  - 2. Rated capacity, current enrollment;
  - 3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
  - 4. Summary of triennial Asbestos Inspection reports.
- c) Annual Visual Inspections:
  - 1. An annual visual inspection of each occupied building and assignment of a safety rating score. The inspection committee must include a state certified code enforcement official, the District's Facility Director or designee, and a member of the District's Health and Safety Committee.
  - 2. The Commissioner shall require a re-inspection of school buildings where a report of inspection identified violations that, if uncorrected, would cause the department to deny an annual certificate of occupancy to such school building, and shall require additional re-inspections until it is demonstrated to the satisfaction of the Commissioner that said violations have been corrected,
- d) A building condition survey shall be conducted for all occupied school buildings once every five (5) years by a team that includes at least one (1) licensed architect or engineer.
- e) A District-wide monitoring system which includes:
  - 1. Establishing a Health and Safety Committee;
  - 2. Development of detailed plans and a review process of all inspections;
  - 3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.

(Continued)

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

- f) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:
1. Notification to parents, staff and the community at least two (2) months in advance of a construction project of ten thousand dollars (\$10,000) or more to be conducted in a school building while the building is occupied; provided, however, that in the case of emergency construction projects, such notice shall be provided as far in advance of the start of construction as is practicable;
  2. A plan to ensure that all contractors comply with all health and safety issues and regulations, and wear photo identification badges;
  3. An opportunity for the District's Health and Safety Committee to conduct a walk-through inspection of newly renovated or constructed areas to confirm that the area is ready to be reopened for use; and
  4. An emergency plan which will address potential concerns with the capital project including, but not limited to, evacuation procedures, fire drills, and structural failures.

Mandate Relief

## Fire Inspection:

Education Law Section 807-a

8 New York Code of Rules and Regulations (NYCRR) Section 155.4

## Health and Safety Committee:

8 New York Code of Rules and Regulations (NYCRR) Section 155.6 (c)(17)

## Health Inspection:

Education Law Section 906

## Asbestos Inspection:

40 Code of Federal Regulations (CFR) Part 763, Subpart E

Education Law Article 9-A

## 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

19 New York Code of Rules and Regulations (NYCRR) Sections 1220-1240

## Structural Safety Inspections:

Education Law Sections 409-d, 409-e, 3602 and 3641(4)

8 New York Code of Rules and Regulations (NYCRR) Sections 155.1, 155.3, 155.4(b)(1) and 155.6

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

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

19 New York Code of Rules and Regulations (NYCRR) Sections 1220-1240

Structural Safety Inspections:

Education Law Sections 409-d, 409-e, 3602 and 3641(4)

8 New York Code of Rules and Regulations (NYCRR) Sections 155.1, 155.3, 155.4(b)(1) and 155.6

Adoption Date: 3/23/09



**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 ensure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency, 40 Code of Federal Regulations (CFR) Parts 261 and 262  
6 New York Code of Rules and Regulations (NYCRR) Part 371

Non-Instructional/Business  
Operations**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) 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 time specified 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.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)****Pesticide Use on Common Areas**

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

An exception may be made for emergency applications of pesticide only when approved in advance by the School Superintendent. The Superintendent 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](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.

(Continued)

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

**SUBJECT: SMOKING, TOBACCO USE, AND CANNABIS (MARIJUANA) USE****School Grounds**

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

Smoking and vaping are prohibited within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this prohibition does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

Exceptions may exist for authorized medical cannabis use.

**Definitions:**

For purposes of this policy, the following definitions apply:

- a) "Electronic cigarette" (or "e-cigarette") means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.
- c) "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp. "School grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.
- d) "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco, cannabis, or cannabinoid hemp.
- e) "Tobacco products" means cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.
- f) "Vaping" means the use of an electronic cigarette.

(Continued)

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Revision Date 12/19/11, 5/21/13, 5/21/19, 8/23/21

Review Date

**SUBJECT: SMOKING/TOBACCO USE (Cont'd.)****Off-School Grounds**

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

**Notification**

In compliance with the applicable law, the District will prominently post its signs prohibiting smoking and vaping on school grounds. Appropriate District officials will inform individuals smoking or vaping in a non-smoking area that they are in violation of law and/or District policy.

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

**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

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

- a) On school grounds;
- b) In school vehicles;
- c) At school functions;
- 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 will be enforced in accordance with the District *Code of Conduct* and applicable collective bargaining agreements.

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

20 USC §§ 6081-6084, and 7971-7974

41 USC § 8101 et seq.

Education Law § 409

Penal Law § 222.10

Public Health Law §§ 1399-n, 1399-o, 1399-p, and 1399-aa

8 NYCRR §§ 155.5, and 156.3

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment  
#3410 -- Code of Conduct  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances  
District *Code of Conduct*

Adoption Date 3/23/09

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Review Date

Non-Instructional/Business  
Operations**SUBJECT: PEST MANAGEMENT AND PESTICIDE USE (Cont'd.)****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/PesticideNeighborNotificationGuidelinefor\\_Schools\\_091001.pdf](http://www.emsc.nysed.gov/facplan/documents/PesticideNeighborNotificationGuidelinefor_Schools_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. 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)

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Adoption Date 12/19/11  
Revision Date  
Review Date

**SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE****Energy/Water Conservation**

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, particularly in these times of declining levels of natural energy resources and increasing cost of these resources. The Board will maintain an aggressive and responsible program to reduce consumption of energy by its facilities and to provide education on the conservation of energy.

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.

**Recycling**

The Superintendent 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, including mercury-added consumer products; and
- d) A cooperative effort with community recycling programs.

Environmental Conservation Law Sections 27-2101-27-2115  
General Municipal Law Section 120-aa  
19 New York State Code of Rules and Regulations (NYCRR) Sections 1220-1226

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Adoption Date 3/23/09  
Revision Date  
Review Date 11/19/12



**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING**

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

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

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

**Access to Meals**

- a) Free meal benefit eligible students will be allowed to receive a free breakfast and lunch meal of their choice each day. A la carte items or other similar items must be paid/prepaid.
- b) Reduced meal benefit eligible students will be allowed to receive a breakfast of their choice for \$0.00 and lunch of their choice for \$0.00 each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A la carte items or other similar items must be paid/prepaid.
- c) Full pay students will pay for meals at the District's published paid meal rate each day. The charge meals offered to students will be reimbursable meals available to all students, unless the student's parent or guardian has specifically provided written permission to the District to withhold a meal. A form will be sent home to all parents/ guardians at the beginning of the school year giving them the option to disallow their child to charge meals. This form will be returned to the Director of Child Nutrition. A la carte items or other similar items must be paid/prepaid.
- d) The District will provide 30 day carryover of eligibility for free and reduced price students from the previous school year during the first 30 operating days of a new school year, or until a new eligibility determination is made, whichever is first.
- e) Students transferring from a Community Eligibility Provision (CEP) of Provision 2 (P2) participating school to our District will provide 30 days free eligibility or until a new eligibility determination is made, whichever comes first.

**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.

(Continued)

**SUBJECT: MEAL CHARGING AND PROHIBITION AGAINST MEAL SHAMING  
(Cont'd.)****Parent Notification**

- a) Parents/guardians will be notified, with clearly marked notices, that a student's meal card or account balance is exhausted and has accrued unpaid meal charges within five (5) days of the charge and then every thirty (30) days 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.
- e) Staff will not use a debt collector to collect unpaid meal charges.
- f) Staff will not serve alternative meals.
- g) 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.

(Continued)

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

- 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 <https://www.myschoolbucks.com/> or with a check payable to Rocky Point Child Nutrition. Further details are available on the District's webpage at [www.rockypointufsd.org](http://www.rockypointufsd.org). Funds should be maintained in accounts to minimize the possibility that a student may be without meal money on any given day. Any remaining funds for a particular student will be carried over to the next school year.

To obtain a refund for a withdrawn or graduating student, a written or 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 or with verbal phone approval.

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

**SUBJECT: DISTRICT WELLNESS POLICY**

The purpose of a Wellness Policy is to assist the Board of Education, Administration, and District Staff to support student achievement by creating a healthy school environment, as well as encourage students to make healthy choices.

In 2004 the United States Congress passed The Child Nutrition and WIC (Women, Infants, and Children) Reauthorization Act. This Federal Public Law (Pl 108.265 Section 204) requires school districts with federally funded food service programs to develop and adopt a Wellness Policy that addresses the nutritional and physical activities of their students. School districts must comply with this mandate by the start of the 2006-2007 school year beginning July 1. As districts develop their own specifically tailored Wellness Policy, they should receive input from their stakeholders, parents, students, school board members, school food service professionals, school administrators, licensed professionals, and the community. The law requires each school district to develop a Wellness Policy that includes references to nutrition and childhood obesity.

It is understood that children should have access to healthy foods, the opportunity to be physically active, and the opportunity to achieve personal success so that they can strive to become responsible citizens of our communities. It is commonly accepted that overall wellness improves student attendance, which in turn can improve a child's ability to learn.

Through the legislation cited above, the school community has been charged with aiding parents in being responsible for the overall health and well-being of their children. It is now predicted that the current generation of students will be the first to see a decline in their life expectancies compared to that of their parents. It has been reported that obesity rates are on the rise. It appears that physical inactivity and increased calorie intake are the predominant causes for this alarming trend. At the current time, it has been reported that heart disease, cancer, stroke, and diabetes are responsible for two-thirds of the deaths in the United States. The major risk factors for these diseases – unhealthy eating habits, physical inactivity, and obesity – are often established in a child's formative school years.

Whereas, children need access to an environment that encourages the practice of eating healthy foods and participating in life-long physical activities in order to grow, learn and thrive;

Whereas, health eating, adequate physical activity and better health enhances optimal student attendance and learning;

Thus, the Rocky Point Union Free School District is committed to providing school environments that educate and protect children's health, well-being, and ability to learn through healthy eating and physical activity. Therefore, it is the policy of the Rocky Point Union Free School District that:

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**

- a) The District will engage students, parents, teachers, school administrators, food service professionals, health professionals, Board of Education members, and other interested community members in developing, implementing, monitoring and reviewing the District-wide Wellness Policy on Nutrition and Physical Activity.
- b) All students in grades PreK-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- c) Foods and beverages sold or provided by schools will meet or exceed the minimum nutrient standards established by the USDA School Food Service Program. This is to be reviewed on a regular basis by the Superintendent, Board of Education, and Wellness Committee.
- d) The School Food Service Program will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutritional needs of students; and will provide clean, safe, pleasant settings and adequate time for students to eat. The School Food Service Program will be supervised by a director in accordance with the USDA Professional Standards for School Nutrition Professionals.
- e) All schools in the school District will participate in available Federal Meals Programs including the School Breakfast Program and National School Lunch Program.
- f) The District will continue to provide nutrition, health, and physical education that promotes health eating choices, encourages physical activity, and supports overall student wellness.
- g) Schools will establish linkages between health education and school meal programs.
- h) Schools will provide education to foster lifelong habits of healthful eating and physical activity.
- i) All school-based activities will be consistent with the District's Wellness Policy goals.
- j) To promote hydration, potable water will be available to all students and staff throughout the school day in each school. Potable water will also be available to all students and staff during meals.

**Federal Regulation:**

Part 210.11 of the National School Lunch Program and Part 220.12 of the School Breakfast Program regulations prohibit certain foods from being sold in food service areas during the breakfast or lunch period.

**Foods of Minimal Nutritional Value:**

All food will meet the USDA guidelines.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**

The prohibited foods specifically include soda water, water ices (excluding ices containing fruit or fruit juice), chewing gum, hard candy, jellies and gums, marshmallow candies, fondants (soft mints, candy corn), licorice, spun candy (cotton candy) and candy-coated popcorn.

New York State Law:

This law regarding the sale of non-nutritious foods is even more stringent. Chapter 647 of the Laws of 1987 prohibits the sale of the above-mentioned items, including all candy, from the beginning of the school day until the end of the last scheduled meal period in all parts of the building, in all public schools, regardless of whether or not the school participates in the Federal Child Nutrition Programs.

A public school cannot sell or serve soda or candy of any type in the student store or from a machine located **anywhere there is student access** in the building before the school day officially ends.

Nutrition Guidelines for Competitive Foods:

The sale of competitive foods may be allowed in the food service area during the lunch period only if all income from the sale of such foods accrues to the benefit of the nonprofit school food service or the school or student organizations approved by the school and follow the Smart Snacks Guidelines. Smart Snacks 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.

**Administrative**Policy Regulations and Guidelines

- a) The Rocky Point School District will create a Wellness Committee to develop, monitor, and review the School Food Service Program, and any Physical Activity Policies adopted by the District. The District will actively seek members for the Wellness Committee through the District website. The District will post a membership form which community members can submit to join the Wellness Committee. The Director of Child Nutrition will oversee the Wellness Committee which will convene a minimum of four times per year.
- b) The Wellness Committee may serve as a resource for schools while the Wellness Policy is being implemented.
- c) The Wellness Committee will research various communication tools, events and support programs to provide to parents, students and the community, along with information regarding the positive impact that healthy choices can have on their child's education and life.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)****Nutrition, Health, and Physical Education**  
Policy Regulations and Guidelines

Health Education will continue to:

- a) Teach, encourage, and support healthy choices by students.
- b) Integrate nutritional concepts into various subject areas.
- c) Promote nutritional education to students.
- d) Encourage students to start each day with a healthy breakfast.
- e) Share information with the community and parents to help encourage families to teach children about health and nutrition.

Implementation

Nutrition, Health, and Physical Education Programs, which include Health Education, Physical Education, and Family and Consumer Service courses, will meet the following New York State Learning Standards:

- a) Standard 1 – Personal Health and Fitness
- b) Standard 2 – A Safe and Healthy Environment
- c) Standard 3 – Resource Management 1, 2, and 3

**Physical Activity**Policy Regulations and Guidelines

- a) Teachers will be encouraged to develop lesson plans and opportunities that promote physical education, physical activities and nutrition education.
- b) Elementary students will continue to receive supervised recess periods during the day, preferably outdoors, during which the District will encourage physical activity. When possible, recess may be scheduled before a student's lunch period.
- c) In accordance with National and State recommended guidelines, the District recognizes the benefits of providing students with at least sixty minutes of physical activity per day. Opportunities for physical activity may include: physical education classes, recess periods, interscholastic athletics, intramural sports, physical activity programs, as well as the opportunities for physical activity programs that parents provide for their children outside of the school day.
- d) Physical activity equipment will continue to be maintained and safe for student use.
- e) The District will research methods of providing information and assisting parents to incorporate physical activity into their children's lives.

Other School Based Activities

- a) Students will be encouraged to adopt their own personal fitness plans and goals to create an environment that supports wellness.
- b) The District's Wellness Policy goals should be considered when planning school-based activities such as school events, field trips, dances, and assemblies.
- c) In the effort to support student wellness, to the extent possible, the District will encourage fundraising activities that promote students making healthy choices and consider food allergies.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**Implementation

- a) All students in grades K-12, including students with disabilities and students with special health care needs and students in alternative educational settings, shall receive physical education or its equivalent for the entire school year. Grades K-5 will receive physical education daily and grades 6-12 will receive physical education every other day.
- b) A certified physical education teacher will teach all physical education classes. Student involvement in other activities involving physical activity (e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement.
- c) Students will spend at least 50% of physical education class time participating in moderate to vigorous physical activity.
- d) All elementary school students will have 20 minutes each day of supervised recess (weather permitting and preferably outdoors) during which school personnel should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment.

**Use of Food During the School Day**Policy Regulations and Guidelines

- a) Food and beverages sold by the Food Service Program will offer a variety of healthy choices and should include selections that fall under the NYS/ USDA guidelines. This includes vending machines and a la carte sales.
- b) The Food Service Program will take every measure to ensure that the foods and beverages they serve meet the nutrition requirements established by local, State and Federal regulation guidelines.
- c) Teachers will continue to promote healthy choices for students' classroom snacks which will be brought from home for individual consumption only.
- d) K-8<sup>th</sup> grade Cultural Celebrations/ Events: Cultural foods will not be permitted as part of a celebration of ethnic diversity. Other forms of recognition of the event can be used.
- e) In an effort to create a safer and more inclusive learning environment for all students, teachers are encouraged to use non- food items for instructional purposes. If food is to be used for a specific instructional purpose, it is subject to the following guidelines:
  1. Prior to the lesson including food, teachers are to check student allergies, 504 plans, IEP's and consent to participate forms. All efforts should be taken to omit specific foods students may be allergic to. Prior to implementing a lesson plan that includes food, written parental consent for all students must be received.
  2. Modifications should be made if parental consent is not given for a particular student ensuring that the student can participate in the lesson plan.
  3. Foods of minimal nutritional value (cake, candy, cookies, etc.) are not to be used for instructional purposes (excluding grades 6-12 classes in Family Consumer Science, Life Skills and Science).
  4. Due to severe allergic reactions, peanuts/peanut products and tree nuts/ tree nut products will not be used for instructional purposes.

(Continued)



**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**Implementation

\*\*No food shall be used for birthday celebrations, seasonal celebrations or as an incentive or reward during the school day. Food used for instruction will take into consideration student allergies/restrictions as per the policy regulations and guidelines.

Teachers may recommend snacks to parents on their e Board pages at the start of each school year. Food shall **not** be used or distributed during the school day (excluding grades 9-12) (or otherwise during the school day with respect to subsections “a” & “c” below) for the following reasons:

- a) As an incentive or reward
- b) For instructional purposes (except for those previously mentioned)
- c) As part of holiday, cultural or seasonal celebration

\*\* Celebrating holidays and seasons with special privileges, activities, songs, games, etc. shall be encouraged as an alternative to food-based celebrations.

Fundraising:

a) Food cannot be sold as a fundraiser on campus during the school day up to ½ hour after the last class ends.

b) Building use forms will be filled out each time the school is used for an outside event. There will be a section on the form for allergy awareness information. In such section, groups will be encouraged to use allergy- friendly and nut- free snacks and foods in their sales and meals. In connection therewith, groups will be encouraged to read food labels to help in selecting snacks and foods that are allergy- friendly and do not include peanuts or tree nuts as ingredients. Visit the district website at <http://www.rockypointufsd.org/resources/links> for additional food allergy information. All areas where food is consumed by groups should be sanitized and safe for students to use the next day.

**Nutrient Standards**Policy Regulations and Guidelines

## Food Safety and Environment

- a) Food and beverages sold by the Food Service Program should comply with the Local, State and Federal food safety and sanitation regulations.
- b) To the extent possible, the District will provide students adequate time, 15 minutes from the time the student is seated, for lunch.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**

- c) The District will continue to:
  - 1. Encourage children to eat breakfast.
  - 2. Operate, if supported by the community a School Breakfast Program.
  - 3. If applicable, notify parents and students of the availability of healthy breakfast items.
- d) If possible, lunch periods may be scheduled in the middle of the student's school day.
- e) When possible, schools should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may be permitted to eat during such activities.
- f) Dining areas should be clean and have comfortable space for seating students.
- g) Students will be reminded and encouraged to wash their hands before and after eating.
- h) Food should not be used as a reward or a punishment for student behaviors, unless it is detailed in a student's Individualized Education Plan (IEP).
- i) Given concerns about sanitation, allergies and other restrictions on some children's diets, students will be discouraged from sharing their foods or beverages with one another during meal or snack times.
- j) The District will continue to promote and encourage access to complete lunch meal for students.
- k) The District will replace or update equipment, when it is able to, that markets or advertises foods/ beverages that do not promote good nutrition and health.

**Food Service Program**

- a) Continues to be an educational support activity and remain financially self-supporting.
- b) Will continue in its attempt to provide affordable access to a variety of nutritious foods that support healthy choices for student wellness.
- c) The District will continue to employ a Food Service Director, who is properly qualified, certified and/or credentialed, to manage the School Food Service Program.
- d) School food service personnel shall have adequate training in food service operations, and are considered an integral part of the school community.
- e) The District will prevent the overt identification of students eligible for free and reduced price school meals by using electronic identification and payment systems.
- f) For safety and security of the food and facility, access to the food service operations are limited to food service staff and authorized persons.

(Continued)

**SUBJECT: DISTRICT WELLNESS POLICY (Cont'd.)**Implementation

During the school day (the period from midnight before to 30 min. after the end of the official school day), all food sold or provided to children within the Rocky Point Union Free School District will meet USDA guidelines including all meals, snacks and beverages.

**Monitoring/Review of Policy**

- a) The Superintendent (or designee) will ensure compliance with established District-wide Nutrition and Physical Activity Wellness Policy. All of the Wellness information can be downloaded and printed by community members. Contact information will also be on the website.
- b) Nutrition education goals will be set, assessed and reported on annually.
- c) Allergy education for staff and students will be encouraged.
- d) School Food Service staff will ensure compliance with nutrition policies within school food service areas and will report on this matter to the Superintendent or designee.
- e) This policy will be reviewed annually, or a minimum of every three years, to determine compliance with the policy and progress in attaining policy goals. The School Food Service Program operates on a self-sufficient, not-for-profit basis, and must remain financially solvent.

Note:

A resource binder to facilitate the implementation of this policy shall be available in the following locations:

- a) Child Nutrition Office (HS)
- b) District Office
- c) Café Manager's Office (FJC, JAE, MS)

Resource information and links will be available to all on the district website.

Child Nutrition and WIC Reauthorization Act of 2004, Public Law 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  
Healthy Hunger Free Kids Act of 2010, Federal Register, Vol. 78, No. 36

**SUBJECT: RECORDS MANAGEMENT**

The Superintendent will designate a Records Management Officer, subject to Board approval, to develop and coordinate the District's orderly and efficient records management program. Among other aspects, this program includes the legal disposition or destruction of obsolete records and the storage and management of inactive records. The Records Management Officer will work with other District officials to develop and maintain this program.

The District may create a Records Advisory Board to assist in establishing and supporting the records management program. Members of this board may include the District's legal counsel, the fiscal officer, and the Superintendent or designee, among others.

**Retention and Disposition of Records**

The District will retain records and dispose of them in accordance with the Retention and Disposition Schedule for New York Local Government Records (LGS-1) or as otherwise approved by the Commissioner of Education. Further, if any law specifically provides a retention period longer than that established by this schedule, the retention period established by the law will govern.

**Replacing Original Records with Microforms or Electronic Images**

The District will follow procedures prescribed by the Commissioner of Education to ensure accessibility for the life of any microform or electronic records that replace paper originals or micrographic copies.

**Retention and Preservation of Electronic Records**

The District shall ensure that records retention requirements are incorporated into any program, plan and process for design, redesign, or substantial enhancement of an information system that stores electronic records. The District will also ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements expire.

**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;
  5. Taking other appropriate measures to determine the competency and integrity of the potential disposal company; or
  6. Requiring that the disposal company have a certificate of registration from the New York Department of State issued on or after October 1, 2008.
- d) For persons (as defined in accordance with the Fair Credit Reporting Act) or entities who maintain or otherwise possess consumer information through their provision of services directly to a person subject to the Disposal Rule, monitoring compliance with policies and procedures that protect against unauthorized or unintentional disposal of consumer information, and disposing of such information in accordance with examples a) and b) above.

(Continued)

**SUBJECT: DISPOSAL OF CONSUMER REPORT INFORMATION AND RECORDS  
(Cont'd.)**

**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  
General Business Law Article 39-G

Adoption Date: 3/23/09

**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) "Personal information" means any information concerning a person which, because of name, number, symbol, mark, or other identifier, can be used to identify that person.
- b) "Private information" means either:
  1. \*\*Personal information consisting of any information in combination with any one or more of the following data elements, when either the data element or the combination of personal information plus the data element is not encrypted or encrypted with an encryption key that has also been accessed or acquired:
    - a. Social security number;
    - b. Driver's license number or non-driver identification card number;
    - c. Account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial account;
    - d. Account number, or credit or debit card number, if circumstances exist where the number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or
    - e. Biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as fingerprint, voice print, retina or iris image, or other unique physical representation or digital representation which are used to authenticate or ascertain the individual's identity;
  2. A username or email address in combination with a password or security question and answer that would permit access to an online account. "*Private information*" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.
- c) "Breach of the security of the system," means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the District. Good faith acquisition of personal information by an employee or agent of the District for the purposes of the District is not a breach of the security of the system, provided that private information is not used or subject to unauthorized disclosure.

(Continued)



**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)****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;
- 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.
- 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 integrity of the data system. The District shall consult with the New York State Office of Information Technology Services to determine the scope of the breach and restoration measures. Within 90 days of the notice of the breach, the New York State Office of Information Technology Services will deliver a report to the District on the scope of the breach and recommendations to restore and improve the security of the system.
- b) Notice to affected persons under State Technology Law is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the District reasonably determines the exposure will not likely result in the misuse of the information, or financial or emotional harm to the affected persons. This determination must be documented in writing and maintained for at least five years. If the incident affected over 500 New York State residents, the District will provide the written determination to the New York State Attorney General within ten days after the determination.

(Continued)

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- c) If notice of the breach of the security of the system is made to affected persons pursuant to the breach notification requirements under certain laws and regulations, the District is not required to provide additional notice to those affected persons under State Technology Law. However, the District will still provide notice to the New York State Attorney General, the New York State Department of State, the New York State Office of Information Technology Services, and to consumer reporting agencies.
- d) For any computerized data maintained by the District that includes private information which the District does not own, the District 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, accessed or 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.

If the District is required to provide notification of a breach, including breach of information that is not private information, to the United States Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 or the Health Information Technology for Economic and Clinical Health Act, it will provide notification to the New York State Attorney General within five business days of notifying the United States Secretary of Health and Human Services.

**Methods of Notification**

The required notice 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 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 the notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
- e) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

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**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- d) Substitute notice, if the District demonstrates to the New York State Attorney General that the cost of providing notice would exceed \$250,000, or that the affected class of subject persons to be notified exceeds \$500,000, or that the District does not have sufficient contact information. Substitute notice 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 will include:

- a) Contact information for the notifying District;
- b) The telephone numbers and websites of the relevant state and federal agencies that provide information regarding security breach response and identity theft prevention and protection information; and
- c) A description of the categories of information that were, or are reasonably believed to have been accessed or acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been accessed or acquired.

In the event that any New York State residents are to be notified, the District shall notify the New York State Attorney General, New York State Department of State, and New York State Office of Information Technology Services as to the timing, content and distribution of the notices and approximate number of affected persons and provide a copy of the template of the notice sent to affected persons. This notice will be made without delaying notice to affected New York State residents.

In the event that more than five thousand (5,000) New York State residents are to be notified at one time, the District shall also notify consumer reporting agencies, , as to the timing, content and distribution of the notices and approximate number of affected persons. This notice will be made without delaying notice to affected New York State residents.

A list of consumer reporting agencies shall be compiled by the State Attorney General and furnished upon request to any districts required to make a notification in accordance with State Technology Law.

State Technology Law §§ 202 and 208

## Non-Instructional/Business Operations

**SUBJECT: STUDENT GRADING INFORMATION SYSTEMS (Cont'd.)**

The staff member seeking to change a grade will submit a grade-change form signed by the requesting party, the teacher who assigned the original grade, and the appropriate administrator. This form will be filed and maintained for six years. The personnel seeking the modification should specify one or more reasonable grounds for the grade change on the form. There must be reasonable grounds to alter a grade. The reasons may include:

- a) Data entry error;
- b) Computational error;
- c) A modification based on work submitted or considered after the lockout date;
- d) Changing an incomplete grade to a regular grade because a student completed course requirements;
- e) Credit recovery coursework;
- f) Administrative change; or
- g) Other acceptable justifications.

**Audit Log and Monitoring**

The District's grading system will have an audit log or grade-change report function that records certain system activities, including modifications to grades. The District will periodically monitor audit logs or grade-change reports to confirm the integrity of the system, to ensure proper access by personnel, and to confirm that modifications within the system are appropriate and completed in a timely manner. The District will also periodically monitor user accounts and rights so that the permissions granted are proper and the minimum necessary for each user or user group. To the extent feasible, the District will make sure that user accounts are current and updated regularly. The District will be able to print user information, logs, reports, and other documents from the student grading information system, as needed.

**Student Transcripts**

Student transcripts may show all credit-bearing classes; final grades; test scores; grade-point average; class rank; diploma type; SAT, ACT, and other standardized test scores; and graduation date. The same controls, protections, and monitoring applicable to student grading information apply equally to student transcripts.

Adoption Date 6/20/16

Revision Date

Review Date

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA**

The District is committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the District and when disclosing or releasing it to others, including, but not limited to, third-party contractors. The District adopts this policy to implement the requirements of Education Law Section

2-d and its implementing regulations, as well as to align the District's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

**Definitions**

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

(Continued)

Non-Instructional/Business  
Operations**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)

Non-Instructional/Business  
Operations**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.

**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.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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 the Executive Director for Educational Services.

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.

**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.

(Continued)



Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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.

**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;

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

- 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.

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.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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.

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.

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Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**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.

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 District's Bill of Rights will state in clear and plain English terms that:

- a) A student's PII cannot be sold or released for any commercial purposes;
- b) Parents have the right to inspect and review the complete contents of their child's education record;
- c) State and federal laws protect the confidentiality of PII, 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;
- d) A complete list of all student data elements collected by the state is available for public review at the following website <http://www.nysed.gov/student-data-privacy/student-data-inventory> or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234; and
- e) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be submitted using the form available at the following website <http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure>.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

The Bill of Rights will also include supplemental information for each contract the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District. The supplemental information must be developed by the District and include the following information:

- a) The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
- b) How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
- c) The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
- d) If and how a parent, student, eligible student, teacher, or principal may challenge the accuracy of the student data or teacher or principal data that is collected;
- e) Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and
- f) Address how the data will be protected using encryption while in motion and at rest.

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.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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:

- 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, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

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Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)****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.

**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.

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Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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
- 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

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Non-Instructional/Business  
Operations**SUBJECT: PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (Cont'd.)**

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.

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

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Adoption Date 8/24/20

Revision Date

Review Date

**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.
- 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 Information Technology Services 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.

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;
- e) Telephone notification, provided that a log of each such notification is kept by the District when notifying affected persons by phone; or

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**SUBJECT: INFORMATION SECURITY BREACH AND NOTIFICATION (Cont'd.)**

- 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 New York State Attorney General (AG), the New York State Department of State, and the New York State Office of Information Technology Services 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.

State Technology Law Sections 202 and 208

**SUBJECT: SAFETY AND SECURITY**

The Board of Education of the Rocky Point Union Free 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 that 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 ensure 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 reports to the Board of Education regarding the significant aspects of safety and security of the District.

**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.

**Hazard Communication Standard**

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 Superintendent/designee shall maintain a current record of the name, address and social security number of every employee who handles or uses toxic substances and which substance(s) were handled or used by the employee.

(Continued)

**SUBJECT: SAFETY AND SECURITY (Cont'd.)**

Rules and regulations will be developed to ensure District implementation of this policy which shall include awareness information, employee training and record keeping.

Occupational Safety and Health Administration (OSHA), 29 Code of Federal Regulations (CFR)

Section 1910.1200

Labor Law Sections 27-a and 879

12 New York Code of Rules and Regulations (NYCRR) Part 820, Article 28

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adoption Date: 3/23/09

**SUBJECT: SCHOOL SAFETY PLANS**

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies.

These plans will be reviewed by the appropriate team on at least an annual basis and updated as needed by September 1. Specifically, the Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plans may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Additionally, the District-wide school safety plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

**District-Wide School Safety Plan**

*District-wide school safety plan* means a comprehensive, multi-hazard school safety plan that covers all school buildings of the School District that addresses prevention and intervention strategies, emergency response and management at the District level and has the contents as prescribed in Education Law and Commissioner's Regulations.

The *District-wide school safety plan* shall be developed by the District-wide school safety team appointed by the Board of Education. The District-wide team shall include, but not be limited to, representatives of the School Board, student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves (e.g., suicide).

**Building-Level School Safety Plans**

*Building-level school safety plan* means a building-specific school emergency response plan, or a component part of the district-wide safety plan, that addresses prevention and intervention strategies, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's Regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

(Continued)

**SUBJECT: SCHOOL SAFETY PLANS (Cont'd.)**

The building-level plan shall be developed in accordance with the guidelines contained with the District safety plan and in compliance with applicable regulations and law.

Classroom door vision panels will not be covered except as outlined in the building-level emergency response plan.

**Training Requirement**

The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

**Filing/Disclosure Requirements**

The District shall file a copy of its comprehensive District-wide school safety plan and any amendments thereto with the Commissioner of Education in accordance with the procedure for same, as promulgated by the Commissioner of Education. Building-level emergency response plans shall be confidential and shall **not** be subject to disclosure under the Freedom of Information Law or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD-8  
Homeland Security Act of 2002, 6 United States Code (USC) Section 101  
Education Law §§ 807, 2801-a  
Public Officers Law Article 6  
8 New York Code of Rules and Regulations (NYCRR) Section 155.17

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Adoption Date 3/23/09

Revision Dates 8/29/11, 7/11/13

Review Dates 07/12/12, 8/25/14, 8/31/15, 8/29/16, 8/28/17, 8/27/18, 6/17/19, 8/24/20, 8/23/21, 8/29/22, 8/28/23

**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 mean 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.

(Continued)



**SUBJECT: CARDIAC AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN  
PUBLIC SCHOOL FACILITIES (Cont'd.)**

The District will provide for regular maintenance and checkout procedures of the AED unit(s) which meet or exceed manufacturer's recommendations. Appropriate documentation will be maintained in accordance with law and/or regulation. Further, the District will participate in the required Quality Improvement Program as determined by the Regional Emergency Medical Services Council.

The District shall post a sign or notice at the main entrance to the facility or building in which the AED unit(s) is stored indicating the exact location where the unit(s) is stored or maintained on a regular basis.

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) Sections 135.4 and 136.4

Adoption Date: 3/23/09

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS****Fire Drills**

The administration of each school building shall provide instruction for and training of students, through fire drills, in procedures for leaving the building in the shortest possible time and without confusion or panic.

Fire and emergency drills will be held at least 12 times in each school year; eight of these will be completed by December 31. Eight of all drills will be evacuation drills, four will be through use of the fire escapes on buildings where fire escapes are provided or identified secondary exits. The other four drills will be lock-down drills. Drills will be conducted at different times of the school day. Students will also be instructed in the procedures to be followed in the event that a fire occurs during the regular school lunch period or assembly, however, this additional instruction may be waived if a drill is held during the regular lunch period or assembly.

**Summer School**

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

**After-School Programs, Events, and Performances**

The Building Principal or his/her designee shall require those in charge of after-school programs, events or performances 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****School Bomb Threats**

A bomb threat, even if later determined to be a hoax, is a criminal action. No bomb threat should be treated as a hoax when it is first received. The school has an obligation and responsibility to ensure the safety and protection of the students and other occupants upon the receipt of any bomb threat. This obligation must take precedence over a search for a suspect object. Prudent action is dependent upon known information about the bomb threat - location, if any; time of detonation; etc. If the bomb threat is targeted at the school parking lot or the front of the school, building evacuation may not be an appropriate response. Specific procedures as to appropriate responses as a result of a bomb threat can be located in the building-level emergency response plan, as required by relevant law and regulation.

**Police Notification and Investigation**

Appropriate law enforcement agencies must be notified by the building administrator or designee of any bomb threat as soon as possible after receiving the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

**Implementation**

The Superintendent or designee will develop written procedures to implement the terms of this policy. Additionally, these procedures will be incorporated in the District-wide school safety plan and the building-level emergency response plan, with provisions to provide written information to all staff and students regarding emergency procedures by October 1 of each school year, an annual drill to test the emergency response procedures under each of its building-level emergency response plans; and the annual review of the District-wide and building-level emergency response plans, along with updates as necessary, by September 1, as mandated by law or regulation.

(Continued)

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)****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 seven (7) days of school, the second drill between November 1 and December 31, and the third drill between March 1 and April 30. No drills shall be conducted when buses are on routes.

Students who ordinarily walk to school shall also be included in the drills. Students attending public and nonpublic schools who do not participate in regularly scheduled drills shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills.

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 with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;
- c) Orderly conduct as bus passengers.

**Instruction on Use of Seat Belts**

When a school bus is equipped with seat safety belts, the District shall ensure that all students who are transported on such school bus owned, leased or contracted for by the District or BOCES shall receive instruction on the use of seat safety belts. Such instruction shall be provided at least three (3) times each year to both public and nonpublic school students who are so transported and shall include, but not be limited to:

- a) Proper fastening and release of seat safety belts;
- b) Acceptable placement of seat safety belts on students;
- c) Times at which the seat safety belts should be fastened and released; and
- d) Acceptable placement of the seat safety belts when not in use.

Education Law Sections 807, 2801-a and 3623

Penal Law Sections 240.55, 240.60 and 240.62

8 New York Code of Rules and Regulations (NYCRR) Sections 155.17, 156.3(f), 156.3(g) and 156.3(h)(2)

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Adoption Date 3/23/09

Revision Date 5/21/19, 6/17/19

Review Date



**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 School District personnel or 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 camera 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 camera surveillance recordings that are retained beyond the retention limits of the recording device, will be stored in their original form and secured to avoid tampering and ensure confidentiality in accordance with applicable laws and regulations.

(Continued)

**SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT (Cont'd.)**

Requests for viewing a camera surveillance 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, other than for use by the District as approved by the Superintendent in advance, will the District's camera surveillance 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.

**SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to blood borne pathogens. According to the New York State Department of Labor's Division of Safety and Health and Occupational Safety and Health Administration (OSHA) standards, the program 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 Human Immunodeficiency Virus (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.

29 Code of Federal Regulations (CFR) Section 1910.10:30

**SUBJECT: COMMUNICABLE DISEASES**

Whenever, upon investigation and evaluation by the School Physician/Chief Medical Officer or other health professionals acting upon direction or referral of the School Physician/Chief Medical Officer, a student in the public schools shows symptoms of any communicable or infectious disease reportable under the public health law that imposes a significant risk of infection of others in the school, he/she shall be excluded from the school and sent home immediately, in a safe and proper conveyance. The District shall immediately notify a local public health agency of any disease reportable under the public health law.

Following absence on account of illness or from unknown cause, the School Physician/Chief Medical Officer may examine each student returning to a school without a certificate from a local public health officer, a duly licensed physician, physician assistant, or nurse practitioner.

The School Physician/Chief Medical Officer, or other health professionals acting upon direction or referral of the School Physician/Chief Medical Officer, may, upon the request of the Superintendent of Schools, make evaluations of teachers and any other school employees, school buildings and premises as, in their discretion, they may deem necessary to protect the health of the students and staff.

Regulations and procedures will be developed for dealing with communicable diseases (including, but not limited to, pandemic flu) in ways that protect the health of both students and staff while minimizing the disruption of the education process.

Education Law Section 906

8 New York Code of Rules and Regulations (NYCRR) Section 136.3(h) and 136.3(i)

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Adoption Date 3/23/09

Revision Date 12/19/11

Review Date



**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 a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

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.

Public Health Law Article 27-F

**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 Department of Motor Vehicles 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.

Education Law Sections 3602(7) and 3635 et seq.

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adoption Date: 3/23/09

2007

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 3620-3628, 3635 and 3636

Adoption Date: 3/23/09

**SUBJECT: TRANSPORTATION OF STUDENTS****Requests for Transportation to and from Non-Public Schools**

The parent or person in parental relation 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 person in parental relation shall be denied where a reasonable explanation is provided for the delay. By District policy, transportation of students to private or parochial schools is limited to 19.9 miles each way from the nearest District boundary to the private or parochial school.

**Transportation to Nonpublic Schools on Holidays**

When a holiday falls on a Saturday or Sunday, the Board of Education may choose to close on Friday or Monday in observance of the holiday. Schools that close may provide pupil transportation. However, if the District has not shared its calendar and informed nonpublic schools that it will not transport on the optional holiday, the District is required to provide pupil transportation services on that day to nonpublic schools that are open.

**Transportation for Nonpublic School Students with Disabilities who are Parentally Placed**

For students with disabilities (ages 5 through 21) who are parentally placed in nonpublic schools outside their district of residency, if special education services are to be provided to a student at a site other than the nonpublic school, the school district of location is responsible for providing the special education services, including, as applicable, arranging and providing transportation necessary for the student to receive special education services. The 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.

**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.

**Student Information**

Any mode of transportation used on a regular basis to transport students with a disability on a regularly scheduled route shall, upon written consent of the parent or person in parental relation, have

(Continued)

**SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)**

maintained on such mode of transportation the following information about each student being transported:

- a) Student's name;
- b) Nature of the student's disability;
- c) Name of the student's parent, guardian or person in a position of loco parentis (person in parental relation) and one or more telephone numbers where such person can be reached in an emergency; and/or
- d) Name and telephone number of any other person designated by such parent, guardian or person in a position of loco parentis as a person who can be contacted in an emergency.

Such information shall be used solely for the purpose of contacting such student's parent, guardian, person in a position of loco parentis, or designee in the event of an emergency involving the student, shall be kept in a manner which retains the privacy of the student, and shall not be accessible to any person other than the driver or a teacher acting in a supervisory capacity. In the event that the driver or teacher is incapacitated, such information may be accessed by any emergency service provider for such purpose.

Such information shall be updated as needed, but at least once each school year and shall be destroyed if parental consent is revoked, the student no longer attends such school, or the disability no longer exists.

Herein the term "disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of the student, whether of a temporary or permanent nature.

**Fire Extinguishers**

School buses manufactured on or after January 1, 1990 fueled with other than diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers and used to transport such students shall be equipped with an automatic engine fire extinguishing system.

School buses manufactured on or after September 1, 2007 fueled with diesel fuel and used to transport three (3) or more students who use wheelchairs or other assistive mobility devices or with a total capacity of more than eight (8) passengers used to transport such students shall be equipped with an automatic engine fire extinguishing system.

The purchase of automatic engine fire extinguishing systems for school buses used to transport such students shall be deemed a proper school district expense.

(Continued)

**SUBJECT: TRANSPORTATION OF STUDENTS (Cont'd.)****Transportation of Non-Resident Students**

Non-resident families must provide their own transportation.

**Transportation to School Sponsored Events**

Where the District has provided transportation to students enrolled in the District to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the District unless the parent or legal guardian of a student participating in such event has provided the District with written notice, consistent with District policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the District impractical, a representative of the School District shall remain with the student until such student's parent or legal guardian has been contacted and informed of the intervening circumstances which make such transportation impractical; and the student has been delivered to his/her parent or legal guardian.

**Transportation in Personal Vehicles**

Personal cars of teachers and staff shall not be used to transport students except in the event of extenuating circumstances and authorized by the administration.

Education Law Sections 1604, 1709, 1804, 1903, 1950, 2503, 2554, 2590-e, 3242, 3602-c, 3621(15),  
3623-a(2c), 3635, 4401-a, 4401(4), 4402, 4404, 4405, and 4410-6  
Vehicle and Traffic Law Section 375(20)(1) and 375(21-i)

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adoption Date: 3/23/09

**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.

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 by vendors/contract bus companies with whom the District contracts will have frequent safety inspections and be serviced regularly. The Transportation Supervisor will maintain a comprehensive record of all maintenance performed on each vehicle.

Every bus driver is required to report promptly 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 by the vendors/contract bus companies.

Education Law Section 3623

Vehicle and Traffic Law Sections 509-a(7), 509-1(1-b), 1174(a) and 1174(b)

8 New York Code of Rules and Regulations (NYCRR) Section 156.3

NOTE: Refer also to Policies #5683 -- Fire Drills, Bomb Threats and Bus Emergency Drills  
#5751 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adoption Date: 3/23/09

**SUBJECT: QUALIFICATIONS OF BUS DRIVERS**

A person shall be qualified to operate a bus only if such person:

- a) Is at least twenty-one (21) years of age;
- b) Has been issued a currently valid operator's or commercial driver's license which is valid for the operation of a bus in New York State;
- c) Has passed the annual bus driver physical examination administered pursuant to Regulations of the Commissioner of Education and the Commissioner of Motor Vehicles. In no case shall the interval between physical examinations exceed a thirteen-month (13) period;
- d) Is not disqualified to drive a motor vehicle under Vehicle and Traffic Law Sections 509-c and 509-cc and any other provisions of Article 19-A;
- e) Has on file at least three (3) statements from three (3) different persons who are not related to the driver/applicant pertaining to the moral character and to the reliability of such driver/applicant;
- f) Has completed, or is scheduled to complete, State Education Department safety programs as required by law;
- g) Is in compliance with federal law and regulations, as well as District policy and/or regulations, as it pertains to meeting the standards governing alcohol and controlled substance testing of bus drivers if and when applicable;
- h) Has taken and passed a physical performance test at least once every two (2) years and/or following an absence from service of sixty (60) or more consecutive days from his/her scheduled work duties; and
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

**Special Requirements For New Bus Drivers**

Before a vendor/contract bus company employs a new bus driver, the Superintendent or his/her designee shall be entitled to:

- a) Require such person to pass a physical examination within four (4) weeks prior to the beginning of service;

(Continued)



**SUBJECT: QUALIFICATIONS OF BUS DRIVERS (Cont'd.)**

- b) Obtain a driving record from the appropriate agency in every state in which the person resided, worked, and/or held a driver's license or learner's permit during the preceding three (3) years;
- c) Investigate the person's employment record during the preceding three (3) years;
- d) Require such person to submit to the mandated fingerprinting procedures/criminal history background check;
- e) Request the Department of Motor Vehicles to initiate a driving record abstract check; and
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

**Occasional Drivers**

Under Commissioner's Regulations, an occasional driver is defined as a certified teacher employed by a school district or Board of Cooperative Educational Services (BOCES) who is not primarily employed as a school bus driver or substitute bus driver on either a full-time or part-time basis. Occasional drivers used for other than regular routes are not required to fulfill the training required for regular school bus drivers.

Omnibus Transportation Employee Testing Act of 1991, (Public Law 102-143)  
49 United States Code (USC) Section 521(b)  
49 Code of Federal Regulations (CFR) Parts 40, 382, 391, 392 and 395  
Education Law Section 3624  
Vehicle and Traffic Law Sections 509-c, 509-cc and Article 19-A  
8 New York Code of Rules and Regulations (NYCRR) Section 156.3  
15 New York Code of Rules and Regulations (NYCRR) Part 6

NOTE: Refer also to Policy #5751 -- Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Adoption Date: 3/23/09

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES**

In accordance with federal regulations, employees in safety-sensitive positions as defined in regulations who are required to have and use a commercial drivers license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety-sensitive positions.

The District shall ensure that vendors/contract bus companies either establish and manage their own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety-sensitive positions. Safety-sensitive employees (SSEs), including school bus drivers and other employees, who drive a vehicle which is designed to transport sixteen (16) or more passengers (including the driver), shall be subject to this requirement.

Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:

- a) Drug testing will be conducted after an offer to hire, but before actually performing safety-sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety-sensitive position.
- b) Safety-sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety-sensitive functions.
- c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.
- d) There will also be post accident testing conducted after accidents on employees whose performance could have contributed to the accidents.
- e) Finally, return-to-duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty.

All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

The following alcohol and controlled substance-related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:

- 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 twenty-four (24) hours, but no punitive action will be taken by the employer.
- b) Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- c) Using alcohol while performing safety-sensitive functions.
- d) Using alcohol four (4) hours or less before duty. (New York State law prohibits use six (6) hours or less before duty.)
- e) When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- f) Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- g) Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.
- h) Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to the vendors'/contract bus companies' policies and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

(Continued)

**SUBJECT: DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND  
OTHER SAFETY-SENSITIVE EMPLOYEES (Cont'd.)**

- a) Evaluated by a substance abuse professional (SAP).
- b) Complete any requirements for rehabilitation as set by the District and the SAP.
- c) Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
- d) The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.

The Superintendent of Schools shall ensure that each vendor/contract bus company receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each vendor/contract bus company, and the vendor/bus company shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees.

The Superintendent or his/her designee can assist vendors/contract bus companies with arrangements for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.

Any significant violation of this policy and/or District procedures, and applicable federal and state laws by vendors/contract bus companies and other employees shall result in revocation of their contract for the transportation of students.

Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 United States Code (USC)  
Sections 31136 and 31306  
49 Code of Federal Regulations (CFR) Parts 40, 172, 382, 383, 391, 392 and 395  
Vehicle and Traffic Law Section 509-L

Adoption Date: 3/23/09

**SUBJECT: IDLING SCHOOL BUSES ON SCHOOL GROUNDS**

The District recognizes the need to promote the health and safety of District students and staff and to protect the environment from harmful emissions found in bus and vehicle exhaust. 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 or adjacent to any school. Rather than waiting for all buses to arrive before loading or unloading, individual buses will be loaded and unloaded to minimize idling. This policy 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.

**Exceptions**

Unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes:

- a) For mechanical work;
- b) To maintain an appropriate temperature for passenger comfort; or
- c) In emergency evacuations where necessary to operate wheelchair lifts.

**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.

Personnel

Rocky Point Union Free School District

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Personnel

**Rocky Point Union Free School District**

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## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL****General Provisions**

Pursuant to the provisions of General Municipal Law Section 806, the Board of Education of the Rocky Point Union Free School District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this policy to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this policy, as adopted, shall not conflict with, but shall be in addition to any prohibition of General Municipal Law Sections 800-809 or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

**Standards of Conduct**

Every Board member or employee of the Rocky Point Union Free School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to General Municipal Law Section 805-a, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts

Any District officer or employee, as well as his/her spouse, who 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 shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)



## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**Representation before one's own agency

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Rocky Point Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in conflict with official duties

He/she shall not 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.

Private employment

He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future employment

He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Rocky Point Union Free School 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/her active consideration.

(Continued)

## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)****Legal Remedies**District Officers

In accordance with the Penal Law Section 60.27(5), if a District Officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the District.

Board Members and Employees

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Rocky Point Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**Distribution/Posting of Code of Ethics**

The Superintendent of the Rocky Point Union Free School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this policy. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of General Municipal Law Sections 800-809 to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law Sections 800-809, shall have no effect on the duty of compliance with such code of ethics or General Municipal Law Sections 800-809, nor with the enforcement of provisions thereof.

**Penalties**

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

**Effective Date**

This resolution shall take effect immediately.

Education Law Section 410  
General Municipal Law Article 18 and Sections 800-809  
Labor Law Section 201-d  
Penal Law Article 155 and Section 60.27(5)

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Adoption Date 3/23/09  
Revision Date 12/19/11  
Review Date

**SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS**

School District employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the School District in a position for which a teaching or school leader certificate is required, such actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations. A School District employee in a position for which a teaching or school leader certificate is not required who commits an unlawful act in respect to examination and records will be subject to disciplinary action by the Board of Education in a manner consistent with New York State law and regulation.

School District employees will report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

The School District will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a report regarding testing misconduct to the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR Section 102.4

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

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

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

**Reporting Allegations of Employment Discrimination**

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the District's CRCO or any other District employee including, but not limited to, a supervisor or building principal.

All District employees who witness or receive an oral or written report of employment discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

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Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)****Grievance Process for Complaints of Employment Discrimination**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of employment discrimination and will promptly take appropriate action to protect individuals from further discrimination.

Various District policies and documents address employment discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff to determine which District policies and/or documents are applicable to the specific facts of the complaint.

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

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of employment discrimination.

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

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

8 USC § 1324b

29 USC § 206

42 USC § 1981

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC § 621 et seq.

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC § 2000ff et seq.

National Labor Relations Act (NLRA), 29 USC § 151 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.

(Continued)

## Personnel

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)**

Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.  
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC § 4301 et seq.  
28 CFR Part 35  
29 CFR Chapter I – National Labor Relations Board  
29 CFR Chapter XIV – Equal Employment Opportunity Commission  
34 CFR Parts 100, 104, and 106  
45 CFR Part 86  
Civil Rights Law §§ 40, 40-a, 40-c, 47-a, 47-b, and 48-a  
Civil Service Law §§ 75-b and 115  
Correction Law § 752  
Labor Law §§ 194-a, 201-d, 201-g, 203-e, 206-c, and 215  
New York State Human Rights Law, Executive Law § 290 et seq.  
Military Law §§ 242, 243, and 318  
9 NYCRR § 466 et seq.

## NOTE:

Refer also to Policies

#3420 -- Non-Discrimination and Anti-Harassment in the District#6121 -- Sexual Harassment in the Workplace

#6122 – Complaints and Grievances by Employees

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses sexual harassment and gender discrimination in the workplace. It is intended to inform covered individuals of: their right to work in an environment that is free from sexual harassment and discrimination; what sexual harassment and discrimination look like; how they can prevent and report sexual harassment and discrimination; how they are protected from retaliation after taking action; and the general process for investigating a claim of sexual harassment and discrimination that falls under this policy. This policy is just one component of the District's overall commitment to maintaining a harassment and discrimination-free educational and work environment.

Under New York State Human Rights Law (NYSHRL), it is illegal for an employer to discriminate based on age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, or criminal history. These different identities impact an individual's perception and understanding of the world. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the process for reporting and investigating discrimination based on other protected classes is generally the same. However, the exact process may vary depending on a number of factors including, but not limited to, who is involved. Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* detail the specific process for reporting and investigating discrimination based on other protected identities.

Sexual harassment is a form of workplace discrimination that subjects individuals to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the District recognizes that discrimination can be related to or affected by other identities beyond gender.

Discrimination of any kind, including sexual harassment, is unlawful, a violation of District policy, and may subject the District to liability for the harm experienced by targets of discrimination. All individuals are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace.

Harassers may also be individually subject to liability and supervisors who fail to report or act on harassment may be liable for aiding and abetting sexual harassment and discrimination. Employees at every level who engage in harassment or discrimination, including supervisory personnel who engage in harassment or discrimination or who allow such behavior to continue, will be subject to remedial and/or disciplinary action by the District.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).

Scope and Application

This policy applies to all instances of sexual harassment and gender discrimination perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered individual" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace. These non-employees include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are non-employees providing equipment repair, cleaning services, or any other service through a contract with the District.

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

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

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## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)****What Constitutes Sexual Harassment**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating individuals differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression, and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Under NYSHRL, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, NYSHRL specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which a covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of District policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- a) The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The impacted individual does not need to be the intended target of the sexual harassment;
- b) Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of the behavior. These decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- a) Hostile work environment which includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- b) Quid pro quo harassment which occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.

Any covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

#### Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any covered individual who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- a) Physical acts of a sexual nature, such as:
  - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another individual's body or poking another individual's body; and
  - 2. Rape, sexual battery, molestation or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.
- b) Unwanted sexual advances or propositions, such as:
  - 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

2. Subtle or obvious pressure for unwelcome sexual activities.
  3. Repeated requests for dates or romantic gestures, including gift-giving.
- c) Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- d) Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look.
1. Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  2. Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as:
1. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
  2. This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  2. Sabotaging an individual's work; and
  3. Bullying, yelling, or name-calling.
  4. Intentional misuse of an individual's preferred pronouns; or

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## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

5. Creating different expectations for individuals based on their perceived identities:
  - (a) Dress codes that place more emphasis on women's attire;
  - (b) Leaving parents/caregivers out of meetings.

**Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. This policy applies to all instances of sexual harassment perpetrated against a "covered individual" by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student.

Sexual harassment does not happen in a vacuum and discrimination experienced by an individual can be impacted by biases and identities beyond an individual's gender. For example:

- a) Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- b) An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- c) Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

**Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can occur while covered individuals are traveling for District business or at District or industry-sponsored events or parties. Calls, texts, emails, and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

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## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

Sexual harassment can occur when covered individuals are working remotely. Any behaviors outlined above that leave a covered individual feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the covered individual is working remotely when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

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

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. Adverse actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- a) Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- b) Publicly releasing personnel files;
- c) Refusing to provide a reference or providing an unwarranted negative reference;
- d) Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- e) Undermining an individual's immigration status; or
- f) Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Retaliation is unlawful under federal, state, and (where applicable) local law. The NYSHRL protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- b) Testified or assisted in a proceeding involving sexual harassment or discrimination under the NYSHRL or any other anti-discrimination law;

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- c) Opposed sexual harassment or discrimination by making a verbal or informal complaint, or by simply informing a supervisor, building principal, other administrator, or the CRCO of suspected harassment;
- d) Reported that a covered individual has been sexually harassed or discriminated against; or
- e) Encouraged a covered individual to report harassment.

The District prohibits all retaliation. Any individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment or discrimination if they believe it has occurred. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of sexual harassment or discrimination.

Any District employee who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All covered individuals who believe they have been subject to retaliation should inform a supervisor, building principal, other administrator, or the CRCO.

All employees and covered individuals who believe they have been a target of retaliation may also seek relief from government agencies, as explained in this policy.

**Reporting Allegations of Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Anyone who experiences, witnesses, or becomes aware of potential instances of sexual harassment is encouraged to report the behavior to a supervisor, building principal, other administrator, or the CRCO. Covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough or conversely because they do not want to see someone fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and could include education counseling, suspension, or termination.

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

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

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

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

District employees must comply with reporting requirements in any other applicable District policy or document.

Covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in other available forums, as explained in this policy.

**Supervisory Responsibilities**

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors, building principals, other administrators, and the CRCOs have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report the suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

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

While supervisors, building principals, and other administrators have a responsibility to report harassment and discrimination, they must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about

(Continued)

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors, building principals, and other administrators must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

**Bystander Intervention**

Any individual witnessing harassment as a bystander is encouraged to report it. A supervisor, building principal, or other administrator that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

- a) A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
- b) A bystander who feels unsafe interrupting on their own can ask a third-party to help intervene in the harassment;
- c) A bystander can record or take notes on the harassment incident to benefit a future investigation;
- d) A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
- e) If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace.

**Grievance Process for Complaints of Sexual Harassment in the Workplace**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt, thorough, equitable, and started and completed as soon as possible. Investigations will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

(Continued)



## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

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

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

While the process may vary from case to case, investigations should be done in accordance with the following steps. Upon receipt of a complaint, the CRCO:

a) Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate.

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

- b) Will investigate all complaints of sexual harassment regardless of how those complaints are reported and treat all complaints with equal priority. For verbal complaints, the individual will be encouraged to complete the complaint form, which is available on the District website, in writing. If the individual reporting prefers not to fill out the complaint form, a complaint form or equivalent documentation based on the verbal reporting will be prepared. The individual reporting the harassment will be provided a copy of the completed complaint form.
- c) Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails, or phone records that may be relevant to the investigation. The CRCO will consider and implement appropriate document request, review, and preservation measures, including for electronic communications.
- d) Will seek to interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- e) Will create written documentation of the investigation (such as a letter, memo or email), which contains the following:

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  2. A list of names of those interviewed, along with a detailed summary of their statements;
  3. A timeline of events;
  4. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
  5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- f) Will keep the written documentation and associated documents in a secure and confidential location.
- g) Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document. Any corrective action taken will be in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.
- h) Will inform the individual(s) who reported the harassment of the right to file a complaint or charge externally as outlined in this policy.

Additionally, other District policies and documents address sexual harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

If an investigation reveals that sexual harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

**Annual Training**

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**

- b) Examples of conduct that would constitute unlawful sexual harassment;
- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

**Notification**

The District will provide this policy to all employees in-person or digitally through email upon hiring and will be posted prominently in all work locations. In addition to sending the policy through email, this policy will also be available on the District's website.

At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as his or her primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

The District's internal process outlined in the policy above is one way for covered individuals to report sexual harassment. Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have other legal protections.

(Continued)

Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**New York State Division of Human Rights (NYSDHR)

The NYSHRL, NY Executive Law, Art. 15, Section 290 et seq., applies to all employers in New York State and protects covered individuals, regardless of immigration status. A complaint alleging violation of the NYSHRL may be filed either with the NYSDHR or in New York State Supreme Court.

Complaints of sexual harassment filed with NYSDHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with NYSDHR, they can bring a lawsuit directly in state court under the NYSHRL, **within three years** of the alleged sexual harassment. An individual may not file with NYSDHR if they have already filed a NYSHRL complaint in state court.

Complaining internally to the District does not extend the time to file with NYSDHR or in court. The three years are counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with NYSDHR, and there is no cost to file with NYSDHR.

NYSDHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, NYSDHR has the power to award relief. Relief varies, but it may include requiring the employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

NYSDHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with NYSDHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to NYSDHR. The website also contains contact information for NYSDHR's regional offices across New York State.

Call the NYSDHR sexual harassment hotline at **1-800-HARASS-3 (1-800-427-2773)** for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

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Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement, or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

If an individual filed an administrative complaint with NYSDHR, then NYSDHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

(Continued)

## Personnel

**SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)**Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.

29 CFR § 1604.11(a)

34 CFR Subtitle B, Chapter I

Civil Service Law § 75-b

New York State Human Rights Law, Executive Law § 290 et seq.

Labor Law §§ 201-g and 740

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#6122 -- Complaints and Grievances by Employees  
#7551 -- Sexual Harassment of Students

## Personnel

**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 (2) 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.

**Prohibition of Retaliatory Behavior**

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.

**Complaints and Grievances Coordinator**

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented 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, 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 Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator 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, or use of a recognized guide dog, hearing dog, or service dog.

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.

(Continued)

## Personnel

**SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES (Cont'd.)**

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

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, marital status, sexual orientation or disability.

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, or use of a recognized guide dog, hearing dog or service dog.

Military Law Sections 242 and 243

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District



## Personnel

**SUBJECT: NEPOTISM**

Without specific exception by the Board of Education, no person will be appointed, promoted, transferred, assigned, or otherwise employed in any position in which he/she would supervise or receive supervision from a member of his/her immediate family.

For the purpose of this policy, immediate family means: spouse, parent, grandparent, grandchild, father, step-father, mother, step-mother, mother-in-law, father-in-law, child, step-child, son-in-law, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law.

For the purpose of this policy, supervise means: the authority to recommend or approve the immediate family member's appointment, promotion, salary, evaluation, termination, or other similar personnel actions.

The Superintendent of Schools or his/her designee may investigate complaints of undue influence, favoritism or other conflicts of interest involving School District employees who are immediate family members but who are not involved in any supervisory relationship.

The Superintendent of Schools or his/her designee may also investigate complaints of undue influence, favoritism or other conflicts of interest due to the interpersonal, non-familial relationship of School District employees.

The Superintendent will provide the Board of Education with information in writing of familial relationships of potential new staff for the purpose of compliance with this policy and Policy # 6217-- Employment of Relatives of Board of Education Members.

**SUBJECT: EVALUATION OF PERSONNEL**

**All Staff Members**

The administration shall undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the School District. The primary purposes of the evaluations shall be to encourage and promote improved performance and to make decisions about the occupancy of positions.

**Teachers and Administrators**

The Rocky Point School District is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and Principals shall be developed in accordance with applicable laws, Commissioner's Regulations, and Rules of the Board of Regents. The primary purposes of these evaluations are:

- a) To encourage and promote improved performance;
- b) To guide professional development efforts; and
- c) To provide a basis for evaluative judgments by applicable school officials.

**APPR Ratings**

For those teachers and Principals subject to Education Law 3012-c, the Annual Professional Performance Review (APPR) will result in a single composite effectiveness score and a rating of "highly effective," "effective," "developing," or "ineffective." The composite score will be determined as follows:

- a) 20% - student growth on state assessments or a comparable measure of student achievement growth (increases to 25% upon implementation of a value-added growth model);
- b) 20% - locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms as defined by the Commissioner (decreases to 15% upon implementation of a value-added growth model); and
- c) 60% - other measures of teacher/principal effectiveness consistent with standards prescribed by the Commissioner in regulation.

The ratings scale based on composite scores has been established by the State Education Department (SED):

- a) Highly Effective = composite effectiveness score of 91-100
- b) Effective = composite effectiveness score of 75-90
- c) Developing = composite effectiveness score of 65-74
- d) Ineffective = composite effectiveness score of 0-64

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If a teacher or Principal is rated "developing" or "ineffective," the School District will develop and implement a teacher or Principal improvement plan. Tenured teachers and Principals with a pattern of ineffective teaching or performance, defined as two consecutive annual "ineffective" ratings, may be charged with incompetence and considered for termination through an expedited hearing process.

The School District will ensure that all evaluators are appropriately trained consistent with standards prescribed by the Commissioner and that an appeals procedure is locally developed

### **Disclosure of APPR Data**

Consistent with Chapter 68 of the Laws of 2012, which amends Education Law 3012-c, the Commissioner is required to disclose professional performance review data for teachers and Principals on the New York State Education Department (NYSED) website and in any other manner to make such data widely available to the public. However, the release of such aggregate data may not include personally identifiable information for any teacher or Principal. Such public disclosure of final quality ratings and composite effectiveness scores will be suitable for research, analysis and comparison of APPR data for teachers and Principals across the state.

Upon request, the District will release to parents/legal guardians the final quality ratings and composite effectiveness scores for teachers and Principals to which their student is currently assigned. The District's obligation to disclose this information is limited to those teachers and Building Principals subject to Education Law 3012-c. The District will provide conspicuous notice to parents/legal guardians of their right to obtain such information and the methods by which the data can be obtained. Upon request, parents will receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings and be offered the opportunity to understand such scores in the context of teacher evaluation and student performance. When a request for this information is received, reasonable efforts will be made to verify that it is a bona fide request by a parent/legal guardian entitled to review the data.

Annual professional performance reviews of individual teachers and Principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

8 NYCRR Sections 80-1.1 and 100.2(o)(2)  
Public Officers Law Sections 87 and 89  
Education Law 3012-c

**SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS****Pre-employment Medical Examinations**

The District will not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District will 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. The District may condition an offer of employment on the results of the examination in accordance with law.

When the examination is made by the school physician or nurse practitioner, the cost of the examination will be borne by the District. A staff member, however, may elect to have a medical examination at their own expense by a physician of their own choice.

**Examinations during Employment**

The Board reserves the right to request a medical examination at any time during employment, at District expense, in order to determine whether an employee can perform the essential functions of the position with or without reasonable accommodation or for other valid employment reasons.

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 vendor/contract bus company shall have a physical examination within the eight (8) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen (13)-month period.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**Examinations and Inquiries**

The District may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job-related functions.

The District, however, will not require a medical examination and will not make inquiries as to whether the employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

28 CFR §§ 41.55 and 42.513; 29 CFR §§ 1630.13 and 1630.14; 34 CFR § 104.14; Civil Service Law § 72

Education Law §§ 913 and 3624; Vehicle and Traffic Law §§ 509-b, 509-d, and 509-g

8 NYCRR §§ 136.3 and 156.3; 15 NYCRR Part 6

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Adoption Date 3/23/09

Revision Date 3/27/23

Review Date 5/15/12

## 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 and/or alcohol use may impair an employee's job performance.

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 ensured as required by state and federal law.

The Superintendent/designee shall periodically review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001  
20 United States Code (USC) Section 7101 et seq.  
Civil Service Law Section 75  
Education Law Sections 913, 1711(2)(e), 2508(5) and 3020-a

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property

#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
*District Code of Conduct on School Property*

Adoption Date: 3/23/09

## Personnel

**SUBJECT: DRUG-FREE WORKPLACE**

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act, 20 United States Code (USC) Section 7101 et seq.  
21 United States Code (USC) Section 812  
21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15  
34 Code of Federal Regulations (CFR) Part 85

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#6150 -- Alcohol, Drugs and Other Substances (School Personnel)  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
District Code of Conduct on School Property

Adoption Date: 3/23/09

**SUBJECT: USE OF DRUG-SNIFFING DOGS**

The Board of Education is committed to providing a safe environment for students and staff and affirms that the District's commitment to the health and safety of students and staff may be furthered by utilizing dogs which are trained to detect illegal drugs. Accordingly, the Superintendent of Schools is authorized by the Board of Education to utilize dogs which are trained to detect illegal drugs.

The Superintendent and building principals are designated as the contact persons and they will determine if, and when, and how often, a police agency's "drug dogs" will be called to school property. When this decision has been made, the following procedures will apply:

1. No one will be notified in advance of the arrival of the police except the building principal and the Superintendent.
2. Police officers and dogs will be accompanied on tours of School District property by an administrator if the search is being conducted in a school building.
3. When conducted in schools, students will remain in the classrooms throughout the search.
4. Police officers and their dogs are not authorized to "sniff search" any individuals.
5. All students whose lockers, vehicles, desks, etc. are discovered to contain illegal drugs will be referred to the appropriate police agency. In addition, they will be (a) subject to discipline in accordance with the student code of conduct and (b) strongly encouraged to attend counseling.
6. All employees whose lockers, vehicles, desks, storage cabinets, etc. are discovered to contain illegal drugs will be referred to the appropriate police agency. In addition, they will be subject to discipline in accordance with their respective collective bargaining agreement.

NOTE: Refer also to Policy #7330—Searches and Interrogations

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Adoption Date 1/12/15

Revision Date

Review Date

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

The District will work to provide staff with professional learning opportunities. These opportunities will be designed to foster the professional growth of staff, help staff remain current with their profession, and meet the learning needs of students. Opportunities that may be provided for, include, but are not limited to:

- a) Planned in-service programs, courses, seminars, and workshops offered both within the School System and outside the District.
- b) Videoconferences, prerecorded videos, and/or online discussion boards.
- c) Visits to other classrooms and schools, as well as attendance at professional meetings, for the purpose of improving instruction and/or educational services.
- d) Orientation/re-orientation of staff members to program and/or organizational changes as well as District expectations.

Attendance at such professional learning programs must be directly linked to the duties and responsibilities comprising the job description of the staff member. Consequently, staff members are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend work-related workshops, conferences and meetings.

Funds for participating in conferences, conventions, and other similar professional learning programs will be budgeted for by the Board of Education on an annual basis. Reimbursement to staff members for all actual and necessary registration fees, expenses of travel, meals and lodging, as well as necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with District documents which address for conference attendance and expense reimbursement.

**Professional Learning Plans**

By September 1 of each school year, the District will adopt or, in the case of multi-year plans, readopt a professional learning plan that meets the content requirements specified in the Commissioner's regulations. The professional learning plan will be structured in a format consistent with the Commissioner's guidelines and will include, among other things, a description of:

- a) The professional learning activities provided to all professional staff and supplementary school personnel who work with students with exceptional learning needs, particularly students with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels, to enable them to identify these students and provide instruction based on the needs of these students.
- b) How professional learning related to educator practice and curriculum development are culturally responsive and reflect the needs of the community that the District serves.
- c) Expected participation in continuing teacher and leader education (CTLE), as well as other professional learning opportunities provided by the District.

(Continued)



## Personnel

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd.)**

The professional learning plan will be developed through collaboration with a professional learning team. The Board will appoint the members of this team in accordance with the Commissioner's regulations.

**Mentoring Programs**

The District's professional learning plan will include a provision for a mentoring program. The purpose of the mentoring program is to provide guidance and support for educators who hold an initial certificate in the classroom teaching service or as a school building leader to ease the transition from teacher and school building leader preparation to practice in order to increase retention of teachers and school building leaders. Additionally, the mentoring program is intended to increase the skills of new teachers and school building leaders in order to improve student achievement.

The mentoring program will be developed and implemented consistent with any collective bargaining agreement.

Education Law Sections 1604, 1608, 1716, 1950, 2118, and 2601-a  
General Municipal Law Sections 77-b and 77-c  
8 New York Code of Rules and Regulations (NYCRR) 100.2(dd)

NOTE: Refer also to Policies #6161 -- Conference/Travel Expense Reimbursement  
#6219 -- Registrations and Professional Learning

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Adoption Date 3/23/09  
Revision Date 3/27/23  
Review Date

## Personnel

**SUBJECT: CONFERENCE/TRAVEL EXPENSE REIMBURSEMENT**

All conference travel must have a completed Travel Conference Request Form on file which has been approved by the appropriate supervisor. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expenses greater than one hundred dollars (\$100). Travel Conference Request Forms are only to be used by District employees.

All conference reimbursement requests must be submitted using a Travel Conference Reimbursement Form.

Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses. Meal expenses for overnight travel will only be reimbursed based on the Board approved per diem rates which are modeled after the United States General Services Administration per diem rates which can be found at <http://www.gsa.gov/Portal/gsa/ep/home.do?tabId=0>

New York State sales taxes for lodging and meals cannot be reimbursed. A Sales Tax-Exempt Form can be obtained prior to travel for hotel accommodations.

Original receipts are required when submitting for parking and tolls, however "EZ Pass" statements may be substituted with the appropriate charges highlighted.

NOTE: Refer also to Policy #5323 -- Reimbursement For Meals/Refreshments

**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). The District shall, however, obtain the applicant's consent to the criminal history records search.

The District shall utilize SED's Web-based application known as \*TEACH for instantaneous access to important information about certification and fingerprinting. Through TEACH, SED provides an individual with the ability to apply for fingerprint clearance for certification and/or employment and view the status of his/her fingerprint clearance request. Through TEACH, the School District is able, among other applications, to submit an online request for fingerprint clearance for a prospective employee, view the status of a fingerprint clearance request, and determine whether a subsequent arrest letter has been issued.

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.

**Who Must Be Fingerprinted**

All "prospective school employees" of the School District must be fingerprinted. For purposes of this policy 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

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**

provide services which involve direct contact, meaning in person, face-to-face communication or interaction, with students under the age of twenty-one (21) and who is either:

- a) 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
- b) An employee of a provider of contracted services to the School District who is to be placed within the District; or
- c) A worker who is to be placed within the District under a public assistance employment program pursuant to Title 9-B of Social Services Law Article 5, directly or through contract; or
- d) Any individual who is employed by or associated with a supplemental educational services provider and who will provide supplemental educational services through direct contact with eligible children, regardless of the location in which such services are delivered.

**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 Social Services Law Article 5, 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 (1) 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.

(Continued)

## Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)****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 Appointments/Emergency Conditional Appointments**Conditional Appointments

Whenever possible, a "full" clearance will be received for all new employees requiring such clearance before they begin work for the District. However, 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.

(Continued)

## Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment 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.

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 ten (10) business day timeframe 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 off-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 full clearance from SED shall terminate, in accordance with legislation, on July 1, 2015; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**

## Access to TEACH

Information regarding fingerprinting of new hires, including relevant laws and regulations, frequently asked questions (FAQs), an up-to-date chart for "Who Must be Fingerprinted", and instructions on the fingerprinting process are found on [www.highered.nysed.gov/tcert/ospra](http://www.highered.nysed.gov/tcert/ospra). To request access to TEACH, email [TEACHHELP@mail.nysed.gov](mailto:TEACHHELP@mail.nysed.gov).

Correction Law Article 23-A

Education Law Sections 305(30), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c and 3035

Executive Law Section 296(16)

Social Services Law Article 5, Title 9-B

8 New York Code of Rules and Regulations (NYCRR) Sections 80-1.11 and Part 87

## Personnel

**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 (via phone, e-mail, letters, notes, etc.) 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.

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

(Continued)



**SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)**

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.

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  
Adoption Date: 3/23/09

## Personnel

**SUBJECT: EMPLOYEE USE OF SOCIAL MEDIA**

The Board respects the importance of integrating current technology tools, including new methods of electronic communication, into the classroom to enhance student learning. It further recognizes the importance of employees, students and parents engaging, learning, collaborating and sharing in digital environments as part of 21st Century learning.

The Board strives to ensure that electronic communication tools incorporated into the school curriculum are used responsibly and safely. As practicable, the Board will provide access to secure social media tools and Board-approved technologies for use during instructional time and for school-sponsored initiatives in accordance with District policies.

The Board acknowledges that school employees may determine to engage in the use of Social Network Sites (SNS) during their personal time. School employees who use SNS for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees. All school employees, including student teachers and affiliated independent contractors shall comply with the requirements of this policy when using electronic social media for personal purposes. Examples of SNS include, but are not limited to Facebook, Twitter, YouTube, Google+, and Instagram.

**District Policies, Rules and Regulations**

Employees are expected to follow all District policies, rules and regulations when utilizing SNS. The same laws, professional expectations and guidelines for interactions with students, fellow employees and use of District emblems and identifying characteristics apply online as in the “real world.” Employees may be personally liable for anything posted to a SNS to the same extent that they would be for any other professional action.

**Personal Use and Responsibility**

While mindful of employees’ First Amendment free speech rights, District personnel who participate in SNS, including the District social networking sites, shall not post any material which may result in the disruption of academic or other District activities.

Comments related to the District should always meet the highest standards of professional discretion. When posting, employees should act on the assumption that all postings are in the public domain. Remember that posted information could be interpreted as an extension of your office or classroom--what is inappropriate in your office or classroom is also inappropriate online. When posting comments or viewpoints on topics related to the District using any online medium, it is to be stated that the submission is representative of the writer’s views and opinions and not necessarily the views and opinions of the District.

**Disciplinary Sanctions**

District personnel who violate any provision 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 regulations, and the applicable collective bargaining agreement.

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.

Education Law Sections 2510 and 3013  
8 New York Code of Rules and Regulations (NYCRR) Part 30

Adoption Date: 3/23/09

## 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.

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.  
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.  
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.  
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.  
Civil Rights Law Section 40-c  
Education Law Section 3012  
Executive Law Section 290 et seq.  
Military Law Sections 242 and 243

## Personnel

**SUBJECT: CERTIFICATION AND QUALIFICATIONS**

The following provisions will govern certification and qualifications of District personnel:

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Commissioner's regulations, each employee whose employment requires certification or other licensure must inform the Superintendent immediately of any change in his or her certification or licensure status. The changes may include the granting, revocation, upgrading, expiration, conversion, and/or extension of documents as to their periods of validity or their titles.
- b) Commissioner's regulations extend the expiration dates for various certificate holders engaged in active military service for the period of active service and an additional 12 months from the end of the service. The regulations also reduce the professional development requirements for certification holders called to active duty for the time of active service.
- c) Online verification of an employment applicant's certification status will be used in lieu of printed certificates for current and potential employees. The District will also check the TEACH database to ensure that any Permanent or Professional certificates for new hires remain valid.
- d) It is the responsibility of the employee to ensure that he or she maintains the appropriate certification and/or licensure required for his or her assignment.

**Parent Notification**

The District is required to provide parents, upon request, with specific information about the professional qualifications of their children's classroom teachers. The following will be provided by the District upon request:

- a) If the teacher has met New York State qualifications and licensing criteria for the grade levels and subject areas he/she teaches;
- b) Whether the teacher is teaching under emergency or other provisional status through which the State qualification or licensing criteria have been waived;
- c) The teacher's college major; whether the teacher has any advanced degrees and, if so, the subject of the degrees; and
- d) If the child is provided services by any instructional aides or similar paraprofessionals and, if so, their qualifications.

All requests shall be honored in a timely manner.

20 USC § 7801(23)

34 CFR §§ 200.55 and 200.56

Education Law §§ 210, 305, 3001, 3001-a, 3004, 3006 and 3008

8 NYCRR Subparts 57-3, 80-1, 80-2, 80-3, 80.4, and 80.5

8 NYCRR §§ 100.2(dd) and 100.2(o)

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Adoption Date 3/23/09

Revision Date 7/12/18

Review Date

## Personnel

**SUBJECT: INCIDENTAL TEACHING**

The Superintendent may assign a teacher to teach a subject not covered by such teacher's certificate or license for a period not to exceed five (5) classroom hours a week, when no certified or qualified teacher is available after extensive and documented recruitment efforts, and provided that approval of the Commissioner of Education is obtained in accordance with the requirements as enumerated in Commissioner's Regulations.

Not later than twenty (20) business days after such an assignment, the Superintendent shall submit for approval an application, in a form satisfactory to the Commissioner, containing the following information:

- a) Evidence of extensive recruitment of a teacher certified in the appropriate area;
- b) The name and certification status of the teacher given such assignment;
- c) The subject which the teacher is being assigned to teach on an incidental basis and the total number of classes in the subject being taught on an incidental basis;
- d) The qualifications of the teacher to teach such subject on an incidental basis;
- e) The specific reasons why an incidental assignment is necessary;
- f) The anticipated duration of the incidental teaching assignment; and
- g) The number of applications, approved or pending, for authorization to make incidental teaching assignments in the same certification area for which the current authorization is being sought.

To be approved, the application shall demonstrate to the satisfaction of the Commissioner that an incidental teaching assignment is necessary, that the teacher assigned is the best qualified to teach the subject on an incidental basis, and that the requirements of Commissioner's Regulations have been met.

The Commissioner will issue a determination within twenty (20) business days of receipt of the District's application.

In the event that the application is disapproved, the Superintendent, within seven (7) business days of receipt of the notice of disapproval, shall terminate the incidental assignment. In the event that the application is approved, such approval shall be deemed to have commenced on the date of the incidental teaching assignment and shall terminate on the last day of the school year for which it is granted.

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**SUBJECT: INCIDENTAL TEACHING (Cont'd.)**

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. In addition to submitting to the Commissioner the information noted above for initial approval of an incidental teaching assignment, a renewal application must provide a number of assurances, including that the teacher assigned a course on an incidental basis has completed, or has agreed to complete, within the prescribed time period, at least three (3) semester hours of credit or the equivalent leading to certification in the subject area of the incidental assignment.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.3

## Personnel

**SUBJECT: PROBATION AND TENURE****Probation**

Generally, teachers, all other members of the teaching staff, principals, administrators, supervisors, and all other members of the supervising staff will be appointed by the Board upon the recommendation of the Superintendent for a probationary period of four years.

Full-time certified staff members will be appointed to a probationary period of four (4) years. The probationary period will not exceed three (3) years for teachers previously appointed to tenure in any district or BOCES within the state, provided the teacher was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b and met the required annual professional performance review (APPR) rating in his/her final year of service there.

Additionally, up to two (2) years of service as a regular substitute teacher may be applied towards probationary service. This is sometimes referred to as Jarema Credit.

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

The probationary period will not exceed three years for principals, administrators, supervisors, or other members of the supervising staff appointed on or after June 1, 2020 who were previously appointed to tenure as an administrator within an authorized administrative tenure area in any district or BOCES within the state provided that the individual was not dismissed from that district or BOCES as a result of charges brought pursuant to Education Law Section 3020-a or 3020-b.

During the probationary period, a staff member will be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance will be assumed because the staff member attained the required certification or license.

A staff member's appointment may be discontinued at any time during his/her probationary period upon the recommendation of the Superintendent and by majority vote of the Board. Any person not recommended for tenure appointment will be notified in writing by the Superintendent no later than 60 days before his/her probationary period expires.

**Tenure**

Certified staff members successfully completing a probationary period in the Rocky Point Union Free School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.



**SUBJECT: PROBATION AND TENURE (Cont'd.)**

The Board will follow all applicable laws and regulations regarding tenure.

At the expiration of the probationary period or within six (6) months prior, the Superintendent will make a written report to the Board recommending for appointment to tenure those certified staff members successfully completing a probationary period in the Base School District who have been found who have received the APPR rating of effective or highly effective in three (3) of the preceding four (4) years. If a teacher or principal receive an APPR rating of ineffective in their final probationary year, the Board may not award tenure, but may extend that teacher's or principal's probationary time by an additional year. The teacher or principal may be eligible for immediate tenure if he/she successfully appeals the ineffective rating. The Board may then —by a majority vote —appoint to tenure any or all of the persons recommended by the Superintendent.

When their initial probationary period expires, the teacher or principal will remain on probationary status until the end of the school year in which he/she received APPR ratings of effective or highly effective. The Board may also grant tenure contingent upon a teacher's or principal's receipt of a minimum APPR rating in the final year of the probationary period.

**Resolutions Making Appointments**

Each Board resolution making a probationary appointment or an appointment on tenure will specify:

- a) The name of the appointee;
- b) The tenure area or areas in which the professional will devote a substantial portion of his/her time;
- c) The date of commencement of probationary service or service on tenure in each such area; and
- d) The certification status of the appointee in reference to the position to which the individual is appointed.

In addition, resolutions confirming a probationary appointment must include a statement that:

- a) The probationary expiration date will depend on the individual's APPR ratings.
- b) To receive tenure, the individual must receive overall APPR ratings of effective or highly effective in at least three of four preceding years.
- c) If the teacher or principal receive an ineffective composite or overall APPR rating in their final year of probation, they will not be eligible for tenure at that time.

Education Law Sections 2509, 3012, 3012-c, 3012-d, and 3031  
8 NYCRR 30-1.3, 80-3.6, 80-3.9, 80-3.10

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Adoption Date 3/23/09  
Revision Date 9/28/15, 8/24/20  
Review Date

## Personnel

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL**

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, including, without limitation, Education Law Sections 3012, 3020-a, and 3020-b; Commissioner's regulations; or applicable contract provisions.

The District may discipline tenured teachers and certain certified personnel in accordance with applicable law, including, without limitation, Education Law Sections 3012, 3020-a, and 3020-b; Commissioner's regulations; or applicable contract provisions.

**Ineffective Personnel**

The District or Board may bring incompetence charges against a teacher or building principal who receives two or more consecutive ineffective ratings under the APPR; the District or Board must bring incompetence charges against anyone who receives three consecutive ineffective APPR ratings. A single hearing officer from the American Arbitration Association's labor arbitration panel will govern the competency hearing. The hearing may be public or private, at the employee's discretion. The employee will have a reasonable opportunity to defend himself/herself, but will not be required to testify. Each party has the right to be represented by counsel, to subpoena witnesses, to cross-examine witnesses, and to make motions or applications. There will be a full and fair disclosure of witnesses and evidence to be offered by both the District and the employee. A record of the proceeding will be kept.

**Allegations of Abuse**

The Board may suspend, without pay, an employee charged with physically or sexually abusing a student pending an expedited probable-cause hearing. A single hearing officer will conduct the probable-cause hearing.

**Child Witnesses**

A child under 14 may be allowed to testify through live, two-way, closed-circuit television if the hearing officer determines by clear and convincing evidence that the child would suffer serious mental or emotional harm that would substantially impair his/her ability to communicate if required to testify live, and that using closed-circuit television would diminish the likelihood or extent of the child suffering serious mental or emotional harm. In making this decision, the hearing officer will consider applicable factors listed in Criminal Procedure Law Section 65.20, including: whether the offense was particularly heinous, the child's age and vulnerability, the child's susceptibility to psychological harm due to an underlying physical or mental condition, whether the accused occupied a position of authority over the child, if the offense charged was part of an ongoing course of conduct committed by the accused against the child over an extended period of time, use of a dangerous or deadly weapon, whether the child suffered serious physical injury, threats made against the child, the accused's access to the child, and expert testimony that the child would be particularly susceptible to psychological harm if required to testify in open court or to be in the physical presence of the accused.

## **Automatic Revocation of Teacher and Administrative Certificates by the Commissioner of Education**

The Commissioner will revoke and annul the certificate of a teacher, teaching assistant, pupil personnel services professional, school administrator or supervisor, or superintendent convicted of:

- a) A sex offense for which registration as a sex offender is required under the Sex Offender Registration Act.
- b) Any other violent felony offense committed against a child when the child was the intended victim of the offense.

These offenses include, but are not limited to, sexual misconduct, sexual abuse, rape, statutory rape, assault, various other criminal sexual acts, and certain kidnapping offenses. Annulment and revocation will be conducted in accordance with Education Law Section 305(7-a).

In addition, the Commissioner will revoke and annul the certificate of a school district administrator, school administrator or supervisor, or school business administrator convicted of fraud under Penal Law Section 195.20 which makes it a Class E felony to obtain government property, services, or other resources in excess of (\$1,000 through a systemic ongoing course of conduct with the intent to defraud or by false or fraudulent pretenses, representations or promises or to make use of the property, services, or other resources for private business or other compensable nongovernment purposes.

Annulment and revocation will be conducted in accordance with Education Law Section 305(7-b).

Criminal Procedure Law §§ 65.00, 65.20, 65.30, and 380.95  
Education Law §§ 305(7-a), 305(7-b), 2573(8), 2590-j(7), 3012, 3020-a, and 3020-b  
Penal Law § 195.20  
8 NYCRR Subpart 82-3  
Correction Law Article 6-C

## Personnel

**SUBJECT: PROFESSIONAL STAFF: SEPARATION**

A probationary professional staff member may be discontinued at any time during his/her probationary period on the recommendation of the Superintendent and by a majority vote of the Board of Education.

If the Superintendent will be submitting to the Board a negative recommendation for tenure or a recommendation to discontinue the services of a probationary professional staff member, the Superintendent must give the probationary employee written notice thirty (30) days prior to the Board meeting at which such recommendation will be considered. If a majority of the Board accepts the recommendation and votes to dismiss, the professional staff member must then be given a written notice at least thirty (30) days prior to the effective date of termination of services. The District will adhere to all other statutory timeframes.

The Board shall expect any professional staff member 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 professional staff member 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 2509, 3012, 3019-a and 3031

Adoption Date: 3/23/09

**SUBJECT: EMPLOYMENT OF RELATIVES OF BOARD OF EDUCATION MEMBERS**

The 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 (2/3) 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 two-thirds (2/3) vote in the hiring of all staff other than teachers.

The following are to be considered guidelines for the District in employment practices:

- a) Relatives may not be employed within the same department in the middle school and the high school or in the same grade level/department in the elementary and middle school.
- b) Relatives will not be employed in positions which are either under the direct or indirect supervision of the employee.
- c) Relatives will not be assigned responsibilities that include safeguarding the District's assets or where collusion between relatives may occur.
- d) Summer employment of employees' or Board members' children is permitted as long as such relatives are not assigned to jobs in the same work unit.

In addition, Board members cannot be hired as employees of the School District until one (1) year has lapsed from the time their service as a Board member has expired.

Education Law Section 3016  
General Municipal Law Sections 800-809

**SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS**

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

(Continued)

## Personnel

**SUBJECT: MENTORING PROGRAMS FOR FIRST-YEAR TEACHERS (Cont'd.)**

- 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.

**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)

Adoption Date: 3/23/09

**SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING****Registration**

All employees who are certificate holders must register with the State Education Department (SED) every five years through the TEACH system. An employee is a certificate holder if they hold a permanent or professional certificate in the classroom teaching service, a permanent or professional certificate in the educational leadership service (i.e., school building leader, school district leader, or school district business leader), or a Level III Teaching Assistant certificate. Only registered employees may teach or supervise in the District.

Employees who were certificate holders prior to July 1, 2016 had to apply for initial registration during the 2016-2017 school year and each subsequent five-year period thereafter.

Any individual who is issued a new certificate is automatically registered with SED. These certificate holders must renew their registration every five years during their birth month.

Any certificate holder who fails to register by the beginning of the appropriate registration period may be subject to late filing penalties.

Certificate holders must notify SED of any change of name or mailing address within 30 days of such change through the TEACH system. Any certificate holder who willfully fails to inform SED of changes to their name and/or address within 180 days of such change may be subject to moral character review.

**Continuing Teacher and Leader Education (CTLE) Credit Hours**

All continuing teacher and leader education certificate holders (CTLE certificate holders) must successfully complete a minimum of 100 hours of acceptable CTLE hours during each five-year registration period to maintain a valid certificate. An employee is a CTLE certificate holder if they holds a professional certificate in the classroom teaching service, a professional certificate in educational leadership service, or a Level III Teaching Assistant certificate. This requirement may be completed at any time over the course of a five-year period. Credit hours cannot carry over to subsequent registration periods.

SED sets high standards for courses, programs, and activities that qualify for CTLE credit, and it must approve all CTLE sponsors. Generally, acceptable CTLE will be in the content area of any certificate title held by an individual or in pedagogy.

The District will describe opportunities for teachers and administrators to engage in CTLE in its Professional Learning Plan. The District will annually certify, in a format and on a timetable prescribed by the Commissioner of Education, that the requirements to have a professional learning plan for the succeeding school year have been met and that it has complied with the professional learning plan for the current school year.

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**SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Continued)**

The District will provide CTLE opportunities that are designed to improve the teacher or leader's pedagogical and/or leadership skills and are targeted at improving student performance, among other things. A peer-review teacher or principal acting as an independent trained evaluator who conducts a classroom observation as part of a teacher evaluation under relevant sections of the Education Law may apply the observation time to fulfilling CTLE requirements. Time spent mentoring may also be counted toward required CTLE credit hours.

**Language Acquisition CTLE and Exemption**

Employees holding an English to speakers of other languages (all grades) certificate or a bilingual extension are required to complete a minimum of 50% of the required CTLE hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching strategies, and integrating language and content instruction for English Language Learner (ELL) students. All other certificate holders must complete a minimum of 15% of the required CTLE hours dedicated to language acquisition addressing the needs of ELLs, including a focus on best practices for co-teaching strategies and integrating language and content instruction for ELLs. A minimum of 15% of the required CTLE hours for employees holding a Level III Teaching Assistant certificate will be dedicated to language acquisition addressing the needs of ELLs and integrating language and content instruction for ELLs.

Employees holding school district business leader certificates are exempt from the language acquisition CTLE requirements for each year that they are employed in the District. Instead, they must complete a minimum of 15% of the required CTLE hours dedicated to the needs of ELLs and federal, state, and local mandates for ELLs.

Employees may be eligible for a waiver of language acquisition CTLE requirements. Each school year when there are fewer than 30 ELLs enrolled in the District or ELLs make up less than 5% of the total student population, the District may obtain an exemption. If the District obtains this exemption, employees would be exempt from the language acquisition CTLE requirement for each year that they are employed in the District.

**CTLE Adjustments**

The Commissioner may adjust an employee's number of CTLE hours and/or time to complete them due to poor health, as certified by a health-care provider; extended active duty in the Armed Forces; or other acceptable good cause.

Any employee holding a certificate in the classroom teaching service who obtains certification from the National Board for Professional Teaching Standards will be considered CTLE-compliant for the registration period in which they obtain this certification. However, the employee must still meet any language acquisition requirements.

(Continued)

**SUBJECT: REGISTRATION AND PROFESSIONAL LEARNING (Continued)****Recordkeeping and Reporting Requirements**

Employees must maintain a record of completed CTLE hours for at least three years from the end of the applicable registration period. The record must include the title of the program, the total number of hours completed, the number of hours completed in language acquisition addressing the need of ELLs, the sponsor's name, any identifying number, attendance verification, and the date and location of the program.

The District will maintain a record of any professional learning it conducts or provides for educators for at least seven years from the date of completion. These records will be available for review by SED.

Education Law §§ 3006, 3006-a, and 3012-d  
8 NYCRR Subpart 80-6  
8 NYCRR §§ 100.2(dd) and 154-2.3(k)

## Personnel

**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**

The Rocky Point Union Free School District shall cooperate with teacher training institutions in the placement of student teachers in order to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet their instruction component for their teaching certification. The video must remain confidential and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant personnel.

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 substitute teacher qualified to teach in the Rocky Point Union Free 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.

**Eligibility for Service**

Per Commissioner's Regulations Section 80-5.4, there shall be three (3) categories of substitutes as follows:

- a) Substitutes with valid teaching certificates or certificates of qualification. Service may be rendered in any capacity, for any number of days. If employed on more than an "itinerant" basis, such persons will be employed in an area for which they are certified.
- b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six (6) semester hours per year. Service may be rendered in any capacity, for any number of days, in any number of school districts. If employed on more than an "itinerant" basis, such persons will be employed in the area for which they are seeking certification.
- c) Substitutes without a valid certificate and who are not working towards certification. Service may be rendered for no more than forty (40) days per school year.

The Board of Education shall annually establish the ordinary rate for per diem substitute teachers.

Education Law Section 3023

8 NYCRR Sections 80-1.5 and 80-5.4

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

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Adoption Date 3/23/09

Revision Date 11/25/13

Review Date

**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, conditions of employment, and transfer of support staff shall be vested in the Superintendent of Schools who shall conduct such actions in compliance with all applicable contract provisions. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adoption Date: 3/23/09

**SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL****Teacher Aides**

In accordance with the Regulations of the Commissioner, the Board of Education may employ teacher aides to assist in the daily operation of the school through **non-teaching duties**.

The duties and responsibilities to be assumed by teacher aides shall be outlined by the Superintendent in accordance with Civil Service guidelines. Teacher aides shall be responsible to the Building Principal/designee.

A teacher aide may be assigned to assist teachers in such non-teaching duties as:

- a) Managing records, materials and equipment;
- b) Attending to the physical needs of children; and
- c) Supervising students and performing such other services as support teaching duties when such services are determined and supervised by a teacher.

**Teaching Assistants**

In accordance with the Regulations of the Commissioner, the Board of Education may employ teaching assistants to provide, under the general supervision of a licensed or certified teacher, **direct instructional service** to students.

Teaching assistants assist teachers by performing duties such as:

- a) Working with individual students or groups of students on special instructional projects;
- b) Providing the teacher with information about students that will assist the teacher in the development of appropriate learning aspects;
- c) Assisting students in the use of available instructional resources and assisting in the development of instructional materials;
- d) Utilizing their own special skills and abilities by assisting in instructional programs in such areas as foreign language, arts, crafts, music, and similar subjects; and
- e) Assisting in related instructional work as required.

(Continued)

## Personnel

**SUBJECT: SUPPLEMENTARY SCHOOL PERSONNEL (Cont'd.)**

Teaching assistants who hold a pre-professional teaching assistant certificate shall have the same scope of duties as enumerated above for other teaching assistants. Within that scope of duties, teaching assistants holding a pre-professional teaching assistant certificate may, at the discretion of the District, and while under the general supervision of a teacher, perform such duties as:

- a) Working with small groups of students so that the teacher can work with a large group or individual students;
- b) Helping a teacher to construct a lesson plan;
- c) Presenting segments of lesson plans, as directed by the teacher;
- d) Communicating with parents of students at a school site or as otherwise directed by a teacher; and
- e) Helping a teacher to train other teaching assistants.

Licensure and certification requirements shall be as mandated pursuant to Commissioner's Regulations.

8 New York Code of Rules and Regulations (NYCRR) Section 80-5.6

Adoption Date: 3/23/09

## Personnel

**SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT**

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours and at extracurricular events on and off school property.

School property shall mean 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. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1)

Adoption Date: 3/23/09

## Personnel

**SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION****Personnel Records**

Administrative regulations will be developed to implement the terms of this policy to maintain a personnel file for each teacher, administrator and support staff member employed by the District.

Regulations and procedures will be developed addressing 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.

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.

Public Officers Law Section 87  
8 New York Code of Rules and Regulations (NYCRR) Part 84

Adoption Date: 3/23/09



**SUBJECT: EMPLOYEE ACTIVITIES****Political Activities**

The Board of Education recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. When such speech or action occurs on school grounds and/or during school time, the Board of Education can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of such speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, and to motivate students to participate in the political process.

**Solicitations by Staff**

Staff members shall not be engaged in advertising or commercial solicitations on school time, except as authorized by the Superintendent and/or designee.

NOTE: Refer also to Policy #5560 -- Use of Federal Funds for Political Expenditures

**SUBJECT: NEGOTIATIONS****Legal Status**

The legal status for negotiations is the Public Employees' Fair Employment Law (Taylor Law), Civil Service Law Article 14.

Organizations recognized for the purposes of collective bargaining include:

- a) Rocky Point Union Free School District Administrators' Association;
- b) Rocky Point Union Free School District Teachers' Association;
- c) Rocky Point Union Free School District School Related Professionals.

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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.

Adoption Date: 3/23/09

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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 from the Unified Court System 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)

Adoption Date: 3/23/09

## Personnel

**SUBJECT: HEALTH INSURANCE**

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements and applicable law

**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 when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Under COBRA, employees generally may continue their group health insurance coverage for up to eighteen (18) months. In addition, with the exception of those in self-funded or self-insured plans, employees who have exhausted their federal COBRA coverage may extend their coverage for up to an additional eighteen (18) months, for a total period of thirty-six (36) months, under New York Insurance law.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (1) 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. Premiums and administrative costs will be paid in accordance with law.

American Recovery and Reinvestment Act of 2009, Public Law 111-5  
Consolidated Omnibus Budget Reconciliation Act of 1985  
Insurance Law Section 3221(m)(4)(5) and (6)  
Patient Protection and Affordable Care Act (ACA), Public Law 111-148

**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 provider.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31), 1709(34) and 2503(10)

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Personnel

**SUBJECT: PAYROLL DEDUCTIONS**

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Sections 1604 and 1709

## Personnel

**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 Education Law Sections 3023, 3028 and 3811. 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 New York State Public Officers Law Section 18 upon the "employees" of the District, as defined in Public Officers Law Section 18; and the District assumes the liability for the costs incurred in accordance with the provisions of Public Officers Law Section 18. The benefits accorded to District employees under Public Officers Law Section 18 shall supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

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## Personnel

**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES (Cont'd.)**

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.

Pursuant to the provisions of Public Officers Law Section 18, 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 Public Officers Law Section 18, shall be conditioned upon the delivery by the employee to the School 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 Public Officers Law 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.

Paul D. Coverell Teacher Protection Act of 2001, as authorized by the No Child Left Behind Act of 2001,  
20 United States Code (USC) Section 6731 et seq.  
Education Law Sections 1604(25), 1604(31-b), 1709(26), 1709(34-b), 2560, 3023, 3028 and 3811  
General Municipal Law Sections 6-n and 52  
Public Officers Law Section 18

**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) 1. 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.

(Continued)

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

- (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.

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 Cancer**

Employees shall be granted up to four (4) hours of paid leave on an annual basis to undertake a screening for cancer; This leave shall be excused leave and shall not be charged against any other leave to which the employee is entitled.

3. **Blood Donation**

The School District must either, at its option:

- (a) Grant three (3) hours of leave of absence in any twelve (12) month period to an employee who seeks to donate blood. According to Commissioner's Guidelines, leave granted to employees for off-premises blood donation is not required to be paid leave.

(Continued)

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

The leave may not exceed three (3) hours unless agreed to by the Superintendent/designee; or

- (b) Allow its employees without use of accumulated leave time to donate blood during work hours at least two (2) times per year at a convenient time and place set by the Superintendent/designee, including allowing an employee to participate in a blood drive at the District.

Leave taken by employees at a District-designated donation alternative (such as a District-sponsored blood drive at the workplace) must be paid leave that is provided without requiring the employee to use accumulated vacation, personal, sick, or other leave time.

The District shall not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of blood donation under any other provision of law 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.

The District will not retaliate against an employee for requesting or obtaining a leave of absence under this section. Additional leaves for the purpose of bone marrow donation under any other provision of law will not be prevented.

**5. 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 childbirth. The District shall make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express milk in privacy. The District shall not discriminate against an employee who chooses to express breast milk in the workplace.

Reasonable unpaid break time is generally no less than twenty (20) minutes and no more than thirty (30) minutes dependent upon on the proximity of the designated location for expressing breast milk. In most situations, the District is required to provide unpaid break time at least once every (3) hours if requested by the employee. At the employee's option, the District shall allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) so long as such additional time requested falls within the District's normal work hours.

(Continued)

## Personnel

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)**

The District shall provide written notice to employees who are returning to work following the birth of a child of their right to take unpaid leave for the purpose of expressing breast milk. Such notice may either be provided individually to affected employees or to all employees generally through publication of such notice in the employee handbook or posting of the notice in a central location.

Any employee wishing to avail herself of this benefit is required to give the District advance notice, preferably prior to her return to work, to allow the District an opportunity to establish a location and schedule leave time to accommodate employees as needed.

**6. Military Leave**

The District will comply with state and federal laws regarding military leave and re-employment.

**7. Witnesses or Victims of Crimes**

The District will grant an unpaid leave of absence to an employee, who is a victim of or a witness to a criminal offense, that is required or chooses to appear as a witness, consult with the district attorney, or exercise his or her rights as provided in the Criminal Procedure Law, the Family Court Act, and the Executive Law.

To use this leave, the employee must provide notice of the need for leave at any time prior to the actual day of leave. The District is permitted to ask the party who sought the attendance or testimony of the employee to provide verification of the employee's service. Employees will not be penalized or discharged for absences by reason of a required appearance as a witness in a criminal proceeding, or consultation with the district attorney, or exercising his or her rights as provided under the law.

**8. Victims of Domestic Violence**

Unless the absence would cause an undue hardship to the District, the District will provide reasonable accommodations to employees who are victims of domestic violence who must be absent from work for a reasonable time in accordance with law.

An employee availing themselves of this leave must provide the District with reasonable advance notice, unless providing this notice is not feasible. An employee unable to provide reasonable advance notice must, within a reasonable time after the absence, provide a certification to the District when requested.

To the extent allowed by law, the District will maintain the confidentiality of any information related to an employee's status as a victim of domestic violence.

(Continued)

**SUBJECT: LEAVES OF ABSENCE (Cont'd.)****8. Jury Duty**

As provided by law, any employee who is summoned to serve as a juror and who notifies the District to that effect prior to his or her term of service will not, on account of absence by reason of jury service, be subject to discharge or penalty. The District will ensure that all absences for this purpose are granted in accordance with law and the terms of any applicable collective bargaining agreement.

**9. Voting**

Employees who are registered voters may take up to three hours of paid leave to vote at any general election, special election called by the Governor, primary election, or municipal election. This does not include school district elections, library district elections, fire district elections, special town elections, or early voting periods. The employee will be allowed time off for voting only at the beginning or the end of his or her working shift, as the District may designate, unless otherwise mutually agreed.

Employees requiring working time off to vote must notify the District not less than two working days before the day of the election.

The District must post a notice informing employees of their right to leave in order to vote not less than ten working days before an election and until polls close on election day. This notice will be conspicuously posted in a place where it can be seen by employees as they come and go to their place of work.

29 USC § 207(r)

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC §§ 4301-4333

Civil Service Law §§ 71-73 and 159-b

Education Law §§ 1709(16), 2509(6), 2573(12), 3005, 3005-a and 3005-b

General Municipal Law §§ 92, 92-c, and 92-d

Election Law § 3-110

Executive Law § 296(22)

Judiciary Law §§ 519 and 521

Labor Law §§ 202-a, 202-ei, 202-fj, 202-jl and 206-c

Military Law §§ 242 and 243

Penal Law § 215.14

## Personnel

**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 District will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA leave. The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

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.

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 child;
- b) Adoption of a child and care for the child;
- c) The placement with the employee of a child from foster care;
- d) To care for a spouse, minor child or parent who has a serious health condition as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/orf) 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 person incapacitated for more than three (3) consecutive calendar days. Furthermore, 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) days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two (2) visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)****Military Family Leave Entitlements**

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty-six (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 twelve (12) month period to care for a "military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty;  
or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or injury.

This military caregiver leave is available during a single twelve (12) month period during which an eligible employee is entitled to a combined total of twenty-six (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 cannot 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 "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;  
or
- b) A veteran (discharged or released under condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

(Continued)



**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)****"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 the Regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency 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. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

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) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to fifteen [15] calendar days);
- h) Post-deployment activities; and
- i) 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. This military-related leave is for up to twelve (12) weeks during a single twelve (12) month period. Leave may be taken intermittently or on a reduced leave schedule.

**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.

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)**

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 by 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. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board of Education has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

**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.

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.

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (Cont'd.)****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, Public Law 103-3

National Defense Authorization Act of 2008, Public Law 110-181

10 USC 101(a) (13)

29 Code of Federal Regulations (CFR) Part 82529 CFR Part 825 and Part 1630

42 USC 12102

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

45 CFR Parts 160 and 164

NOTE: Refer also to Policy #6552 -- Uniformed Services Employment and Reemployment Rights Act (USERRA)/Military Leaves of Absence

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Adoption Date 3/23/09

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Review Date

## Personnel

**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) 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.

**Salary/Compensation**

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 thirty (30) days or twenty two (22) working days, whichever is greater, in any one calendar year; and shall not exceed thirty (30) days or twenty two (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.

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

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.

**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.

The payment of member contributions required under law to obtain military service credit is waived for members called to active military duty on or after September 11, 2001 and prior to January 1, 2006, as the result of Non-Contributory Military Service Credit legislation signed as Chapter 326 of the Laws of 2005.

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

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

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.

Leaves of Absence for Military Spouses

The spouse of a member of the armed forces of the United States, national guard or reserves who has been deployed during a period of military conflict (defined as a period of war declared by the United States Congress, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to the United States Code), to a combat theater or combat zone of operations shall be allowed up to ten (10) days unpaid leave by their employer. Such leave shall only be used when such person's spouse is on leave from the armed forces of the United States, National Guard or reserve while deployed during a period of military conflict to a combat theater or combat zone of operations.

In accordance with law, an employee means a person who performs services for hire for the District for an average of twenty (20) or more hours per week, and includes all individuals employed at any District site having twenty (20) or more District employees, but shall not include independent contractors.

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided above. The provisions of this section shall not affect or prevent an employer from providing leave for military spouses in addition to leave allowed under any other provision of law. The provisions of this section shall not affect an employee's rights with respect to any other employee benefit provided by law.

**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

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

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.

**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.

(Continued)

**SUBJECT: UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)/MILITARY LEAVES OF ABSENCE (Cont'd.)**

**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 website (<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), Public Law 108-454  
38 United States Code (USC) Sections 4301-4333  
20 Code of Federal Regulations (CFR) Part 1002  
Education Law Section 3101  
Military Law Sections 242 and 243



**Rocky Point Union Free School District**

**NUMBER**

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**SUBJECT: ROCKY POINT SCHOOL DISTRICT'S COMPREHENSIVE  
ATTENDANCE PLAN****Objectives**

Attendance is a critical factor in school success for students. Studies have shown that consistent school attendance, academic success, and school completion have a positive correlation. The educational process requires continuity of instruction and students need to experience classroom discussions, debate, and independent study in order to increase achievement. The purpose of Rocky Point School District's Attendance policy is to ensure the maintenance of an adequate record of verifying the attendance of all children during days of instruction and to establish a mechanism by which the patterns of pupil absence can be examined to develop effective intervention strategies. This procedure will permit each school to know the whereabouts of every student for safety and school management reasons and will help students succeed at meeting the New York State learning standards.

School attendance is both a right and responsibility in New York State. Children have the right to attend school between the ages of 5 and 21. Parents are expected to make sure that their children attend school on a regular basis. To implement a successful attendance policy, the District needs the cooperation of all members of the educational community, including parents, students, teachers, administrators, and support staff. Through the implementation of this policy the District expects to reduce the current level of unexcused absences, lateness, and early dismissals.

**Strategies Employed to Accomplish Objectives**

Rocky Point School District will employ the following strategies to ensure the effectiveness of this attendance policy.

**Increase awareness of policy among students by:**

- a) Including a copy in the student agenda book for 6th through 12th grade students.
- b) Request signatures from students in grades 6 through 12 indicating that they have read and understand the goals and consequences established for them in the District's Attendance Policy.
- c) Including a copy of policy on the district's Web site. ([www.rockypointschools.org](http://www.rockypointschools.org))

(Continued)

**SUBJECT: ROCKY POINT SCHOOL DISTRICT'S COMPREHENSIVE  
ATTENDANCE PLAN (Cont'd.)**Increase awareness of policy among parents by:

- a) Including a summary of the policy with the mailing/ConnectEd inviting parents to Open School Night.
- b) Request a parent signature on policy indicating that they have read and understand what is expected of his/her child.
- c) Including a summary of attendance requirements in the school district's calendar.
- d) Reminding them of attendance requirements when daily phone calls are made to verify student absence.
- e) Including a copy of policy on the district's Web site. ([www.rockypointschools.org](http://www.rockypointschools.org))

**General Procedures**

Each absence, late, and early dismissal will be recorded as excused or unexcused along with a code noting specific reason for absence. Excused absences are defined as: an absence due to personal illness, illness or death in the family, religious observance, quarantine, required court appearances, approved college visits, approved cooperative work programs, or military obligations. All other absences, lateness, or early dismissals will be considered unexcused.

On the secondary level, grades 6 through 12, attendance will be taken during each class period and compiled in a central location within each school. A designated staff member responsible for attendance will cross reference class absence with daily absentee list. A mechanism for transferring classroom attendance data to the building level has been developed.

On the elementary level (grades K through 5), attendance will be taken on a subject by subject basis (ELA/Math/Social Studies/Science) during each assigned period.

Any absence, lateness, or early dismissal must be accounted for. It is the parents' responsibility to notify the school within 24 hours of the absence AND to provide a written excuse upon the student's return to school. The written note should include student's name, date of absence, reason for the absence, and parent's signature. This note should be brought to the main office when he/she returns to school. Each day a child is absent a phone call from the parent is requested; however, all absences will be recorded as unexcused until a written note is received. At the secondary level it is the student's responsibility to provide documentation for all in-school appointments that will prevent a student from attending class prior to dismissal from class.

(Continued)

**SUBJECT: ROCKY POINT SCHOOL DISTRICT'S COMPREHENSIVE  
ATTENDANCE PLAN (Cont'd.)**

Parents will be notified if their child is absent, late, or departs early from school. Students in grades 9 through 12, who enter school late with an unexcused reason, will be assigned after school detention. When a student is out of school for ten or more consecutive days or is hospitalized for any period of time, the parent or guardian must contact the health office prior to the student returning to school to set up a re-entry interview.

**Minimum Attendance Requirements for 9th through 12th Grade Students**

The high school attendance requirement states, in part, that to be granted academic credit for any course, a student must earn a passing grade in the course and attend each class a minimum of eighty five percent (85%) of the time.

Students will not receive course credit if absent more than:

- Full-year course 28 days
- Full-year alternating day course 14 days
- Half-year course 14 days

In each course, when a student exceeds the maximum number of absences, this student's work will no longer be evaluated. A notation of "no grade" for all subsequent reporting periods and exams will be entered on the report card. Students who have failed to meet the attendance requirements will be denied academic credit but will be responsible to complete course assignments while they audit the course. If a student is eligible to take a Regents examination, pursuant to Commissioner's Regulations, the score will be noted on the student's permanent record.

**Applicability**

- a) This policy shall apply to students in grades 9 through 12 and for accelerated 8th grade students enrolled in courses where they earn high school credit.
- b) This policy shall apply to each course independently.
- c) This policy shall apply to students with a handicapping condition unless otherwise noted in their individualized educational program or 504 plan.
- d) Students attending classes at other facilities, such as a BOCES center, shall be subject to the attendance policies at those other facilities. In addition, this policy shall apply for the portion of the students' program for which they are enrolled at Rocky Point High School.
- e) New students to the high school, who enroll after the first semester, shall be entitled to half the number of allowable absences for each scheduled course.
- f) Students who transfer from one class to another during the school year will have their class attendance transfer to the new class.

(Continued)

**SUBJECT: ROCKY POINT SCHOOL DISTRICT'S COMPREHENSIVE  
ATTENDANCE PLAN (Cont'd.)**

Absences

- a) All absences from class will be covered by this policy. No distinction will be made between the classification of excused or unexcused when determining the total number of days absent from each course.
- b) Students shall not be considered absent when they are authorized by school officials to be somewhere other than in their regularly scheduled class. For example, if school personnel expect a student to report elsewhere during their regularly scheduled class time for such activities as meetings, conferences with school personnel, testing, physical exams, music lessons, or field trips, the student shall not be considered absent. It is the responsibility of the student and/or the designated staff member to provide the teacher with written documentation to attend these sessions before they are permitted to leave the class.
- c) Absences resulting from the student being assigned to the alternative learning program will not count as a class absence. Absences resulting from a student assigned to out-of-school suspension will not count as an absence.
- d) Students who, for any reason, are removed from the Regular Attendance Register and placed on Homebound Instruction shall not be considered absent from their regular classes during that time.

Notification Sequence

The following refers to the notification process pertaining to the number of absences in a single course. A student may be notified several different times if excessive absences exist in more than one class.

- a) As soon as possible after the fourteenth, twenty-first, and twenty-eighth absence from a full year course, the high school administration shall send written notification to the student's parent(s) and guidance counselor. The letters shall notify the parent(s) as follows:
 

After the 14th absence:	The student has been absent half the number of maximum absences and may lose credit if absences continue.
After the 21st absence:	The student has only seven absences remaining and will lose credit if absences exceed the limit.
After the 28th absence:	The student will not receive credit due to excessive absenteeism.
- b) Similarly, as soon as possible after the sixth, tenth, and fourteenth absence from a half-year course, or a full-year alternating day course, the high school administration shall send written notification to the student's parent(s) and guidance counselor. The letters shall notify the parent(s) as follow:

(Continued)

**SUBJECT: ROCKY POINT SCHOOL DISTRICT'S COMPREHENSIVE  
ATTENDANCE PLAN (Cont'd.)**

After the 6th absence:	The student has been absent nearly half the number of maximum absences and may lose credit if absences continue.
After the 10th absence:	The student has only four absences remaining and will lose credit if absences exceed the limit.
After the 14th absence:	The student will not receive credit due to excessive absenteeism.

In every letter to a student's parent(s), a request will be made for the parent to meet with the child's counselor. A phone call from the child's guidance counselor will follow this request. The impact of excessive absences on the student's education, possible intervention strategies to eliminate the problem, and the consequences associated with the student's absenteeism will be discussed. If contact between the parent(s) and the school is not made, the school may contact outside agencies for additional support in addressing the attendance problem. The parent(s) will have an opportunity to confer with the school staff; however, a conference with the parent(s) is not a prerequisite to denying academic credit to a student who has failed to meet the attendance requirements. The prime responsibility for the student's attendance in class rests with the student.

Appeals Process

For extenuating circumstances only, a parent has the right to file a written appeal for review by the appeals committee. The appeals committee will consist of an administrator, one counselor, and one teacher. The written appeal, including all supporting documentation, must be received by the Building Principal within ten (10) days of the date of the loss of credit letter. The committee will then rule on whether the student will continue as a regular student in the class or be placed on audit. The final decision will rest with the Principal. Any further absence during the appeals process may result in dismissal of appeal and loss of credit.

**Minimum Attendance Requirements for 6th-8th Grade Students**

The Middle School attendance requirement is consistent with the District's Attendance Policy. All students must attend each class a minimum of eighty-five percent (85%) of the time. This shall apply to all students in grades 6 through 8, unless otherwise stated on a classified student's individual educational plan or 504 plan. Eighth grade students taking courses for high school credit must maintain the minimum attendance requirements for students in grades 9 through 12. The High School definition of absences applies for all Middle School students.

Notification Sequence and Consequences

After 5th absence: Main office notification letter home.

(Continued)



**SUBJECT: ROCKY POINT SCHOOL DISTRICT'S COMPREHENSIVE ATTENDANCE PLAN (Cont'd.)**

- After 10th absence: Letter and phone call requesting parental meeting with guidance counselor and student.
- After 15th absence: Letter and phone call requiring parental meeting with Assistant Principal.
- After 20th absence: Require meeting with Principal.  
Require medical documentation.  
PINS consideration and/or outside agency consideration.
- After 25th absence: Require meeting with Principal.  
PINS if no medical documentation is provided.  
Outside agency contacted if no medical documentation provided.
- After 28th absence: PINS and outside agency may be contacted.  
Principal's decision on retention regardless of academic standing.

**Minimum Attendance Requirement for Pre-K through 5th Grade Students**

The Elementary Schools' attendance requirement is consistent with the District's Attendance Policy. All students must attend class a minimum of eighty-five percent (85%) of the time. This shall apply to all students in grades Pre-K through 5. The school staff will discuss the importance of school attendance and offer assistance to parents and guardians of students who are excessively absent.

Notification Sequence

- a) As soon as possible after the tenth day of absence and/or tardiness, the school administration shall send written notification of the number of absences to the student's parent(s) or guardian(s) reminding them of the importance of regular attendance.
- b) As soon as possible after the twentieth day of absence and/or tardiness, the school administration shall send written notification of the number of absences to the student's parent(s) or guardian(s) expressing concern about the impact of excessive absences on the student's education. (*request a conference*)
- c) As soon as possible after the twenty-fifth day of absence and/or tardiness, the school administration shall arrange for a conference with the parent(s) or guardian(s) and shall consider contacting outside agencies to protect the interest of the child.

(Continued)

**SUBJECT: ROCKY POINT SCHOOL DISTRICT'S COMPREHENSIVE  
ATTENDANCE PLAN (Cont'd.)**Consequences of Excessive Absenteeism at the Elementary Level

- a) A doctor's note may be required.
- b) A child must demonstrate competence for promotion to next grade level by performance on district's standardized tests.
- c) Referrals will be made to outside agencies for additional support towards attendance problem.

**Incentives and Consequences for Attendance Patterns**

Each school, where administration deems appropriate, may use the following list of incentives to encourage good attendance.

- a) Community donated gifts are given or raffled to students who meet attendance standards.
- b) Students who meet the attendance standard can eat in a special area or with a special person in the school.
- c) Field trip arranged for students who meet the attendance standards.
- d) Participation in extra curricula activities for students who meet attendance standards.
- e) Recognition award for one hundred percent (100%) attendance each term.
- f) Students with perfect attendance selected to park in choice locations.
- g) Attendance record used when considering issuance of working papers.

Each school, where the administration deems appropriate, may use the following list of sanctions to discourage poor attendance.

- a) Loss of the right to play sports.
- b) Loss of the right to participate in extra-curricula activities.
- c) Loss of the right to attend school-related trips.
- d) Loss of parking privileges.
- e) Revocation of student's employment permit.
- f) Attendance at meeting with parents, administration and counselor to discuss impact of excessive absences.
- g) Repetition of course or grade level due to excessive absences.

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Adoption Date 3/23/09

Revision Dates 7/12/12, 7/11/13, 11/13/23

Review Dates 8/25/14, 8/31/15, 8/29/16, 8/28/17, 8/27/18, 8/26/19, 8/24/20, 8/23/21, 8/29/22, 8/28/23

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Students

**SUBJECT: RELEASED TIME OF STUDENTS**

Written requests from the parent/guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

The Building Principal shall assume this responsibility or shall designate an individual to review and approve all requests.

8 New York Code or Rules and Regulations (NYCRR) Section 109.2

Adoption Date: 3/23/09

## Students

**SUBJECT: AGE OF ENTRANCE****Kindergarten**

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school, and
- b) The child has been registered and enrolled in Kindergarten in the District in which his/her parents were legal residents.

**Other Grades**

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

**Proof of Age**

A student's birth certificate, passport or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

Adoption Date: 3/23/09

## Students

**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:

- a) 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;

(Continued)

Students

**SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)**

- b) Certificates of immunization or referral for immunization in accordance with Section 2164 of the Public Health Law;
- c) Vision, hearing and scoliosis screenings as required by Section 136.3 of Commissioner's Regulations;
- d) 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
- e) 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.

**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.

(Continued)

Students

**SUBJECT: DIAGNOSTIC SCREENING OF STUDENTS (Cont'd.)**

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 on screenings. They shall have access to the screening results and obtain copies upon request. The results of all mandated screening examinations shall be in writing and shall be provided to the child's parent/guardian and to any teacher of the child within the school while the child is enrolled in the school. A letter will be sent to the parent/guardian of any child failing a screening.

**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

Adoption Date: 3/23/09

**SUBJECT: SCHOOL ADMISSIONS 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 the Rocky Point Union Free School District (the "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.

**Grade Placements**

Students will be placed according to the following:

- a) **Kindergarten:** Children who reach age five (5) on or before December 1 of the year of matriculation are entitled to attend school and may be admitted to kindergarten. Proof of age must be presented in the form of a birth certificate or passport.
- b) **First Grade:** Children reaching the age of six (6) on or before September 1 of any year will be eligible for the first grade in September of that year. Children reaching the age of six (6) on or after September 2 will not enter first grade until the following September.
  1. **Exceptions:** Children who apply for admission after having completed a full year's work either in a public school kindergarten outside the District or in a nonpublic kindergarten registered by the State Education Department will be placed in first grade, pending their observation by classroom teachers, guidance personnel, and the Building Principal. After these observations have been completed, the Building Principal will determine the final grade placement of the child.
- c) **Grade 2-12:** Children who apply for admission to grades two (2) through twelve (12) on the basis of prior schooling outside the District will be placed initially on the grade level they have reached elsewhere. The Building Principal will determine subsequently whether there should be any change in the grade placement.

A parent/guardian/person in parental relation may appeal a placement decision first to the Building Principal, then to the Superintendent, and finally to the Board of Education.

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**Registration:**

Upon registration, all new students shall be required to provide the following documents/information:

- a) Proof of date of birth
- b) Proof of residency

**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.

**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.

**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 Rocky Point Union Free 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.

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**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.

**Homeless Children**

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the 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.

**Criteria for Admission under Special Circumstances:**

Non-resident families who wish to enroll children in the Rocky Point Union Free School District shall submit a request in writing to the Superintendent who shall determine whether or not admission will be granted.

The following general conditions for acceptance will be met when considering admittance:

- a) There is sufficient space to accommodate the non-resident student;
- b) No increase in the size of faculty or staff will be necessary;
- c) Admittance will not result in the establishment of a new section;
- d) Parents/guardians must work out transfer conditions with the home school district or provide their own transportation;
- e) All rules and regulations in effect for District students will be applicable to non-District students;
- f) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department.

Final decisions regarding the acceptance of non-resident students rest with the Board of Education.

**Tuition-Paying Students****Future Students**

The children of families who have signed a contract to buy or build a residence in the School District may be enrolled for the semester in which they expect to become residents. Non-resident tuition shall be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the District.

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Former Residents:

Parents moving from the District after the last day of the first semester of the school year, but wishing their children to continue in school until the end of that school year, may be charged full tuition from the date of departure to the end of the school year.

Transportation:

Transportation will be provided for non-resident students if, and only if, existing bus routing is used, and there is sufficient room on the bus.

The Superintendent of Schools is hereby authorized to develop all necessary forms and other documents required to implement this policy.

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the Every Student Succeeds Act (ESSA), 42 USC § 11431 et seq.

Domestic Relations Law Section 74

Education Law Sections 2045, 3202, 3205, 3209 and 3212(4)

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 #7131 -- Education of Homeless Children and Youth

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Adoption Date 8/30/10

Revision Date 7/12/18

Review Date

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## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING**

The Board recognizes the unique challenges that face students in temporary housing (i.e., homeless children and youth) and will provide these students with access to the same free and appropriate public education, including public preschool education, as other students, as well as access to educational and other services necessary to be successful in school. The District will ensure that these students are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, and success of students in temporary housing.

**Identification of Students in Temporary Housing**

All districts are obligated to affirmatively identify all students in temporary housing. Therefore, the District will determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the District uses a housing questionnaire that asks for a description of the current living arrangements of the child or youth to determine whether the child or youth meets the definition of a homeless child.

In addition to using the housing questionnaire, the District will also, when appropriate, 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:
    - (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;

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- (d) A migratory child who qualifies as homeless under (a), (b), or (c) of this subparagraph or item 2) below; or
- (e) An unaccompanied youth; or
- 2. A child or youth who has a primary nighttime location that is:
  - (a) A supervised, publicly, or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, shelters operated or approved by the state or LDSS, and residential programs for runaway and homeless youth established in accordance with applicable law; or
  - (b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
- c) Migratory child means a child or youth who made a qualifying move in the preceding 36 months:
  - 1. As a migratory agricultural worker or a migratory fisher; or
  - 2. With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher
- d) Preschool means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Act administered by the District.
- e) Receiving school means:
  - 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
  - 2. A school that enrolls students from a feeder school in a neighboring local educational agency.
- 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.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- h) School district of origin means the school district within New York State in which:
1. The homeless child was attending a public school or preschool on a tuition-free basis or was entitled to attend when circumstances arose that caused the child to become homeless, which is different from the school district of current location;
  2. The child was residing when circumstances arose that caused the child to become homeless if the child was eligible to apply, register, or enroll in public preschool or kindergarten at the time the child became homeless; or
  3. The homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose that caused the child to become homeless.
- i) School of origin means:
1. The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
  2. The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
  3. The public school or preschool in which the child would have been entitled or eligible to attend based on the child's last residence before the circumstances arose which caused the child to become homeless if the child becomes homeless after the child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.
- j) Unaccompanied youth means a homeless child or youth who is not in the physical custody of a parent or legal guardian.

**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;

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- c) Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local educational agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the District.
- d) Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
- e) Parents or guardians of students in temporary housing are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- f) Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
- g) Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with applicable laws and regulations;
- h) Assistance in commencing an appeal, in accordance with applicable law, of a final determination regarding eligibility, enrollment, school selection, and/or transportation is provided to the student in temporary housing's parent or guardian or the unaccompanied youth;
- 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);

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- m) School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison; and
- n) Assistance with obtaining any necessary immunizations or screenings, or immunization or other required health records is provided to the parents or guardians of the students in temporary housing.

**School District and School Designations**

A designator will make the initial decision about which school district and school a student in temporary housing will attend. A designator is:

- a) The parent or person in parental relation (guardian) to a student in temporary housing;
- b) The student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- 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.

(Continued)



## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll the child in school.

The District will provide completed designation forms to the McKinney-Vento liaison immediately, but no later than two business days from the earlier date on which the child or youth either:

- a) Sought enrollment in school; or
- b) Was placed in a temporary housing facility or residential facility for runaway and homeless youth.

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)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- e) Immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- f) Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 form to the designator and keep a copy of the STAC 202 form for the District's records;
- g) Arrange for transportation in accordance with applicable laws and regulations; and
- h) Arrange for the child to receive free school meals.

**Request for Records**

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

**Tuition Reimbursement**

The District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

- a) The District is either the school district of current location or a school district participating in a regional placement plan;
- b) The District is designated as the school district of attendance; and
- c) The school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District schools after finding permanent housing midyear in a different school district within New York State. In these cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs.

**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.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

If the District is the designated school district of attendance, the District will provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if the temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for the purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth facility, the District will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form.

The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services.

When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student's attendance in school.

If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner determines that it is in the best interest of the child.

Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, the district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student's participation in the program.

Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:

- a) The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school;
- b) The student meets the eligibility criteria for the activity; and
- c) The lack of transportation poses a barrier to the student's participation in the activity.

Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the LDSS is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building.

Where a student in temporary housing must cross state-lines to attend a school of origin, the District will coordinate with the District in the neighboring state to provide transportation services when:

- a) The student is temporarily living in New York State and continues to attend school in a neighboring state; or

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- b) The student is temporarily living in a neighboring state and continues to attend school in New York State.

**Dispute Resolution Process**

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- a) The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth, if the District determines that the District is not required to either enroll and/or transport the child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to the parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- b) The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- 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;

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- e) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that he or she has received the form petition and supporting documents, and will either accept service of these documents on behalf of the District employee or officer or District, or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party, and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board to accept service on behalf of the District;
- f) Transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- g) Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that he or she has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234;
- 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:

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)**

- a) Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- b) Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- c) Its local plan describes the services provided to students in temporary housing;
- d) Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. These efforts will include contacting the LDSS or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and
- 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.

(Continued)

## Students

**SUBJECT: EDUCATION OF STUDENTS IN TEMPORARY HOUSING (Cont'd.)****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.

**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)

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Review Date

## Students

**SUBJECT: NON-RESIDENT STUDENTS**

Non-resident families who wish to enroll children in the School System shall submit a request in writing to the superintendent, who shall determine whether or not the student(s) will be admitted. Requests must be made in advance before beginning the registration process.

The following general conditions for acceptance will be met when considering admittance:

- a) There is a sufficient space to accommodate the non-resident student;
- b) No increase in the size of the faculty or staff will be necessary;
- c) Admittance will not result in the establishment of a new section;
- d) Parents/guardians must work out transfer conditions with the home school district or provide their own transportation;
- e) All rules and regulations in effect for district students will be applicable to non-district students;
- f) Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department. Non-resident families must provide their own transportation;
- g) The students of families who have signed a contract to buy or build a residence in the school district may be enrolled for the semester in which they expect to become residents. Non-resident tuition may be charged, payable in advance, with an adjustment to be made when the family becomes a resident in the district.

Final decisions regarding the acceptance of non-resident students rest with the Superintendent with the consent of the Board of Education.

**Tuition-Paying Students**Foreign Students

Students from other nations who are living with district residents may be enrolled at the discretion of the district. In accordance with federal law, a foreign student who attends a public secondary school under an F-1 Visa must reimburse the school district for the full unsubsidized per capita cost of providing education at the school during the student's attendance. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the district in accordance with the Student and Exchange Visitor Information System (SEVIS). (Requests must be made six months in advance prior to the semester in which the student will be enrolled.)

(Continued)



**SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)****Tuition Fees**

Where applicable, tuition fees are computed according to a formula established by the Commissioner of Education.

Tuition of individual non-resident students shall be computed in advance at the time of enrollment. Methods of payment (e.g., monthly) may be arranged in the district office and approved by the Superintendent. Non-resident status is contingent upon timely payment of tuition fees as established by the Board of Education.

**Non-Tuition Students**Former Residents

Parents moving from the district after the last day of the first semester of the school year, but wishing their children to continue in school until the end of that school year, must request in writing to the Superintendent, continuation to remain in school to the end of the school year. Tuition from the date of departure may be required.

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 case of an unaccompanied youth; or the direction 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.

Note: Refer also to Policy #7131 -- Education of Homeless Children and Youth

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/guardian or person in parental relation, will be allowed to attend the public school that they attended prior to the relations. However, the district is not required to provide transportation between a temporary residence located outside the district and the school the child attends.

(Continued)

## Students

**SUBJECT: NON-RESIDENT STUDENTS (Cont'd.)**Emancipated Minors

A determination of whether a student is to be designated as an emancipated minor in the Rocky Point Union Free School District will be based on evidence that the student is no longer under custody, control and support of his/her parents/guardians or 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/guardians or persons in parental relation.

Foreign Exchange Students

Only foreign students participating in a recognized Student Exchange Program in which the school district participates under a J-1 Visa may attend District schools without payment of tuition. The administration is authorized to file with the U.S. Department of Homeland Security the forms necessary for the monitoring of non-immigrant foreign students during the course of their stay in the District in accordance with the Student and Exchange Visitor Information System (SEVIS). Requests must be made in advance prior to the semester in which the student will be enrolled.

Education Law Sections 1709(13), 2045 and 3202  
8 New York Code of Rules and Regulations (NYCRR)  
Section 174.2  
8 United States Code (USC) Chapter 12

## Students

**SUBJECT: STUDENT WITHDRAWAL FROM SCHOOL**

Students who withdraw from school for any reason are required to notify the Building Principal and provide a specific reason for withdrawal.

Each Building Principal will submit a monthly report to the Superintendent concerning the identity and reason of each student withdrawing from school.

Building Principals will respond within five (5) business days to requests by other schools for the records of students transferring from District schools. Records transferred pursuant to such requests will include the written notification of criminal charges/adjudications by law enforcement officials for criminal acts.

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE**

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the same opportunity to achieve at the high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

**Definitions**

- a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.
- b) **Feeder school** means:
  - 1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;
  - 2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or
  - 3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.
- c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
- d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.
- e) **Receiving school** means:
  - 1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or
  - 2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**

- f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.
- g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.
- h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

**District Foster Care Liaison**

The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The District will ensure that the name and contact information for the Foster Care Liaison are:

- a) Submitted to SED;
- b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and
- c) Posted on the District website.

**Designation of School District and School**

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)**

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

**Responsibilities When Designated as the School District of Attendance**

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

- a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;
- b) Treat the student in foster care as a resident for all purposes; and
- c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

**Request for Records**

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

**Tuition Reimbursement**

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)****Transportation Responsibilities**

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

**Where the School of Origin is a Charter School**

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

**Dispute Resolution Process**

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

(Continued)

**SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)****Coordination with Other Agencies**

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

**Comparable Services**

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

**Student Privacy**

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC § 6312

45 CFR § 1355.20(a)

US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)

Education Law §§ 3202 and 3244

Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE: Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming  
#7240 -- Student Records: Access and Challenge

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Adoption Date 6/17/19

Revision Date

Review Date



*2007*

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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 1709(3) and 3214(5)

Adoption Date: 3/23/09

## Students

**SUBJECT: EDUCATIONAL SERVICES FOR MARRIED/PREGNANT STUDENTS****Married Students**

The Board of Education will comply with state law in reference to married students attending school.

**Pregnant Students**

New York State Education Law provides that resident students over five (5) and under twenty-one (21) who have not received a high school diploma 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, administrative regulations will be developed to implement the terms of this policy 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 and 4402-2

Adoption Date: 3/23/09

Students

**SUBJECT: SCHOOL CENSUS**

Although not required by law, the Rocky Point Union Free School District will take a census of all children from birth to eighteen (18) years of age. Census data shall be reported as required by law.

The census must indicate the names of all children between birth and eighteen (18) years of age, and of children with disabilities between birth and twenty-one (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 parents/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.

Parents/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 (2) 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 eighteen (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.

**Count of Immigrant Children and Youth, 2006**

As a provision of the federal Title III Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act under the No Child Left Behind Act of 2001, the U.S. Secretary of Education requires that **all local educational agencies (LEAs)** count the number of "immigrant children and youth" enrolled in the public and nonpublic schools in the geographic area under the jurisdiction of, or served by, the LEA. The results of this count have important implications for the receipt of supplemental federal funds to eligible LEAs in New York State for services to recently arrived immigrant children and youth.

(Continued)

Students

**SUBJECT: SCHOOL CENSUS (Cont'd.)**

For purposes of this count, the term "immigrant children and youth" shall include those individuals who:

- a) Are ages three (3) through twenty-one (21);
- b) Were **NOT** born in any state or from the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and
- c) Have **NOT** been attending schools in any one or more States for more than three (3) full academic years.

Each nonpublic school shall report its data to the public school district in which it is located. It is the responsibility of each public school district to report its immigrant count as well as the counts for all nonpublic schools within its jurisdiction.

In accordance with law, the District shall conduct its survey and submit the information on the appropriate form to the New York State Education Department by the specified deadline date. LEAs must also maintain on file a list of the immigrant students counted, their countries of origin, dates of arrival, and the public or nonpublic school in which they are registered as well as copies of the letter to each of the nonpublic schools in its jurisdiction regarding the count.

Education Law Sections 3240-3243 and 4402(1)(a)

8 New York Code of Rules and Regulations (NYCRR) Section 200.2(a)

20 United States Code (USC) Section 6811

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities

Adoption Date: 3/23/09

Students

**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.

**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.

(Continued)

**SUBJECT: STUDENT EVALUATION (Cont'd.)****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

## Students

**SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED**

The Board of Education assures parents or persons in parental relation who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relation shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the Principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relation when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relation. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, note takers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(aa)

## Students

**SUBJECT: GRADUATION REQUIREMENTS/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)



Students

**SUBJECT: GRADUATION REQUIREMENTS/EARLY GRADUATION/ACCELERATED PROGRAMS (Cont'd.)****Dual Credit for College Courses**

Students who have demonstrated intellectual and social maturity may choose to matriculate at any one of the colleges that have a cooperative agreement with the District. Students who wish to enroll in college-level coursework must meet all academic, grade level, and coursework requirements. These opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. The administration will review and approve any college courses before they are taken during the school day. The Board will not pay tuition and other related costs for those high school students enrolled in college courses.

**Online Coursework**

The District may offer students the ability to complete general education and diploma requirements for a specific subject through online instruction or blended coursework that combines online and classroom-based instruction.

To receive credit for online coursework, students must successfully complete an online or blended course and demonstrate mastery of the learning outcomes for the subject by passing the Regents exam or other assessment in the subject area.

8 NYCRR §§ 100.1(i), 100.2(f), 100.4(d), 100.5, 100.6, and 200.5

NOTE: Refer also to Policy #7222 -- Diploma or Credential Options for Students with Disabilities

**SUBJECT: PARTICIPATION IN GRADUATION CEREMONIES AND ACTIVITIES**

Any student who has satisfactorily completed all graduation requirements will be permitted to participate in the graduation ceremony and all related graduation activities of his or her graduating class subject to certain exceptions. Students may be prohibited from participating in the graduation ceremony or related graduation activities as a consequence of violating the District's *Code of Conduct*.

The District permits any student to participate in the graduation ceremony and all related graduation activities of his or her high school graduating class, if the student has been awarded a Skills and Achievement Commencement Credential or a Career Development and Occupational Studies (CDOS) Commencement Credential, but has not otherwise qualified to receive a Regents or local diploma. While permitted to participate, these students are not required to participate in the graduation ceremony or related graduation activities of his or her high school graduating class. For purposes of this policy, a student's high school graduating class is the twelfth grade class with which he or she entered into ninth grade.

Education Law § 3204(4-b)  
8 NYCRR § 100.2(oo)

**SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The District will provide students with disabilities appropriate opportunities to earn a diploma or other exiting commencement credential in accordance with Commissioner's regulations. During the student's annual review, the District will evaluate graduation opportunities and identify the means to achieve them. As part of this process, the District:

- a) Will coordinate activities with guidance personnel and BOCES staff to ensure that students meet credit and sequence requirements and to consider them for vocational opportunities.
- b) May modify instructional techniques and materials. Any modifications will be included on a student's Individual Education Plan (IEP) so that they can be implemented consistently throughout the student's program.
- c) Will review special education instructional programs to ensure equivalency with the same courses taught in the general education program.
- d) Will coordinate communication between special and general education staff so that all staff members understand required skills and competencies, and to establish equivalency of instruction in special education classes.

Graduation and transition plans will take into account the various pathways available to these students. For students with IEPs, the District will plan transition services for post-secondary life as early as possible, but no later than the school year in which the student turns age 15. The transition activities will be focused on improving both the student's academic and functional achievement. The plan will explore post-secondary opportunities and employment options and, if applicable, connection with adult service agencies that may provide the student with services after exiting school.

The District may award these diplomas or credentials, or both:

- a) Local diploma: available to students with an IEP or a Section 504 accommodation plan that specifies a local diploma. Students must comply with credit requirements. The available assessments to earn a local diploma include:
  1. Low-pass safety net option: students must achieve a score of 55 or higher on five required Regents exams.
  2. Low-pass safety net and appeal: available to students who score 52-54 on up to two Regents exams, successfully appeal those scores, and meet all other applicable conditions.
  3. Regents Competency Test (RCT) safety net option: a student who enters grade 9 before September 2011 must pass a corresponding RCT if he or she does not attain a score of 55 or higher on the Regents examination.

(Continued)

**SUBJECT: DIPLOMA OR CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES (Cont'd.)**

4. Compensatory safety net 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.
5. 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. (Students with a Section 504 accommodation plan may not use this option.)
  - b) Career Development and Occupational Studies 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.
  - c) Skills and Achievement (SA) commencement credential: students with severe disabilities who are assessed using the NYSAA 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.

**Graduation**

The District allows any student with a disability to participate in the graduation ceremony of his or her high school graduating class and all related graduation activities if the student:

- a) Met the eligibility criteria for an SA or CDOS commencement credential;
- b) Has not otherwise qualified to receive a Regents or local diploma; and
- c) Has an IEP that prescribes special education, transition planning, transition services, or related services beyond the student's four academic years after entering high school.
- d) Has not been administered a discipline that precludes the student from participating in the graduation ceremony.

The Superintendent will consider any recommendation of the student's Committee on Special Education as well as the student's own expressed preference regarding participation; a student with a disability may decline to participate in any or all graduation-related activities. The District will provide annual written notice of this policy to applicable students and their parents or guardians.

Education Law §§ 3202 and 4402

8 NYCRR §§ 100.1, 100.2, 100.5, 100.6, 200.4, and 200.5

NOTE: Refer also to Policy #7220 -- Graduation Options/Early Graduation/Accelerated Programs

Students

**SUBJECT: DUAL CREDIT FOR COLLEGE COURSES**

Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines. Students who have demonstrated intellectual and social maturity may choose to matriculate at any one (1) of the colleges that have a cooperative agreement with our School District. Such opportunities may include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by the administration are necessary before any college courses may be taken during the school day.

The Board shall not be required to pay tuition and other related costs for those high school students enrolled in college courses.

**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.

**Access to Student Records**

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.

(Continued)

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information (PII) contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that 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.

**Exceptions**Directory 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.

To School Officials who have a Legitimate Educational Interest

To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of the student, other students, or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

To Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or post-secondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that these disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, the District will provide a copy of the information disclosed and an opportunity for a hearing.

(Continued)

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**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.

To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In these cases, the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

To Foster Care Agencies

The District may release records to an agency caseworker or other representative of a state or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or maltreatment, absent an order or subpoena.

Pursuant to a Subpoena or Court Order

When the District receives a subpoena or court order for the release of records, it will make a reasonable effort to notify the parent or guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent or guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

The District may disclose a student's records without first notifying parents or guardians or eligible students if the disclosure is:

1. Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;

(continued)



2. In accordance with a judicial order in cases where the parents are a party to a court proceeding involving child abuse or maltreatment or dependency matters, and the order is issued in the context of that proceeding; or

3. Made to a court (with or without an order or subpoena) when the District is involved in a legal action against a parent or student and the records are relevant to the matter.

#### For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions, and enforcement of terms of a student's financial aid.

#### To Accrediting Organizations

Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

#### To Parents of a Dependent Student

Even when a student turns 18 years of age or older the District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

#### 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.

(Continued)

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**For Conducting Studies

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.

The District may disclose PII from education records without consent to 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.

**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;

(Continued)

Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

- 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  
Education Law § 2-d

NOTE: Refer also to Policies #7242 -- Student Directory Information  
#7243 -- Military Recruiters' Access to Secondary School  
Students and Information on Students  
#7643 -- Transfer Students with Disabilities

Students

**SUBJECT: 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 1232(g)(b)(4)(A)  
34 Code of Federal Regulations (CFR) Part 99

## Students

**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 Rocky Point Union Free School District will release the following defined directory information\* as checked below:

- name
- address
- telephone listing
- date and place of birth
- major field of study
- grade level
- participation in sports and activities
- weight and height (for members of athletic teams)
- dates of attendance
- honors, degrees and awards
- e-mail address
- photograph
- name of educational institution previously attended

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.

### **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

NOTE: Refer also to Policies #7240 – Student Records: Access and Challenge  
#7243 -- Military Recruiters & Institutions of Higher Education

## Students

**SUBJECT: MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER EDUCATION****Requests for Information**

The District will comply with requests from military recruiters and institutions of higher education (IHEs) for access to the name, address and telephone listing of each secondary school student, except for any student whose parent (or the student, if he or she is at least 18 years of age) has submitted a written request to opt out of this disclosure, in which case the information will not be released without the parent's (or student's, if he or she is at least 18 years of age) prior written consent.

**Annual Notification and Opt Out Opportunity**

The District will annually notify parents of a secondary student (or the student, if he or she is at least 18 years of age) of the opportunity to submit a written request to opt out of disclosure of the student's name, address, and telephone listing to military recruiters and IHEs. If a written opt out request is submitted, the District will not disclose the student's information to military recruiters or IHEs without the parent's (or student's, if he or she is at least 18 years of age) prior written consent.

**Military Recruiter Access**

The District will provide military recruiters the same access to secondary school students as is provided generally to IHEs or prospective employers of those students.

Elementary and Secondary Education Act of 1965, 20 USC § 7908 as amended by the Every Student Succeeds Act (ESSA) of 2015

10 USC § 503

34 CFR § 300.571

Education Law § 2-a

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS**

The Protection of Pupil Rights Amendment (PPRA) governs the administration to students of a survey, analysis, or evaluation that concerns one or more of the following **eight protected areas**:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

PPRA also concerns marketing surveys and other areas of student privacy, parental access to information, and the administration of certain physical examinations to minors.

**General Provisions**

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of the Family Educational Rights and Privacy Act (FERPA).

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns eighteen (18) years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

(Continued)



Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

**Annual Parental Notification of Policies/Prior Written Consent/"Opt Out" Provisions**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to parents/guardians and eligible students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to provide written consent or opt their child out of participation in the following activities in accordance with law and the surveys conducted:

- a) The administration of **any survey** containing one or more of the **eight protected areas**.
  1. **U.S. Department of Education-Funded Surveys: Prior written consent from parents must be obtained** before students are required to submit to the survey.
  2. **Surveys funded by sources other than U.S. Department of Education:** Notification may indicate the specific or approximate dates during the school year when surveys will be administered and provide an opportunity for the parent to opt his/her child out of participating upon receipt of the notification.
- b) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

**Specific Notification**

In the event that the District does not identify the specific or approximate dates of the activities or surveys to be administered in the general annual notification, it shall "directly" notify, such as through U.S. Mail or e-mail, the parents of students who are scheduled to participate in the specific activities or surveys prior to participation and provide an opportunity for the parent to provide written consent or opt his/her child out of participation in accordance with law and the surveys conducted.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

**U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning any of the **eight protected areas**.

**Surveys Funded by Sources Other than U.S. Department of Education**

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/person in parental relation to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the Building Principal no more than fourteen (14) days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.
- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the **eight protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of the **eight protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal no more than thirty (30) days prior to the administration or distribution of any survey.
- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (\*defined by the School District, for the purposes of this policy, as thirty [30] days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the Building Principal. The *term "instructional material" means* instructional content that is provided to a student,

(Continued)

## Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments.*

- d) The administration of physical examinations or screenings that the School District may administer to a student.

*Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.*

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or *\*military recruitment*;

*\*Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Family Educational Rights and Privacy Act of 1974, as amended by the No Child Left Behind Act of 2001,  
20 United States Code (USC) Sections 1232h(b) and 1232h(c)  
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121-- Diagnostic Screening of Students  
#7243 -- Military Recruiters' Access to Secondary School Students  
and Information on Students  
#7511 -- Immunizations of Students  
#7512 -- Student Physicals  
#7513 -- Administration of Medication

Students

**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:

- a) Revocation; or
- b) 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
- c) 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

(Continued)

## Students

**SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION (Cont'd.)**

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.

**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 General Obligations Law Title 15-A 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 2164 and 2504  
Family Court Act Section 413  
Mental Hygiene Law Section 80.03

Students

**SUBJECT: SCHOOL CONDUCT AND DISCIPLINE**

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a *Code of Conduct for the Maintenance of Order on School Property*, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors.

School property shall mean 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. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

The Board shall further provide for the enforcement of such Code of Conduct, which shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- Code of Conduct on School Property. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

- 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 Code of Conduct 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 disseminated to all students and parents/guardians on an annual basis pursuant to law;
- 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 Education Law Section 2801 and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included 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;

(Continued)

Students

**SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)**

- 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 Education Law Section 3214; and
- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property  
*District Code of Conduct on School Property*



## Students

**SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (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 five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) 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 five hundred dollars (\$500), 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 five hundred dollars (\$500).

**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, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112  
Penal Law Sections 60.27, 240.50, 240.55, 240.60 and 240.61

## 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 does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the *District Code of Conduct*. 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, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

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. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

Education Law Section 2801(1) -- definition of school function

NOTE: Refer also to *District Code of Conduct on School Property*

## Students

**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.

**Suspension**Five (5) School 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 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.

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 parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation will have the opportunity to present the student's version of the event and to ask questions of the complaining witnesses.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

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.

More Than Five (5) 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, will have had an opportunity for a fair hearing. At the hearing, the student has protected due-process rights such as the right to be represented by counsel, 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

In accordance with 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 firearm to school or possessed a firearm 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" is set forth in Commissioner's regulations.

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student 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, disciplinary action against a student with a disability or presumed to have a disability will be in accordance with procedures set forth in the District's *Code of Conduct* and in conjunction with applicable law, and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or is a pattern of removals which constitutes a change of placement, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

**Manifestation Determinations**

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (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

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

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 will review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability, the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the 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

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/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, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

- a) During suspensions or removals for periods of up to ten school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age will be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age will be entitled to receive services during suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.
- b) During subsequent suspensions or removals for periods of ten consecutive school days or less that in the aggregate total more than ten school days in a school year but do not constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.
- b) During suspensions or other disciplinary removals, for periods in excess of ten school days in a school year which constitute a disciplinary change in placement, students with disabilities will be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, an FBA, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services will be determined by the CSE.

(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 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, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others.

There are three (3) specific instances when a student with a disability may be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:
  1. Substantial risk of death;
  2. Extreme physical pain; or
  3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

School premises means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES 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.

(Continued)



**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

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.

**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**

Any appeal of a decision of the building principal or Superintendent to suspend a student from school, regardless of the length of the student's suspension, must be made to the Board before it can be made to the Commissioner of Education. An appeal to the Board must be commenced within 30 days from the date of the Superintendent's decision. To be timely, the appeal must be received by the District Clerk within this 30-day period.

**Procedure after Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps will be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

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.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

18 USC § 921

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.

Gun Free Schools Act, 20 USC § 7151, as amended by the Every Student Succeeds Act (ESSA) of 2015

34 CFR Part 300

Education Law §§ 310, 2801(1), 3214, and 4402

Penal Law § 265.01

8 NYCRR §§ 100.2(1)(2), 200.4(d)(3)(i), 200.22, 275.16, and Part 201

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

## Students

**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 in writing; 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.

(Continued)

**SUBJECT: STUDENTS PRESUMED TO HAVE A DISABILITY FOR DISCIPLINE  
PURPOSES (Cont'd.)****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)]  
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

NOTE: Refer also to Policy #7313 -- Suspension of Students

**SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY**

The Board of Education seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's Code of Conduct, and the Dignity for All Students Act.

Personal electronic devices have become a common means of communication and information access in today's society. However, these devices have the potential of disrupting the orderly operation of the district's schools. The district has created this policy to govern the possession and use of personal electronic devices on school premises, at school-sponsored activities and on school transportation.

For the purposes of this policy **"Personal Electronic Device"** means a privately owned device that is used for audio, video, or text communication or any other type of computer-like instrument.

**Personal Electronic Devices (PEDs) permitted are limited to:**

- Existing and emerging mobile communication systems and smart technologies (cellular phones, iPhones, Smartphones, internet-enabled phones)

**Instructional Uses**

Personal electronic device use by students in grades 6-12 is permitted during the school day and is expected to be in support of educational activities. The District defines acceptable academic use as activities that directly or indirectly support the instructional practices of our school. Teachers will indicate when and if classroom use is acceptable. Students must act responsibly and thoughtfully when using personal electronic devices. Students bear the burden of responsibility to inquire with school administrators and/or teachers when they are unsure of the permissibility of a particular use of technology prior to engaging in such use. Personal electronic devices must remain in silent mode at all times except when being used for instructional purposes and permission has been granted by the teacher.

**Non-Instructional Uses**

Students in grades K-8 are not permitted to use personal electronic devices for non-instructional uses outside the classroom. Devices must be powered off and out of sight when not in use under teacher direction. For students in grades 9-12, appropriate use of personal electronic devices during non-instructional time is also allowed in the following approved locations--school library, cafeteria, study halls, and during passing time. However, the use of ear buds or headphones is not permitted at any time during passing time. Additionally, use during non-instructional time must be conducted in a safe and unobtrusive manner and devices must be in silent mode to avoid disrupting others.

Personal electronic devices shall not be used in any way that threatens, humiliates, harasses or intimidates students, school personnel or visitors, or otherwise violates district policies and regulations or local, state or federal laws. Students are prohibited from sending, sharing, viewing, or possessing pictures, text messages, emails or other material of a sexually explicit nature on their personal electronic devices while on school premises, at school-sponsored activities, or on school transportation. Further, students are prohibited from using the camera, video or recording functions of their personal electronic devices on school premises or at school-sponsored activities where another student or individual has an expectation of privacy. The Board expressly prohibits use of personal technology in locker rooms, restrooms, Health Offices and any other areas where a person would reasonably expect some degree of personal privacy.

(Continued)

**SUBJECT: STUDENT USE OF PERSONAL TECHNOLOGY (Cont'd.)****Liability**

Students are responsible for the security of the personal electronic devices brought to school. The district is not responsible for lost, stolen, damaged or unauthorized use of personal electronic devices. Further, the district is not liable to any student or his or her parent/guardian for any claims, losses, damages, suits, expenses or costs of any kind arising out of or related to the use or possession of a student's personal electronic device. The District reserves the right to monitor, inspect, and/or confiscate personal electronic device when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred. Violations of school or District policies, local, state and/or federal laws while using a personal electronic device will result in appropriate disciplinary and/or legal action as specified in the District's Code of Conduct, District policy as well as by local, state and/or federal law.

**Prohibition during Assessments**

All students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment or other assessment is being administered unless authorized by a teacher. Administrators, teachers, test proctors, test monitors, and/or District officials shall have the right to collect prohibited personal electronic devices prior to the start of New York State and other assessments and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device. Students with disabilities may use certain devices if the device is specified in that student's IEP or 504 plan or a student has provided medical documentation that they require the device during testing.

**Permission**

Students must review the AUP, the applicable sections of the Code of Conduct and associated technology guidelines with their parents. The District reserves the right to restrict student use of District-owned technologies and personal technology on school property or at school-sponsored events, at the discretion of the administration. Students must follow the guidelines for use set out in the District *Code of Conduct* and the Acceptable Use Policy at all times. Consequences for misuse will follow guidelines in the District's *Code of Conduct*.

NOTE: Refer also to Policies      #7554 Dignity for All Students  
   #7552 Bullying in the Schools  
   #3120 Acceptable Use Policy  
   #8271 Internet Content Filtering/Safety Policy

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Adoption Date 5/1/13  
Revision Date 10/23/17  
Review Date

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES**

The Board recognizes that the misuse of alcohol, drugs, tobacco, electronic cigarettes (e-cigarettes, vapor devices and such similar items), and other illegal substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, or possession of alcoholic beverages, tobacco products, e-cigarettes, vaping devices, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs is prohibited at any school-sponsored function, on school grounds, and on school buses at all times. The unauthorized use or misuse of prescription and over-the-counter drugs is also prohibited.

Students are not permitted to be under the influence of alcohol or other prohibited substances on school grounds or at school-sponsored events. A school-sponsored function includes a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place.

**Smoking**

Smoking is not permitted and no person is permitted to smoke within 100 feet of the entrance, exits, or outdoor areas of any public or private elementary or secondary schools. However, this prohibition does not apply to smoking in a residence or within the real property boundary lines of residential real property. Similarly, the use of e-cigarettes and other vaping devices is prohibited on school grounds, as defined in Public Health Law.

**Non-Medical Use of Prescription Drugs**

Non-medical use of prescription drugs is prohibited. If a student is found to be in possession of these substances, he or she will be disciplined in accordance with the District *Code of Conduct*.

**Disciplinary Measures**

Disciplinary measures for students consuming, sharing, selling, using, or possessing alcoholic beverages, tobacco products, e-cigarettes, vaping devices, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs are outlined in the District *Code of Conduct*.

Education Law §§ 409 and 2801(1)  
Public Health Law 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment  
#3410 -- Code of Conduct  
#5640 -- Smoking/Tobacco Use  
#8210 -- Safety Conditions and Prevention Instruction  
District *Code of Conduct*

Adoption Date 3/23/09  
Revision Date 5/15/12, 5/21/19  
Review Date

**SUBJECT: SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

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 record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

**Lockers**

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

The District owns all lockers, locks, and combinations and students have no right to secure the lockers with personally owned locks and that if they do, the locks will be removed by District personnel. Students have no expectations or right of privacy for anything stored within the lockers and the sole purpose for the school locker is to prevent the theft of student property stored within. The District maintains the right to access lockers at any time with or without notice. Students are solely responsible for items contained within their assigned lockers, they should not share their combinations nor allow others to share their lockers, and should immediately notify District authorities if their locks or lockers do not function properly or cannot be properly secured.

**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.

(Continued)



Students

**SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)**

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.

**Law Enforcement Officials**

It shall be the policy of the Rocky Point Union Free 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. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

**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, 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.

(Continued)

**SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)**

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  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)  
Social Services Law Sections 411-428

**SUBJECT: BUS RULES AND REGULATIONS**

The Rocky Point Union Free School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding 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.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. Generally, parent(s)/guardian(s) will be required to make alternative transportation arrangements for their children who have been suspended from riding the bus. However, the effect of a suspension from transportation on the student's ability to attend school will be considered. If a suspension from transportation effectively results in a suspension from attendance because of the distance between the home and the school and the absence of alternative public or private means of transportation, the District shall make appropriate arrangements to provide for the student's education.

If a student with a disability who receives transportation as a related service as part of his/her Individualized Education Program is being considered for suspension from transportation, and that suspension would effectively result in a change in placement, the student shall be referred to the Committee on Special Education.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Sections 1400-1485  
8 New York Code of Rules and Regulations (NYCRR) Section 156

Students

**SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS****Corporal Punishment**

Corporal punishment as a means of discipline will not be used against a student by any teacher, administrator, officer, employee or agent of this District.

Whenever a school employee uses physical force against a student, the school employee will immediately report the situation to the building principal or designee who will, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Rocky Point Union Free School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

**Emergency Interventions**

However, if alternative procedures and methods which do 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.

Emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff who may be called upon to implement emergency interventions will be provided appropriate training in safe and effective restraint procedures. The parent(s) or person(s) in parental relation of the student will be notified on the same day whenever an emergency intervention is utilized. When the student's parent or person in parental relation cannot be contacted on the same day after reasonable attempts are made, the building principal will record the attempts and, when applicable, report the attempts to the committee on special education (CSE).

(Continued)

## Students

**SUBJECT: CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS (Cont'd.)**

The District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;
- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

Education Law § 4402  
8 NYCRR §§ 19.5, 100.2(1)(3), and 200.22(d)

NOTE: Refer also to Policies #7313 -- Suspension of Students

## 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. 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

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds  
#7313 -- Suspension of Students  
*District Code of Conduct*

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Adoption Date 3/23/09

Revision Date 6/23/14

Review Date 5/15/12

**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 nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations 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**

- a) Students who receive an in school suspension are not eligible to attend the activity on the day(s) of the in school suspension and one day following the in school suspension.

Students who receive an out of school suspension are not eligible to attend the activity for the duration of the out of school suspension plus five additional days of the school activity.

If an event (game/play/performance) is within the first five days following the student's out school suspension the student may return to the activity the day following the event (game/play/performance).

- b) In order for students to attend a school-sponsored function, it is necessary that students in the high school must be in attendance before 8 a.m. and students in the middle school must be in attendance before 8:45 a.m.

(Continued)

**SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)**

School property shall mean 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. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

**Academic Eligibility for Extracurricular Participation:**

To ensure that all students work toward achieving their academic potential, the district has established the following academic eligibility criteria for extracurricular activity participation:

- A student's academic status will be determined after the review of the latest marking period report. The 4<sup>th</sup> quarter report card grades of the previous school year will be used to determine a student's academic eligibility for the start of the next school year.
- Students who fail two (2) subjects (all subjects included) within a marking period of a report card will be placed on academic probation. Students who fail three (3) or more subjects within a marking period of a report card will be ineligible for participation. Ineligible students have the right to appeal their eligibility to the appeals committee.
- A student will have a week to address an appeal to the committee after the student has been informed of his/her ineligible status. Extenuating or mitigating circumstances should be included when writing the appeal. A student's grades at summer school may be included as part of his/her appeal. The appeal committee will be comprised of an administrator, a coach/club advisor, Athletic Director, teacher, and a guidance counselor. The guidance counselor is not a voting member of the committee. The committee will review the case and render its decision as quickly as possible. Any student who has appealed their ineligible status may not participate in any activities while his/her appeal is being reviewed. Students who are granted an appeal will be placed on academic probation.

**Procedures for a student on academic probation:**

- Student is required to attend two (2) mandatory academic extra-help sessions per week in courses where the student is demonstrating difficulty.
- Student must submit a completed weekly progress report to the designated administrator by the last day of the school week.
- If a student is not doing work, not attending extra-help sessions, not handing in a fully complete progress report, he/she may be ineligible to participate.
- Review of academic probation:
- The 2nd gradebook update will be used to determine a student's academic probation status.
- If a student is passing all subjects, the extra-help sessions will be optional. The student will no longer be on academic probation and will not be required to complete a weekly progress report.
- A student who continues to fail one (1) subject (all subjects included) will remain on academic probation.
- A student who continues to fail two (2) or more subjects (all subjects included) will be ineligible to continue to participate in his/her activity.
- All students who are currently participating in an activity are required to have his/her eligibility reviewed during the posting of each marking period report card grades.

Equal Access Act, 20 United States Code (USC) Sections 4071-4074  
Education Law Sections 1709 and 1709-a, 2503-a, 2554-a and 2801(1)  
Vehicle and Traffic Law Section 142  
8 New York Code of Rules and Regulations (NYCRR) Part 172



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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.

Adoption Date: 3/23/09

Students

**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 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; and
- 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. A consent form for a student's participation in interscholastic sports must contain information regarding mild traumatic brain injuries (concussions) as specified in Commissioner's Regulations;
- 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.

(Continued)

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)****Athletic Placement Process for Interscholastic Athletic Programs (APP)**

The APP is a method for evaluating students who want to participate in sports at higher or lower levels, consistent with their physical and emotional maturity, size, fitness level, and skills. The Board approves the use of the APP for all secondary school interscholastic team members. The Superintendent will implement procedures for the APP, and will direct the athletic director to maintain records of students who have successfully completed the APP.

**Student Athletic Injuries**

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.

**Concussions**

A student who has sustained or is believed to have sustained a mild traumatic brain injury (concussion) must be immediately removed from athletic activities. If there is any doubt, it shall be presumed that the student is so injured until proven otherwise. Before being permitted to return to athletic activity, a student must be symptom free for not less than twenty-four (24) hours and have been evaluated by and received written and signed authorization from a licensed physician. Additionally, for extra class athletic activities, a student must have received clearance from the School District Medical Director to participate in such activity.

**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 staff to coach all varsity, junior varsity, and modified games; along with certified and/or licensed officials to referee all such competitions;
- c) Ensuring that equipment is both safe and operative within approved guidelines and
- d) Providing professional development and training opportunities for all coaching staff.

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 and 136

Students

**SUBJECT: SPECIAL PROCEEDING TO DETERMINE THE PHYSICAL CAPACITY OF STUDENTS FOR PARTICIPATION IN ATHLETIC PROGRAMS**

Upon the District's determination that a student will not be permitted to participate in an athletic program by reason of a physical impairment based on a medical examination conducted by the school physician, the student may commence a special proceeding in State Supreme Court to enjoin the School District from prohibiting his/her participation. Such special proceeding may be brought in the county in which the student resides or in the county in which the School District is located.

The petition shall be a verified petition of the parent or guardian of the student and the petition shall also have annexed affidavits of at least two (2) licensed physicians setting forth that, in their opinion, the student is physically capable of participating in an athletic program, that participation would be reasonably safe, and what, if any, special or preventive measures are needed to protect the student.

The court shall grant such petition if it is satisfied that it is in the best interest of the student to participate in an athletic program and that it is reasonably safe for him/her to do so. The District shall not be held liable for any injury sustained by a student granted such court order, *provided* that the injury is incurred during the student's actual participation in such court ordered athletic program and, further, that such injury is attributable to the physical impairment for which the court order was obtained.

Unless specifically prohibited by the court, an order granted pursuant to such special proceeding shall be considered valid and sufficient for subsequent years, *provided* that the student has not changed athletic programs and, further, that two (2) licensed physicians set forth *current affidavits* that, in their opinion, the student's physical impairment has not changed since the time of the original court order.

In no event shall a successful petitioner be entitled to costs in any such special proceedings.

Further, the District shall not be responsible for providing or bearing the cost of any special or preventive measures or devices needed to protect the student *unless* such special or preventive measures or devices are contained in the student's Individualized Education Program (IEP) recommended by the Committee on Special Education and such student is determined to have a disability as defined in Education Law Section 4401.

In accordance with the applicable provision of Education Law, a *physically impaired child* eligible to commence such a special proceeding shall be defined as any child determined by the school physician as ineligible for participation in an athletic program on the basis of State Education Department Regulations, the American Medical Association Guide for Medical Evaluation for Candidates for School Sports, or by any standard established by the School District.

(Continued)

Students

**SUBJECT: SPECIAL PROCEEDING TO DETERMINE THE PHYSICAL CAPACITY OF STUDENTS FOR PARTICIPATION IN ATHLETIC PROGRAMS (Cont'd.)**

In accordance with the applicable provision of Education Law, an athletic program shall include intramural activities, interschool activities, extramural activities, and organized practice as defined pursuant to Commissioner's Regulations.

Education Law Sections 3208-a, 4401 and 4402  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 100.2(k), 135.1 and 200.2(b)(1)  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
The Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq.  
The Individuals With Disabilities Education Act,  
20 United States Code (USC)  
Section 1400 et seq.

Adoption Date: 3/23/09

## 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 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 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 for 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:

(Continued)

Students

**SUBJECT: MIXED COMPETITION ON INTERSCHOOL ATHLETIC TEAMS (Cont'd.)**

\_\_\_\_\_ for Fall Sports  
(Date)

\_\_\_\_\_ for Winter Sports  
(Date)

\_\_\_\_\_ 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 (USC) 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)

## Students

**SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS****Contests for Students**

Distribution of educational material, essay contests, and poster contests must be approved in advance by the Building Principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. 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 Rocky Point Union Free 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 Sections 1604(30), 1709(12-a) and 2503(1)

Adoption Date: 3/23/09



## Students

**SUBJECT: MUSICAL INSTRUMENTS**

- a) All instrumental music students shall be expected to own or rent their 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 are as follows: oboe, bassoon, tuba, French horn, trombone, 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 parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

17 New York Code of Rules and Regulations (NYCRR) Section 720.22

Adoption Date: 3/23/09

## Students

**SUBJECT: FUND RAISING BY STUDENTS**

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any 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 or state mandates. Fund raising activities away from school property shall be held to a minimum. All participation shall be voluntary.

Door to door sales projects undertaken by any organization using the Rocky Point Union Free School District name shall require previous approval of the Board of Education. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items (e.g., "scratch off" cards, holiday wrappings, etc.) or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include such sales or fees. In addition, it is imperative that employees not deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition and/or fee-free basis. Further, employees engaged in such activities may be held personally liable.

New York State Constitution, Article 8, Section 1  
Education Law Section 414  
8 New York Code of Rules and Regulations (NYCRR) Section 19.6

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Adoption Date: 3/23/09

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.

United States Constitution, First Amendment  
Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001,  
Section 9524  
Equal Access Act, 20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8360 -- Religious Expression in the Instructional Program

Adoption Date: 3/23/09

## 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 141.8 and 141.9 and Part 190

Adoption Date: 3/23/09

## Students

**SUBJECT: SCHOOL HEALTH SERVICES**

All districts must provide and maintain a continuous program of health services which includes, but is not limited to:

- a) Providing medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the student;
- b) Informing parents or other persons in parental relation to the student, pupils and teachers of the individual student's health condition subject to federal and state confidentiality laws. The District will provide this notice in writing if the District becomes aware that the student has defective sight or hearing or a physical disability, including sickle cell anemia, or other condition which may require professional attention with regard to health;
- c) Where the exigencies warrant (where the parents/persons in parental relation are unable or unwilling to provide the necessary relief and treatment), providing relief in situations where the student would otherwise be deprived of the full benefit of education through inability to follow the instruction offered;
- d) Guiding parents, students and teachers in procedures for preventing and correcting defects and diseases and for the general improvement of the health of students;
- e) Instructing school personnel in procedures to take in case of accident or illness;
- f) Maintaining a program of education to inform school personnel, parents, non-school health agencies, welfare agencies and the general public regarding school health conditions, services and factors relating to the health of students;
- g) Providing inspections and supervision of the health and safety aspects of the school plant;
- h) Providing health examinations before participation in strenuous physical activity and periodically throughout the season as necessary;
- i) Providing health examinations necessary for the issuance of employment certificates, vacation work permits, newspaper carrier certificates and street trades badges; and
- j) Surveying and making necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

**SUBJECT: IMMUNIZATION OF STUDENTS**

Every child entering or attending a District school must present proof of immunization or proof of immunity by seriology (blood test) if applicable unless a New York State licensed physician certifies that the immunization may be detrimental to the child's health.

Except for this valid medical exemption, the District will not permit a student lacking acceptable evidence of immunization to remain in school for more than fourteen (14) days, or more than thirty (30) days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

Whenever a child has been refused admission to or continued attendance at a District school for lack of acceptable evidence of immunization, immunity, or exemption, the principal of the school will:

- a) Notify the person in parental relation to the child of his or her responsibility to have the child immunized and of the public resources available for doing so;
- b) Notify the local health authority of the name and address of the excluded child and of the immunization or immunizations which the child lacks; and
- c) Provide, with the cooperation of the local health authority, for a time and place at which the required immunization or immunizations may be administered.

For homeless children, the enrolling school must immediately refer the person in parental relation to the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to persons in parental relation.

Education Law §§ 310 and 914

Public Health Law §§ 613 and 2164

8 NYCRR §§ 100.2 and 136.3

10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Homeless Children and Youth

**SUBJECT: STUDENT PHYSICALS**

## Health Examination and Certificate

## Health Examination

Each student enrolled in a District school must have a satisfactory health examination conducted by a duly licensed physician, physician assistant, or nurse practitioner within 12 months prior to the commencement of the school year of the student's entrance into:

- a) A District school at any grade level;
- b) Pre-kindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The District may also require an examination and health history of a student when it is determined by the District that it would promote the educational interests of the student.

The District will also provide health examinations before participation in strenuous physical activity and periodically throughout the season as necessary, as well as for the issuance of employment certificates, vacation work permits, newspaper carrier certificates, and street trades badges. 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 sport before participating for the remainder of the current season or in a second sport during the school year;
- b) All students either suspected of or sustaining a mild traumatic brain injury (concussion) must receive a written and signed authorization from the District's chief medical officer assigned to head trauma injuries.

## Health Certificate

Each student must submit a health certificate attesting to the health examination within 30 calendar days after his or her entrance into:

- a) A District school at any grade level;
- b) Pre-Kindergarten or kindergarten; and
- c) 1st, 3rd, 5th, 7th, 9th, and 11th grades.

The building principal or designee will send a notice to the parent of, or person in parental relation to, any student who does not present a health certificate, that if the required health certificate is not furnished within 30 calendar days from the date of the notice, an examination by health appraisal will be made of the student by the Director of School Health Services.

The health certificate will be filed in the student's cumulative record. The health certificate must:

- a) Be on a form prescribed by the Commissioner;

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

- b) Describe the condition of the student when the examination was given, provided that such examination was not given more than 12 months prior to the commencement of the school year in which the examination is required;
- c) State the results of any test conducted on the student for sickle cell anemia;
- d) State whether the student is in a fit condition of health to permit his or her attendance at a District school and, where applicable, whether the student has impaired sight or hearing, has received a scoliosis screening, or has any other physical disability which may tend to prevent the student from receiving the full benefit of school work or from receiving the best educational results, or which may require a modification of such work to prevent injury to the student;
- e) State the student's body mass index (BMI) and weight status category; and
- f) Be signed by a duly licensed physician, physician assistant, or nurse practitioner, who is:
  - 1. Authorized by law to practice in New York State consistent with any applicable written practice agreement; or
  - 2. Authorized to practice in the jurisdiction in which the examination was given, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to those of New York State.

A licensed health professional with appropriate training may conduct a scoliosis screening.

**Dental Health Certificate**

The District will request a dental health certificate from each student within 30 calendar days after his or her entrance into:

- a) A District school at any grade level; and
- b) 1st, 3rd, 5th, 7th, and 9th grades.

The District may also request an assessment and dental health history of a student when it is determined by the District that it would promote the educational interests of the student.

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**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

A notice of request for a dental health certificate will be distributed at the same time that the parent or person in parental relation is notified of health examination requirements. The notice of request for a dental health certificate will list dental practices, dentists, and registered dental hygienists to which students may be referred for dental services on a free or reduced cost basis upon request of the student's school.

The dental health certificate will be filed in the student's cumulative record. The dental health certificate must:

- a) Describe the dental health condition of the student when the assessment was given, provided that the assessment was not given more than 12 months prior to the commencement of the school year in which the assessment is requested; and
- b) State whether the student is in fit condition of dental health to permit his or her attendance at a District school; and
- c) Be signed by a duly licensed dentist, or a registered dental hygienist, who is:
  1. Authorized by law to practice in New York State, and consistent with any applicable written practice agreement; or
  2. Authorized to practice in the jurisdiction in which the assessment was performed, provided that the Commissioner has determined that the jurisdiction has standards of licensure and practice comparable to New York State.

**Examination by Health Appraisal**

The Director of School Health Services will cause students who are required to, but have not submitted, the required health certificate and students with disabilities to be separately and carefully examined and tested to ascertain whether any student has impaired 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 work to prevent injury to the student.

Each examination will include a calculation of the student's BMI and weight status category. Further, the physician, physician assistant, or nurse practitioner administering the examination will determine whether a one-time test for sickle cell anemia is necessary or desirable and, if so determined, will conduct the test and include the results in the health certificate.

Unless otherwise prohibited by law, if it is ascertained that a student has impaired sight or hearing, or a physical disability or other condition, including sickle cell anemia, the building principal or designee will notify, in writing, the student's parent or person in parental relation as to the existence of the

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

disability. If the parent or person in parental relation is unable or unwilling to provide the necessary relief and treatment for the student, it will be reported by the building principal or designee to the Director of School Health Services, who then has the duty to provide relief for the student.

**District Reporting of BMI and Weight Status Category**

Each school year, the New York State Department of Health randomly selects a certain number of districts across New York State to report, in the aggregate, students' BMI and weight status categories. Selected districts must report BMI results on-line using the Department of Health's Health Provider Network secure website. A student's parent or person in parental relation may refuse to have the student's BMI and weight status category included in such survey.

**Health Screenings**

The District will provide a:

- a) Scoliosis screening, if not documented on the student's health certificate, at least once each school year for male students in grade 9, and for female students in grades 5 and 7. The positive results of any scoliosis screening examination will be provided in writing to the student's parent or person in parental relation within 90 calendar days after the finding;
- b) Vision screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. The vision screening will test the student's color perception, distance acuity, and near vision. In addition, all students will be screened for distance acuity and near vision in grades pre-kindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. The results of abnormal vision screening examinations will be provided in writing to the student's parent or person in parental relation while the student is enrolled in the District School; and
- c) Hearing screening, if not documented on the student's health certificate, to all students within six months of admission to a District school. In addition, all students will receive a hearing screening in grades pre-kindergarten or kindergarten, 1, 3, 5, 7, and 11, as well as at any other time deemed necessary. Each hearing screening will include, but not be limited to, pure tone screening. The results of any hearing tests requiring a follow-up examination will be provided in writing to the student's parent or person in parental relation while the student is enrolled in the District school.

The results of all health screenings will be recorded in the student's cumulative health record which will be maintained by the school for at least as long as the minimum retention period for such records.

(Continued)

**SUBJECT: STUDENT PHYSICALS (Cont'd.)**

Student Health Records

The health records of individual students will be kept confidential in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable federal and state laws.

Accommodation for Religious Beliefs

No health examinations, health history, examinations for health appraisal, screening examinations for sickle cell anemia and/or other health screenings will be required where a student or the parent or person in parental relation to that student objects on the grounds that the examinations, health history, and/or screenings conflict with their genuine and sincere religious beliefs. A written and signed statement from the student or the student's parent or person in parental relation that the person holds these beliefs must be submitted to the building principal or designee, in which case he or she may require supporting documents.

Students in Temporary Housing

For students in temporary housing (i.e., homeless children and youth), the enrolling school must immediately refer the parent or guardian of the student to the District's McKinney-Vento liaison, who will assist them in obtaining the necessary medical records.

20 USC § 1232g  
Education Law §§ 903-905, and 3220  
8 NYCRR §§ 136.1, 136.3

NOTE: Refer also to Policies

- #5690 -- Exposure Control Program
- #5691 -- Communicable Diseases
- #5692 -- Human Immunodeficiency Virus (HIV) Related Illnesses
- #7121 -- Diagnostic Screening of Students
- #7131 -- Education of Students in Temporary Housing
- #7250 -- Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors
- #7420 -- Sports and the Athletic Program
- #7510 -- School Health Services
- #7511 -- Immunization of Students
- #7522 -- Concussion Management

Students

**SUBJECT: MEDICATION AND PERSONAL CARE ITEMS****Administration of Medication**

The school's registered professional nurse may administer medication to a student during the school day under certain conditions. For the purpose of this policy, the term "medication" includes both prescription and non-prescription medications. The school must receive the following before medication will be administered to a student:

- a) The original written order from the student's provider stating the name of the medication, precise dosage, frequency, and time of administration;
- b) A written, signed consent from the student's parent or person in parental relation requesting the administration of the medication, as prescribed by the physician, to the student in school; and
- c) The medication, properly labeled in its original container, must be delivered to the school health office by the student's parent or person in parental relation. The term "properly labeled," in the context of this policy, means that the container must include the following information: the student's name, name of medication, dosage, frequency, and prescribing physician. A student is not permitted to carry any medication on his or her person in school, or on the school bus, or keep any medication in his or her school locker(s). Exceptions may apply, however, for students diagnosed with asthma or other respiratory illnesses, diabetes, or allergies who will be permitted to carry and self-administer medication under certain conditions.

All medication orders must be reviewed annually by school health office personnel or whenever there is a change in dosage.

**Self-Administration of Medication**Generally

Each student who is permitted to self-administer medication should have an emergency care plan on file with the District. Further, the school will maintain a record of all written parental consents in the student's cumulative health record.

School health office personnel will also maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization will be referred for counseling by school nursing personnel, as appropriate. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may determine the proper resolution of this behavior.

(Continued)

**SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)**Students with Asthma or Another Respiratory Disease

A student will be permitted to carry and self-administer their prescribed inhaled rescue medication during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of asthma or other respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthma; the student has demonstrated that he or she can self-administer the prescribed medication effectively; and the expiration date of the order, the name of the prescribed medication, the dose the student is to self-administer, times when the medication is to be self-administered, and the circumstances which may warrant the use of the medication; and
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra inhaled rescue medication in the care and custody of the school's registered professional nurse, nurse practitioner, physician assistant, or school physician.

Students with Allergies

A student will be permitted to carry and self-administer his or her prescribed EpiPen during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of an allergy for which an EpiPen is needed for the emergency treatment of allergic reactions; the student has demonstrated that he or she can self-administer the prescribed EpiPen effectively; and the expiration date of the order, the name of the medicine, the dose the student is to self-administer, and the circumstances which may warrant the use of the medication; and
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain an extra EpiPen in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

(Continued)

**SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)**Students with Diabetes

A student will be permitted to carry and self-administer his or her prescribed insulin through an appropriate medication delivery device, carry glucagon, and carry and use equipment and supplies necessary to check blood glucose and/or ketone levels during the school day, on school property, and at any school function if the school health office has the following on file:

- a) Written order/permission and an attestation from a duly authorized health care provider stating that the student has a diagnosis of diabetes for which insulin and glucagon through appropriate medication delivery devices, and the use of equipment and supplies to check blood glucose and/or ketone levels are necessary; the student has demonstrated that he or she can self-administer effectively, can self-check glucose or ketone levels independently, and can independently follow prescribed treatment orders; and the expiration date of the order, the name of the prescribed insulin or glucagon, the type of insulin delivery system, the dose of insulin and/or glucagon the student is to self-administer, times when the insulin and/or glucagon is to be self-administered, and the circumstances which may warrant administration by the student. The written permission must also identify the prescribed blood glucose and/or ketone test, the times testing is to be done, and any circumstances which warrant checking a blood glucose and/or ketone level.
- b) Written consent from the student's parent or person in parental relation.

Upon written request of the student's parent or person in parental relation, the school will allow the student to maintain extra insulin, insulin delivery system, glucagon, blood glucose meter, and related supplies to treat the student's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or school physician.

Students with diabetes will also be permitted to carry food, oral glucose, or other similar substances necessary to treat hypoglycemia in accordance with District policy.

**Storage and Disposal of Medication**

The District will comply with relevant state laws, regulations, and guidelines governing the District's receipt, storage, and disposal of medication.

**Personal Care Items**Feminine Hygiene Products

Each school building within the District serving students in any grade from six through twelve will provide feminine hygiene products in building restrooms. These products will be provided at no charge to students.

Alcohol-Based Hand Sanitizers

The New York State Education Department (SED) permits the use of alcohol-based hand sanitizers in schools. The school medical director may approve and permit the use of alcohol-based hand sanitizers in the District's schools without a physician's order. Parents may provide written notification to the school in the event that they do not wish to have their child use this product.

(Continued)

Students

**SUBJECT: MEDICATION AND PERSONAL CARE ITEMS (Cont'd.)**Sunscreen

Students may carry and use FDA-approved sunscreen products for over-the-counter use. The student's parent or person in parental relation must provide written permission for the student to carry and use sunscreen. This written parental consent will be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or person in parental relation, and authorized by the school.

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.  
Education Law §§ 902(b), 907, 916, 916-a, 916-b, 919, 921, 6527, 6908(1)(a)(iv), and 6909  
Public Health Law §§ 267, 3000-a, 3000-c, and 3309  
8 NYCRR §§ 136.6, 136.7

NOTE: Refer also to Policy #7521 -- Students with Life-Threatening Health Conditions

## Students

**SUBJECT: 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.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy interests of students. For Pre-K through grade 12 students, health records maintained by the School District, including immunization records and school nurse records, generally are considered "education records" and subject to FERPA because they are:

- a) Directly related to the student;
- b) Maintained by an education agency or institution, or a party acting for the agency or institution; and
- c) Not excluded from the definition of education records as treatment or sole-possession records, or on some other basis.

Health records and immunization records that are considered "education records" under FERPA are not subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy requirements. In addition, school nurse or other health records maintained on students receiving services under the Individuals with Disabilities Act (IDEA) are considered "education records" and also subject to that Act's confidentiality provisions. Consequently, these records are subject to FERPA and not the HIPAA Privacy Rule.

Individual records may be interpreted by the school's registered professional nurse to administrators, teachers, and counselors, consistent with law.

Education Law Sections 902(b) and 905  
8 New York Code of Rules and Regulations (NYCRR) Part 136  
34 Code of Federal Regulation (CFR) Section 99



**SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies 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 for students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AEDs).

**Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/person in parental relation contact, have been made.

**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), 1604(7-b), 1709(8-a) and 1709(8-b)

## Students

**SUBJECT: STUDENTS WITH LIFE THREATENING ALLERGIES**

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.

Particularly for those students with chronic conditions such as asthma and allergies (food, insect sting, etc.) which may result in severe, life-threatening reactions to various environmental triggers, it is necessary that the District work cooperatively with the parent(s) and the healthcare provider to:

- a) Develop an individual health care plan 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 Education 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;
- b) Obtain appropriate health care provider authorization in writing 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; and
- c) 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/she works toward 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;
- b) Assuring the availability of the necessary equipment and/or medications;
- c) Providing appropriately trained licensed persons as required by law;
- d) Providing additional appropriately trained adults to complete delegated tasks as allowed by law;
- e) Developing an emergency plan for the student; and
- f) Providing ongoing staff and student education.

(Continued)

## Students

**SUBJECT: STUDENTS WITH LIFE THREATENING ALLERGIES (Cont'd.)****Use of Epinephrine Auto-Injector Devices (Epi-Pens) in the School Setting**

The administration of epinephrine by epi-pen to a student with a known severe allergy needing an anaphylactic treatment agent 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 epi-pen for that particular emergency situation and given him/her approval to assist the student in the event of an anaphylactic reaction.

Documentation of training must be maintained in the Anaphylaxis Protocol for Non-Licensed School Staff Members for each affected student. The emergency response by non-licensed school staff members is permitted under the Medical Practice Act (Education Law Section 6527(4)(a)) and the Nurse Practice Act (Education Law Section 6908 (1)(a)(iv)) and is covered by the "Good Samaritan Law" (Public Health Law Section 3000-a).

Establish a protocol whereby a student experiencing anaphylaxis that has not been previously diagnosed may also be treated at school, under a patient non-specific order written by the District's medical director. This order authorizes only the school nurse (a registered professional nurse) using his/her best judgment to administer medication in the event of an unanticipated anaphylactic episode. This may include an allergic reaction to food, insect stings and latex allergens.

Americans with Disabilities Act, 42 United States Code (USC) Section 12101 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485  
34 Code of Federal Regulations (CFR) Part 300  
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.  
Education Law Sections 902(b), 6527 and 6908  
Public Health Law Section 3000-a, 3000-c

NOTE: Refer also to Policy #7513 -- Administration of Medication

Students

**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 Rocky Point Union Free 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 may 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)

Students

**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

(Continued)

Students

**SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)**

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.

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

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Adoption Date 8/27/12  
Revision Date  
Review Date

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT**

The School District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life 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 the staff to carry out their reporting responsibilities.

**Reporting Information**

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

**Persons Required to Report**

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but are 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 and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

(Continued)

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

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**

The District will not take any retaliatory action against an employee because such employee believes that they have reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

**Report Form**

The "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at the website of the New York State Office of Children and Family Services.

**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.

"Child abuse" means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; 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 Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

Administrator or school administrator means a principal, or the equivalent title, in a school, or other chief school officer.

(Continued)



**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

**"Educational setting"** shall mean the building(s) and grounds of the School District; the vehicles provided directly or by contract 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's nurse, school 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, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person 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 prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such the oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred.

In any case where an oral or written allegation is made to a school bus driver employed by a person or entity that contracts with the District to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to their supervisor employed by the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children from a person employed by the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. This report must be completed on a form prescribed by the Commissioner.
- b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the District, the report of these allegations shall be promptly forwarded to the Superintendent of the District and the Superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate Superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the Superintendent or administrator, the report of the allegations will be made to another designated administrator.

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or the 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 procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, they shall promptly provide a copy of such report to the Superintendent and promptly forward the report to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

Where the Superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education if 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.

(Continued)

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

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. The Commissioner shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

All persons employed by the District, in titles equivalent to teacher or administrator, and any school bus drivers employed by a person or entity that contracts with the District to provide transportation services to children, are required to complete coursework or training regarding the identification and reporting of child abuse and maltreatment in accordance with law and Commissioner's regulations.

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner, 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 their position.

The Superintendent (or other school administrator) who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

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Students

**SUBJECT: CHILD ABUSE AND MALTREATMENT (Cont'd.)**

**Prohibition on Aiding and Abetting Sexual Abuse**

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and Sections 902(b) 3028-b, 3209-a  
Family Court Act Section 1012  
Labor Law Section 740(1)(e)  
Penal Law Articles 130, 235 and 263  
Social Services Law Sections 411-428  
8 NYCRR Part 83  
20 USC § 7926

## Students

**SUBJECT: SUICIDE**

The suicide of a student has an extremely disturbing effect on the school and the local community. Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. It is the intent of this District to alert school personnel to the implications of suicide by a student, to help the school and the community cope with the aftermath of such a tragic event should it occur, to recommend ways of identifying children and adolescents at risk of attempting suicide and to suggest ways to prevent such occurrences.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention, and post-intervention that have been developed by the administration.

Students

**SUBJECT: 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.

**Prohibition of Retaliatory Behavior**

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.

**Complaints and Grievances Coordinator**

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented 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, parents/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/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator 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, marital status, or use of a recognized guide dog, hearing dog or service dog.

(Continued)

## Students

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS (Cont'd.)**

Age Discrimination in Employment Act, 29 United States Code 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.

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, marital status, sexual orientation or disability.

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, or use of a recognized guide dog, hearing dog or service dog.

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

## Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

## Overview

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses sexual harassment of students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District prohibits all forms of sexual harassment of students by any individual on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

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

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)), Title IX Coordinator(s), and/or the Dignity Act Coordinator(s) (DAC(s)).

**What Constitutes Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful. It includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their sex or gender.

Generally stated, sexual harassment consists of subjecting an individual to unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex.

This conduct may, among other things, have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting a student's educational opportunities. Petty slights or trivial inconveniences generally do not constitute harassing conduct.

Determinations as to whether conduct or an incident constitutes sexual harassment will be made consistent with applicable law and regulation, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. The examples below are intended to serve as a general guide for individuals in determining what may constitute sexual harassment. These examples should not be construed to add or limit the rights that students possess as a matter of law.

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**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**Examples of Sexual Harassment

Sexual harassment can be verbal, non-verbal, or physical. Examples of this conduct may include, but are not limited to, the following:

- a) Unwanted physical acts of a sexual nature, such as:
  - 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body, or poking another person's body; and
  - 2. Rape, sexual battery, molestation, or attempts to commit these assaults.
- b) Engaging in sexual conduct with an individual who is unable to consent due to age, use of drugs or alcohol, intellectual disability, or other disability.
- c) Unwanted sexual advances or propositions, such as:
  - 1. Demanding sexual favors of a student, insinuating that refusal to acquiesce to such favors will adversely affect a student's grades, references, academic or scholastic placement, and/or participation in extracurricular activities; and
  - 2. Subtle or obvious pressure for unwelcome sexual activities.
- d) Verbal abuse or ridicule, including profanity, innuendoes, stories, and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- e) Asking or commenting about an individual's sexual activities.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender.
- g) Displaying or distributing pornographic or other sexually explicit materials (print or digital) such as magazines, pictures, cartoons, etc.
- h) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- i) Unwelcome and/or offensive public displays of sexual or physical affection.
- j) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

- k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

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Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

**Reporting Allegations of Sexual Harassment**

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of sexual harassment in the school environment, as well as any other person who has knowledge of or witnesses any possible sexual harassment, immediately report the alleged conduct or incident. Reports of sexual harassment may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, CRCO, Title IX Coordinator, or DAC.

All District employees who witness or receive an oral or written report of sexual harassment must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*.

**Grievance Process for Complaints of Sexual Harassment**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of sexual harassment of students and will promptly take appropriate action to protect students from further sexual harassment.

Various District policies and documents address sexual harassment of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) and/or

DAC(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

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

(Continued)

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Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of sexual harassment.

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

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

Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.  
Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.  
34 CFR Parts 106 and 270  
45 CFR Part 86  
Civil Rights Law § 40-c  
Education Law §§ 10-18, 313, 2801, and 3201-a  
New York State Human Rights Law, Executive Law § 290 et seq.  
8 NYCRR § 100.2  
9 NYCRR § 466 et seq.

**NOTE: Refer also to Policies** #3410 --Code of Conduct  
#3420--Non-Discrimination and Anti-Harassment in the District  
#6122--Complaints and Grievances by Employees  
#7550--Dignity for All Students  
#7553--Hazing of Students  
*District Code of Conduct*

Students

**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).

The District also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying 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 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. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

Students

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)**

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. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Personnel at all levels are responsible for taking corrective action to prevent bullying 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 within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying 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 stops.

Rules against bullying 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* as enumerated above and may also be incorporated in staff and student handbooks.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#3420 -- Anti-Harassment in the School District  
#7551 -- Sexual Harassment of Students  
#7553 -- Hazing of Students  
*District Code of Conduct*

Adoption Date: 3/23/09

## Students

**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 behaviors 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

(Continued)

Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

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.

**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.

Education Law Sections 1709-a, 2503-a, 2554-a and 2801  
Penal Law Sections 120.16 and 120.17  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(l)(2)

(Continued)

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Students

**SUBJECT: HAZING OF STUDENTS (Cont'd.)**

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#3420 -- Anti-Harassment in the School District  
#7551 -- Sexual Harassment of Students  
#7552 -- Bullying: Peer Abuse in the Schools  
*District Code of Conduct*

Adoption Date: 3/23/09



## Students

**SUBJECT: DIGNITY FOR ALL STUDENTS****Overview**

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. This policy is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by employees or other students on school property and at school functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off school property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

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

Inquiries about this policy may be directed to the District's Dignity Act Coordinator(s) (DAC(s)).

**Dignity Act Coordinator**

At least one (1) employee at every school shall be designated as the DAC. and receives reports of harassment, bullying, and/or discrimination. Each DAC will be:

- a) Approved by the Board;
- b) Licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent;
- c) Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;
- d) Thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex;
- e) Provided with training which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- f) Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

- g) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website;
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year;
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter;
- d) Posting it in highly visible areas of school buildings;
- e) Making it available at the District and school-level administrative offices.

If a DAC vacates his/her position, the District will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform the duties of the position for an extended period of time, the District will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

**Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional learning, and will be conducted consistent with guidelines approved by the Board, and will include training to:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and-discrimination;
- b) Address social patterns of harassment, bullying, and discrimination;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

**Internal Reports and Investigations of Discrimination and Harassment**

All District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. District employees must make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the District employee must file a written report with the Superintendent or principal, their designee, or the DAC.

The Superintendent or principal, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

Additionally, other District policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7551 -- Sexual Harassment of Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or principal, their designee, or the DAC will take prompt action, consistent with applicable laws and regulations as well as the District's *Code of Conduct*, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

The Superintendent or principal, their designee, or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

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Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

Reporting Incidents to the Superintendent

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent in a manner prescribed by the District. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

Reporting of Material Incidents to the Commissioner of Education

Each school year, the District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

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

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials, the Commissioner, 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.

**Publication of District Policy**

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and may report harassment, bullying, and/or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

**Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

Education Law §§ 10-18 and 2801  
8 NYCRR § 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board  
#3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#5670 -- Records Management  
#3129 -- Acceptable Use Policy - Staff/Students/Visitors To The  
District For District Network, 1:1 Chromebooks,  
Computers, E-Mail, And The Internet  
#7551 -- Sexual Harassment of Students  
#7552 -- Student Gender Identity  
#7553 -- Hazing of Students  
#8120 -- Equal Educational Opportunities  
#8242 -- Civility, Citizenship, and Character Education/Interpersonal  
Violence Prevention Education  
District *Code of Conduct*

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Adoption Date 7/12/2012  
Revision Date 1/13/2020, 5/18/2021  
Review Date

Students

**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

(Continued)

Students

**SUBJECT: NOTIFICATION OF SEX OFFENDERS (Cont'd.)**

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.

**Implementation**

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C  
Executive Law 259-c(14)  
Penal Law 65.10(4-a)  
Public Officers Law Section 84 et seq.

Adoption Date: 3/23/09

## Students

**SUBJECT: SUPERVISION OF STUDENTS**

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in school and extracurricular activities as well as sports activities and events. Permission to hold practices or meetings must not be granted unless a teacher or staff member is definitely in charge.

- a) District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.
- b) Coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods. 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.

NOTE: Refer also to Policy #5730 -- Transportation of Students: Transportation to School Sponsored Events

Adoption Date: 3/23/09



**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Rocky Point Union Free 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 (including preschool students) residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.
- f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard defined in federal law.
- g) The estimated budget to support such plan.
- h) The date on which such plan was adopted by the Board of Education.
- i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

20 United States Code (USC) Section 1474(e)(3)(B)  
8 New York Code of Rules and Regulations (NYCRR) Part 155 and Section 200.2©

Students

**SUBJECT: CHILDREN WITH DISABILITIES**

A child with a disability means a student under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if his/her educational needs are due primarily to unfamiliarity with the English language; environmental, cultural or economic factors; or lack of appropriate instruction in reading or mathematics.

If the State Education Department finds that the District has inappropriate policies, procedures or practices resulting in a significant disproportionality by race/ethnicity in the suspension, identification, classification and/or placement of students with disabilities, the District will ensure that it publicly reports on the subsequent revisions to those policies, procedures or practices.

The Board 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) Not requiring any student to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving services.
- b) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- c) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- d) Taking the following measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education programs and services:
  1. Advertise in one or more of the following: newspapers, OLAS and/or listservs;
  2. Attend recruiting fairs at local colleges;
  3. Provide appropriate candidates the opportunity to go through the District hiring process;
  4. After being hired, provide training through the New Teacher Workshop, staff development, and assigned mentors.

(Continued)

Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
  - 1. Ensure that necessary accommodations are specified on individualized education program (IEP);
  - 2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;
  - 3. Provide for testing accommodations.
- f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:
  - 1. New York State assessment and practice New York State assessment;
  - 2. Standardized testing instruments;
  - 3. WIAT;
  - 4. DIBELS;
  - 5. Literacy Collaborative.
- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

(Continued)

Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)****Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed**

The **district of location** is responsible for child find, including individual evaluations, 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.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools or to Charter schools.

The actual cost for Committee on Special Education (CSE) administration, evaluations and special education services provided to a student with a disability who is a resident of New York State, but a nonresident to the district of location, may be recovered from the student's school district of residence. Because federal regulations require parental consent before any personally identifiable information about the student relating to special education is shared between officials in the public school district of location and officials in the public school district of residence, parent consent to share special education information between the two public school districts is required before billing a district of residence for the cost of special education services provided to the student by the district of location.

If the school district of residence disagrees with the amount of the costs charged by the school district of location for the special education services provided to parentally-placed nonpublic school students, and the two (2) districts cannot reach an agreement, the district of residence will utilize the administrative review process specified in Commissioner's Regulations Section 177.2

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.

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:

- 1) Child Find;

(Continued)

Students

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

- 2) Provision of Special Education Services; and
- 3) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Sections 612 and 614  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.  
20 United States Code (USC) Section 9101(23)  
21 United States Code (USC) Section 812(c)  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 3208, 3242, 3602-c, 4401-4407 and 4410-6  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.2(b), 200.2(c)(2)(v),  
200.4(e)(9) and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment

**SUBJECT: GROUPING BY SIMILARITY OF NEEDS**

The Board of Education will provide appropriate special education and related services to students with disabilities. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The CSE shall determine written goals, including academic and functional goals, for each student with a disability by considering the special and individual needs of each student with a disability. Short-term instructional objectives and/or benchmarks will be created for each preschool student with a disability and for students who take New York State alternate assessments.
- c) The CSE 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 achievement, functional performance and learning characteristics;
  2. Social development;
  3. Physical development; and
  4. Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(w), 200.2(b)(3), 200.4(d) and 200.6(a)(3)

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S  
INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one Committee on Special Education (CSE) and one Committee on Preschool Special Education (CPSE). The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

**Committee on Special Education**

The Board of Education shall, upon completion of its review of the recommendations of the CSE, arrange for the appropriate special education programs and services to be provided to a student with a disability. The Board 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 sixty (60) school 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 sixty (60) school 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 thirty (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 individualized education program (IEP) where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,
- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with 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

(Continued)

Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S  
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

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 with written notice and 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.

**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 thirty (30) school 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 thirty (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.

**Subcommittee on Special Education**

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or

(Continued)



## Students

**SUBJECT: THE ROLE OF THE BOARD IN IMPLEMENTING A STUDENT'S  
INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relation to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law 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)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members  
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

**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 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) Section 200.2(b)(5)

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

## Students

**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. The term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of, or the replacement of such device;
- 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) Placement is based on the student's individualized education program and determined at least annually;
- b) Placement is as close as possible to the student's home, and unless the student's individualized education program requires some other arrangement, the student shall be educated in the school he/she would have attended if not disabled;
- c) In selecting the least restrictive environment, consideration will be given to any potential harmful effect on the student or on the quality of services that he/she needs; and
- d) A student with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The 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. 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, including, as appropriate, related services, resource room programs and special class programs within the general education classroom.

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 4401-4410-a

8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.1(qq), 200.2(b), 200.4 and 200.6

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Adoption Date 3/23/09

Revision Date

Review Date 06/23/14

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education. This plan may include a Response to Intervention (RTI) process.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Teams (IST) will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The IST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an IST.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

**Educational Related Support Services**

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERSS may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

**Section 504 of the Rehabilitation Act of 1973**

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

**Academic Intervention Services**

*Academic intervention services* means additional instruction which supplements the instruction provided in the general education curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K through 12 students in need of such services. The District will review and revise this description every two (2) years based on student performance results.

Parental notification of students who have been determined to need academic intervention services will be provided as per Commissioner's Regulations.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

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

Education Law Sections 3602(32), 4401 and 4401-a

8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(g), 100.1(p), 100.1(r), 100.1(s), 100.1(t), 100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c) and Part 154

Students

**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 as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent at no cost to the parent. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's individualized education program (IEP).

Prior to the reevaluation, the School District shall obtain informed written 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.

**Graduation/Aging Out**

The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the District must provide the student with a summary (Student Exit Summary) of the student's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her post secondary goals. Although not required to do so, the District will also provide this Student Exit Summary ([www.vesid.nysed.gov/specialed/idea/studentexit.htm](http://www.vesid.nysed.gov/specialed/idea/studentexit.htm)) to students exiting with a High School Equivalency Diploma.

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## Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

In addition, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. If the student will be graduating with an IEP diploma, this prior written notice must indicate that the student continues to be eligible for a free appropriate public education until the end of the school year in which the student turns twenty-one (21) or until receipt of a regular high school diploma.

**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 (1) 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

(Continued)



Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

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.

[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 \(USC\) Section 1400 et seq.](#)  
[34 Code of Federal Regulations \(CFR\) Part 300](#)

Education Law Sections 4401-4410-a

8 New York Code of Rules and Regulations (NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8), 200.4(b)(4), 200.4(b)(5), 200.4(c)(3), 200.4(c)(4), 200.4(d)(1) and 200.5(a)

NOTE: Refer also to Policy #7641 -- Transition Services

Students

**SUBJECT: USE OF TIME OUT ROOMS**

"Time out" is a technique used to interrupt an unacceptable behavior by removing the student from the situation where the misbehavior is occurring. The New York State Education Department (NYSED) does not regulate the use of time outs, but does regulate the use of a separate room where a student may be removed for a time out.

Except as provided below, the District will not employ the use of time out rooms as a means of regulating student behavior.

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 their education program. If a time out room is used, it must be used in conjunction with a behavioral intervention plan that is designed to teach and reinforce alternative appropriate behaviors. The student is removed to a supervised area in order to facilitate self-control. Time outs may also be used in unanticipated situations that pose an immediate concern for the physical safety of a student or others. Unanticipated or emergency use requires proper documentation, in accordance with Commissioner's regulations.

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 will 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 will 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 will 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 will 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.

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## Students

**SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)**b) Factors which may precipitate the use of the time out room:

The District may place a student in a time out room when: (1) the student's behavior affects the teacher's ability to teach and/or the ability of the other students in the classroom to learn and the student's removal is necessary to maintain or restore control over the classroom; (2) the student's behavior poses a threat to him/herself or another individual; (3) the student requests a break in the time out room to regain his/her composure or self-control; or (4) a potentially dangerous situation arises. Except in the event of a potentially dangerous situation, the placement of a student in a time out room will be in conjunction with that student's behavioral intervention plan.

c) Time limitations for the use of the time out room:

When the child is demonstrating signs of being ready, they should be offered the opportunity to return to class. Students should not remain in the time out room for excessive periods of time.

Further, a student's IEP will 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 will be notified in the event a student is placed in a time out room for excessive amounts of time; and such information will 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 will 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 will include, but not be limited to, the following measures:

1. The Director of Special Education will be responsible to the Assistant 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).
2. Training for staff on the policies and procedures related to the use of time out rooms, physical restraint, aversives, and related behavior management practices, will be provided annually or as needed. The Director of Special Education will be responsible to the Assistant Superintendent or his/her designee for implementation and oversight of this policy.

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**SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)**e) Data collection to monitor the effectiveness of the use of time out rooms:

District schools will establish and implement procedures to document the use of time out rooms. This data would be subject to review by NYSED upon request.

Such data collection should 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 will 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 will 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 District's policy on the use of time out rooms.

Additionally, parents will be notified if their child was placed in a time out room. Additionally, whenever a time out room is used as an emergency intervention the parents will be notified of the emergency intervention. Notifications will be provided on the same day. When the student's parent cannot be contacted after reasonable attempts are made, the building principal will record and report the attempts to the CSE.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

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**SUBJECT: USE OF TIME OUT ROOMS (Cont'd.)****Physical Space Used as a Time Out Room**

The physical space used as a time out room must meet certain standards.

- a) The room will provide a means for continuous visual and auditory monitoring of the student;
- b) The room will 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 will be adequate lighting and ventilation;
- d) The temperature of the room will be within the normal comfort range and consistent with the rest of the building; and
- e) The room will be clean and free of objects and fixtures that could be potentially dangerous to a student and will meet all local fire and safety codes.

Education Law §4402  
8 NYCRR §§ 19.5 and 200.22

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 nonacademic and extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Nonacademic and extracurricular programs and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School District, referrals to agencies that provide assistance to individuals with disabilities and employment of students (both by the School District and assistance in making outside employment available).

Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(1) and 200.2(b)(2)

## Students

**SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

**Prohibition Against Disability-Based Discrimination in Accelerated Programs**

The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II. A school district may not impose or apply eligibility criteria that screens out or tends to screen out a student with a disability from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary.

It is also unlawful to deny a student with a disability admission to an accelerated class or program solely because of his/her need for special education or related aids or services (i.e., related services, supplementary aids and services, program modification and supports for school personnel) or because the student has an Individualized Education Program (IEP) or a plan under Section 504.

Schools may employ appropriate eligibility requirements or criteria in determining whether to admit students, including students with disabilities, into accelerated classes or programs. Additionally, nothing in Section 504 or Title II requires schools to admit into accelerated classes or programs students with disabilities who would not otherwise be qualified for these classes or programs.

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.  
Individuals with Disabilities Education Act (IDEA), 20 United State Code (USC) Section 1400 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 United States (USC) Section 794 et seq.  
28 Code of Federal Regulations (CFR) Part 35  
34 Code of Federal Regulations (CFR) Parts 104 and 300

NOTE: Refer also to Policy #7550 -- Complaints and Grievances by Students

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS****Committee on Special Education (CSE) Membership**

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) or persons in parental relationship of the student. To ensure that one or both parents are present at each CSE meeting, the District and the parent(s) may agree to use alternative means of participation such as conference phone calls.
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the student, or, where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. An individual who meets these qualifications may be the same individual appointed as the special education teacher or provider in c) above or the school psychologist in i) below. The representative of the District will serve as the chairperson of the Committee;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) A member as described in letters b) through e) of this subheading is not required to attend the CSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:
  1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or
  2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or

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Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;
  - g) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
  - h) Whenever appropriate, the student with a disability. The District must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the District must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a student eighteen (18) years or older, the District must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
  - i) A school psychologist;
  - j) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and
  - k)

An additional parent is not required to attend the meeting unless specifically requested in writing, at least seventy-two (72) hours prior to such meeting by the parents or other person in parental relation to the student in question, the student, or a member of the CSE. The parents or persons in parental relation of the student in question shall receive proper written notice of their right to have an additional parent attend any meeting of the committee regarding the student, along with a prepared statement from NYSED explaining the role of having the additional parent attend the meeting.

**Subcommittee on Special Education Membership**

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

- a) The parent(s) of the student;
- b) Not less than one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher, of the student, or where appropriate, not less than one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general education curriculum and about the availability of resources of the District. This individual may also fulfill the requirements of c) or e) of this section. The representative of the District will serve as the chairperson of the Subcommittee;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) A member as described in letters b) through e) of this subheading is not required to attend the subcommittee meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:
  1. The member's area of the curriculum or related services is not being modified or discussed in the meeting; or
  2. The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or
  3. The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in 2. above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation;

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

- g) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;
- h) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "g" of this subheading; and
- i) Whenever appropriate, the student with a disability.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

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 Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

**Alternative Means of Meeting**

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as conference calls.

Individuals with Disabilities Education Act (IDEA) 20 United States Code (USC) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300 and Section 300.321  
Education Law Section 4402  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3), 200.3, and 200.4(d)(4)(i)(d)

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program  
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS****Committee on Preschool Special Education (CPSE) Membership**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child. To ensure that one or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such conference phone calls;
- b) Not less than one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) Not less than one (1) special education teacher of the child or, where appropriate, not less than one (1) 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, special education and who is knowledgeable about the general education curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (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, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- 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. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) An additional parent, **if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District**, of a child with a disability who resides in the School District or a neighboring 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; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting;

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

- h) For a child's smooth transition from early intervention programs and services (Infant and Toddler Programs), at the request of the parent/person in parental relation, the appropriate professional designated by the agency that has been charged with the responsibility for the preschool child. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and
- i) A representative from the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

However, except for the parents/persons in parental relation and the appointee from the municipality ( a) and i) above) a member of the CPSE is not required to attend a meeting of the team in whole or in part if the parent/person in parental relation and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed at that meeting.

Additionally, a member as described in letters b) through h) of this subheading may be excused from attending the CPSE meeting, in whole or in part, if the parent/person in parental relation to the student with a disability and the School District agree, in writing to the excusal not less than five (5) calendar days prior to the meeting date, that the attendance of the member is not necessary because:

- a) The member's area of the curriculum or related services is being modified or discussed in the meeting but, not less than five (5) calendar days prior to the meeting, the excused member has submitted to the parents/persons in parental relation and the CSE written input into the development of the IEP, particularly with respect to their area of curriculum or related services; or
- b) The committee member is unable to attend due to an emergency or unavoidable scheduling conflict and the District submits the written input listed in a) above to the parents/persons in parental relation within a reasonable time prior to the meeting and prior to obtaining written consent to the excusal by the parents/persons in parental relation.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

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 Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL  
SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)****Alternative Means of Meeting**

When conducting a meeting of the Committee on Special Education (CSE), the parent and the representative of the District appointed to the CSE may agree to use alternative means of meeting participation, such as conference calls.

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 Section 4410  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board in Implementing a Student's Individualized Education Program  
#7614 -- Preschool Special Education Program  
#7631 -- Committee on Special Education/Subcommittee on Special Education Members

Students

**SUBJECT: STUDENT INDIVIDUALIZED 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.

The District shall ensure that each student with a disability has an IEP in effect at the beginning of each school year.

IEPs developed on or after September 1, 2009 will be on the form prescribed by the Commissioner.

**Functional Behavioral Assessments/Behavioral Intervention Plans**

A Functional Behavioral Assessment (FBA) is an integral part of the evaluation and reevaluation of a student with a disability which should be used throughout the process of developing, reviewing and revising a student's IEP when the student's behavior impedes learning of the child or others. The FBA is the process of determining why a student engages in challenging behavior and how the student's behavior relates to the environment.

The FBA provides a baseline of the student's problem behaviors with regard to frequency, duration, intensity and/or latency across activities, settings, people and times of the day and includes:

- a) The identification of the problem behavior,
- b) The definition of the behavior in concrete terms,
- c) The identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and
- d) The formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

The CSE/CPSE will ensure that Functional Behavioral Assessments, when appropriate, are conducted and reviewed to:

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

- a) Identify supplementary aids and services, modifications and/or related services appropriate to address the identified behaviors to promote the student's involvement and progress in the general curriculum;
- b) Determine a student's eligibility for special education services;
- c) Develop the IEP which includes behavioral goals and objectives and positive behavioral supports and strategies.

In the case of a student whose behavior impedes his or her learning or that of others, the CSE/CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior. The need for a Behavioral Intervention Plan (BIP) shall be documented on the IEP and such plan shall be reviewed at least annually by the CSE/CPSE. In addition, regular progress monitoring of the frequency, duration and intensity of the behavioral interventions shall be conducted at scheduled intervals, documented and reported to the parents and CSE/CPSE.

A behavioral intervention plan may not include the use of aversive interventions or time out rooms except in accordance with specific Board policy regulating these techniques.

**Individual Evaluations**

Parental consent must be provided for an initial evaluation. If such consent is not received within thirty (30) calendar days of receipt of the referral, the CSE/CPSE Chairperson will document all attempts made to obtain the consent and, if appropriate, advise the Board of its right to utilize the due process procedures to conduct an evaluation without parental consent.

Unless a referral is withdrawn, an individual evaluation at no cost to the parent will be completed by the CSE/CPSE within sixty (60) calendar days after written parental consent has been obtained or a parental refusal to consent is overridden, unless:

- a) An extension is mutually agreed to by the parent and the CSE/CPSE for the following situations:
  1. Transfer students: A student enrolls in the District after sixty (60) days and prior to a determination by the student's previous school district as to whether the student has a disability, but only if the new school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the new district agree in writing to a specific timeframe for completion; or

(Continued)



Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

2. Students suspected of having learning disabilities; or
- b) The parent or student repeatedly fails or refuses to produce the student for evaluation.

No student shall be required to obtain a prescription for a drug or other substance identified as a controlled substance by the federal Controlled Substances Act as a condition of receiving an evaluation.

The individual evaluation will include a variety of assessment tools and strategies, including information provided by the parent. The purpose of the evaluation is to gather relevant functional, developmental and academic information that may assist in determining whether the student is a student with a disability and the content of the student's IEP. This shall include information relating to enabling the student to participate and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities.)

As part of any evaluation, a group that includes the CSE/CPSE 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, local or state assessments, classroom-based observations, and observations by teachers and related services providers. In addition, the group will consider information about the student's physical condition, social or cultural background, and adaptive behavior.

On the basis of that review, and input from the student's parents, the group shall identify what additional data, if any, are needed to determine:

- a) Whether the student has or continues to have a disability;
- b) The present levels of academic achievement and related developmental needs of the student, including:
  1. Academic achievement, functional performance, and learning characteristics;
  2. Social development;
  3. Physical development; and
  4. Management needs.
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education 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 and to determine the student's educational needs. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The determination that a student has a learning disability will be made in accordance with the procedures outlined in Section 200.4(j) of Commissioner's Regulations.

**Individual Re-evaluations**

A CSE/CPSE shall arrange for an appropriate re-evaluation of each student with a disability:

- a) If the District determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant re-evaluation;
- b) If the student's parent or teacher request a re-evaluation;
- c) At least once every three (3) years, unless the District and the parent/person in parental relation agree in writing that such re-evaluation is unnecessary.

A re-evaluation shall not be conducted more frequently than once a year unless the parent and the District representative appointed to the CSE/CPSE agree otherwise.

The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation 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 CSE/CPSE in reviewing, and as appropriate, revising the student's IEP.

To the extent possible, the District shall encourage the consolidation of re-evaluation meetings for the student and other CSE/CPSE meetings for the student.

(Continued)

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)****Amendments to the IEP**

Amendments to the IEP made after the annual review by the CSE/CPSE may be made by reconvening the CSE/CPSE and rewriting the IEP or by developing a written document to amend or modify the student's current IEP, provided that:

- a) The parents/persons in parental relation request an amendment to the IEP and the District and parents/persons in parental relation agree to the amendment in writing; or
- b) The District provides the parents/persons in parental relation a written proposal to amend a provision or provisions of the IEP conveyed in language understandable to the parents/persons in parental relation in their native language or other dominant mode of communication, informs and allows the parents/persons in parental relation the opportunity to consult with the appropriate personnel or related service providers concerning the proposed changes, and the parents/persons in parental relation agree in writing to the amendments.

If the parents/persons in parental relation agree to amend the IEP without a meeting, they shall be provided prior written notice (notice of recommendation) of the changes to the IEP and the Committee notified of the changes. If the changes are made by rewriting the entire IEP, the District shall provide the parents/persons in parental relation a copy of the rewritten IEP. If the amendment is made without rewriting the entire document, the District shall provide a copy of the document that amends the IEP or, upon request, a revised copy of the entire IEP with the amendments incorporated.

**Use of Recording Equipment at IEP Meetings**

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs for students with disabilities.

**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 (including amendments to the 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 Education Law Articles 81, 85 or 89 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.

(Continued)

## Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

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, supplementary school personnel (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.

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 (including amendments) 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 supplementary school personnel 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.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 615(k)(l)  
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.  
21 United States Code (USC) Section 812(c)  
Education Law Articles 81, 85 and 89 and Sections 3208 and 4402(7)  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(hh), 200.2(b)(11), 200.4(b)(4),  
200.4(d)(3)(i), 200.4(e)(3), 200.4(f), 200.4(j), 200.16(e)(6) and 200.22

NOTE: Refer also to Policy #7619 -- Use of Time Out Rooms

## Students

**SUBJECT: TRANSITION SERVICES**

Beginning not later than the first IEP to be in effect when the student is age fifteen (15) (and at a younger age, if determined appropriate), and updated annually, the student's IEP must include:

- a) A statement of the student's needs taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities;
- b) Appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment and, where appropriate, independent living skills;
- c) A statement of transition service needs that focuses on the student's courses of study, such as participation in advanced-placement courses or a vocational educational program;
- d) Needed activities to facilitate the student's movement from school to post-school activities, including instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation; and
- e) A statement of the responsibilities of the District and participating agencies, when applicable, for the provision of such services and activities, before the student leaves the school setting, that promote movement from school to post-school opportunities.

In accordance with the Code of Federal Regulations, the district must invite a child with a disability to attend the child's CSE meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the child does not attend the CSE meeting, the district must take other steps to ensure that the child's preference and interests are considered. To the extent appropriate, with the consent of the parent or a child who has reached the age of majority, the district must also invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate movement from school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the student's strengths, preferences and interests and shall include needed activities in the following areas:

- a) Instruction;

(Continued)

Students

**SUBJECT: TRANSITION SERVICES (Cont'd.)**

- b) Related services (the term "related services" does not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g. mapping), maintenance of, or the replacement of such device);
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) When appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

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.  
34 Code of Federal Regulations (CFR) Sections 300.321, 300.343, 300.347 and 300.348  
Education Law Section 4401  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(qq), 200.1(fff), 2004.(d)(2)(ix), and  
200.5(c)(2)(vii)

NOTE: Refer also to Policy #7617 – Declassification of Students with Disabilities

Students

**SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS**

The School District shall provide, directly or by contract, special services and/or programs during July and August (i.e., extended school year) to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE). Written consent of the parent is required prior to initial provision of special education services in a twelve (12) month special service and/or program.

The CSE/CPSE must determine whether a student requires extended school year special education services and/or programs in order to prevent substantial regression. Substantial regression would be indicated by a student's inability to maintain developmental levels due to a loss of skill, set of skill competencies or knowledge during the months of July and August. In accordance with Commissioner's Regulations, students must be considered for twelve (12) month special services and/or programs to prevent substantial regression if they are:

- a) Students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention and who are placed in special classes; or,

Preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention;

- b) Students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment and are placed in special classes; or

Preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment;

- c) Students who are recommended for home and/or hospital instruction whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment; or

Preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or

- d) Students, including preschool students, whose needs are so severe that they can be met only in a seven (7) day residential program; or

(Continued)

Students

**SUBJECT: EXTENDED SCHOOL YEAR (JULY/AUGUST) SERVICES AND/OR PROGRAMS (Cont'd.)**

- e) Students who are not in programs as described in subparagraphs (a) through (d) above during the period from September through June and who, because of their disabilities, exhibit the need for a twelve (12) month special service and/or program provided in a structured learning environment of up to twelve (12) months duration in order to prevent substantial regression as determined by the CSE; or

Preschool students who are not described in subparagraphs (a) through (d) above whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration to prevent substantial regression as determined by the Preschool Committee on Special Education (CPSE).

For students eligible for twelve (12) month service and/or program, per Commissioner's Regulations Section 200.4(d)(2)(x), the student's Individualized Education Program (IEP) shall indicate the identity of the provider of services during the months of July and August, and, for preschool students determined by the CPSE to require a structured learning environment of twelve (12) months duration to prevent substantial regression, a statement of the reasons for such recommendation.

The IEP shall indicate the projected date of the review of the student's need for such services and shall indicate the recommended placement.

The State Education Department (SED) is authorized to approve programs and to establish State Aid reimbursement rates for all special services and programs provided during July and August, both public and private. Therefore, if the School District plans to operate a July/August program, the District must first apply to SED for approval in accordance with SED guidelines/procedures.

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) Section 1400 et seq.  
Education Law Section 4408  
8 New York Code of Rules and Regulations (NYCRR) Part 110 and Sections 200.1(qq), 200.4(d)(2)(x),  
200.5(b)(1)(iii), 200.6(j), and 200.16(i)(3)(v)

Adoption Date: 3/23/09



Students

**SUBJECT: TRANSFER STUDENTS WITH DISABILITIES**

To facilitate the transition of students with disabilities transferring into or out of the District the District shall:

- a) As the district of origin take reasonable steps to promptly respond to all requests from the new school district.
- b) As the new school district take reasonable steps to promptly obtain the student's records from the previous school, including the Individualized Education Program (IEP), supporting documents and any other records relating to the provision of special education services.
- c) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same school year a free appropriate education including services comparable to those described in the student's previous IEP.
  1. For transfers within New York State, the previously held IEP will be followed in consultation with the parents until the District adopts the previously held IEP or develops, adopts and implements a new IEP consistent with federal and State law and regulation.
  2. For transfers from outside New York State, in consultation with the parents the previously held IEP will be followed until the District conducts an evaluation and, if appropriate, develops a new IEP consistent with federal and State law and regulation.

Individuals with Disabilities Education 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.  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(zz) and 200.4(e)(8)

NOTE: Refer also to Policy #7240 -- Student Records: Access and Challenge

Adoption Date: 3/23/09

Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES  
(CHILD FIND)**

The School District of residence is required to locate and identify all students with disabilities who reside in the District, including students who do not attend public school (with the exception of students with disabilities who are parentally placed in nonpublic schools outside the district of residence). Therefore, it is the policy of the Board of Education to conduct a census in order to have all children with disabilities within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age, homeless children, children who are wards of the State as defined in Commissioner's Regulations and children in all public and private agencies and institutions.

Any student suspected of having a disability is to be referred to the applicable Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) for evaluation and possible identification as a student with disability.

Census data shall be reported by October 1 to the CSE/CPSE as appropriate. The CSE/CPSE will maintain and revise annually a register and related summary reports containing the data requirements indicated in Commissioner's Regulations.

**Nonpublic School Students with Disabilities Who are Parentally Placed**

If the School District boundaries encompass a nonpublic school, the District, as the district of location, must develop and implement methods to identify, locate and ensure the identification and evaluation of students with disabilities who have been, or are going to be, parentally placed in such nonpublic school.

The child find activities must be similar to activities 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.

As the public school district of location, the District must consult with the nonpublic schools where students are parentally placed to determine an accurate count of students with disabilities attending such schools and receiving special education services.

These requirements only pertain to students with disabilities parentally placed in elementary and secondary nonpublic schools, not to parental placements of preschool children with disabilities in private day care or preschool programs; or to CSE placements of students with disabilities in approved private schools, Special Act School Districts, State-supported or State-operated schools; or to Charter schools.

(Continued)

Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES  
(CHILD FIND) (Cont'd.)****Provision of Special Education Services for Child under Age Seven**

It is the responsibility of the Committee on Special Education (CSE) to provide special education services to a child with a disability under the age of seven who is eligible for school-age services, not subject to compulsory attendance requirements and not on a regular school attendance register. These are children with disabilities who are eligible for school-age special education services that are no longer eligible for preschool special education services, but are not parentally placed in a nonpublic elementary school and not being home schooled.

Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 Section 612  
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 3240-3242, 3602-c(2)(a), 4401-a, 4402(1)(a), 4404, 4405 and 4410-6  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(a), 200.4 and 200.6(m)(3)

NOTE: Refer also to Policies #7130 -- Entitlement to Attend -Age and Residency  
#7140 -- School Census

Adoption Date: 3/23/09

Students

**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.

**Definition of Parent**

Parent means a birth or adoptive parent, a legally appointed guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child, a person in parental relationship to the child as defined in Education Law Section 3212, an individual designated as a person in parental relation pursuant to General Obligations Law Title 15-A including an individual so designated who is acting in the place of a birth or adoptive parent (including a grandparent, stepparent or other relative with whom the child resides), or a surrogate parent who has been appointed in accordance with Section 200.5(n) of Commissioner's Regulations. The term does not include the State if the student is a ward of the State.

A foster parent may act as a parent unless State law, regulations or contractual obligations with a State or local entity prohibit the foster parent from acting as a parent.

Unless a judicial decree identifies a specific person(s) to act as the parent or make educational decisions for the student, if one or more parties is qualified to act as a parent, the birth or adoptive parent is presumed to be the parent unless they do not have the legal authority to do so.

**Surrogate Parents**

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. This determination shall be completed within a reasonable time following the receipt of a referral for an initial evaluation or re-evaluation.

In the event that no parent or guardian for a child with a disability can be identified; or after reasonable efforts the whereabouts of the parent or guardian cannot be determined; or the student is an unaccompanied homeless youth; or the child with a disability is a ward of the State and does not have a "parent" as defined above; or the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law; the Board shall assign an individual to act as a surrogate for the parents or guardians.

Alternatively, the surrogate parent may be appointed by a judge overseeing the child's case.

(Continued)

Students

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

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.

**Prior Written Notice**

Prior written notice must be given to parents of a student with a disability a reasonable time before the District proposes to, or refuses to, initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student. Prior written notice must also be provided informing the parents when no additional data is required to determine the student's educational needs, the reasons for this determination and their right to request an assessment.

If the prior written notice relates to a proposed action that also requires parental consent, the District must give notice at the same time it requests parental consent. The prior written notice will contain all elements required by Commissioner's Regulations.

A parent may elect to receive prior written notice and other required notifications by electronic mail (e-mail) communication if the District makes this option available.

Effective September 1, 2009 the prior written notice will be on the form prescribed by the Commissioner.

**Parent Participation in Meetings**

The School District must take steps to ensure that one or both of the parents of a child with a disability are present at each Committee on Special Education (CSE)/Committee on Preschool Special Education (CSPE) meeting or are afforded the opportunity to participate in a mutually agreed upon time and place. The School District must document its attempts to involve parents, such as:

- a) Detailed records of telephone calls made or attempted and the results of these calls;
- b) Copies of correspondence sent to the parents and any responses received; and
- c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

A meeting may be conducted without a parent in attendance if the School District is unable to convince the parents that they should attend.

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

Additionally, the School District must take whatever action is necessary to ensure the parent understands the proceedings of this meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

**Parental Consent**

In accordance with due process, a parent (as defined in Commissioner's Regulations Section 200.1(l)) 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. The District will make reasonable efforts to obtain written informed consent and will maintain a detailed record of its attempts and the results of the attempts.

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 individualized education program (IEP).

Consent for Other Actions

Prior written consent must also be provided:

- a) Prior to releasing any personally identifiable information; and
- b) Prior to each time the District proposes to access a parent's private or public insurance.

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**Consent for an Unaccompanied Homeless Youth

Consent may be provided by a surrogate parent. However, until a surrogate parent is appointed, consent may be provided on a temporary basis by an employee of a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth.

Consent for a Ward of the State

A ward of the State means a child or youth under the age of twenty-one (21):

- a) Who has been placed or remanded pursuant to Social Services Law or the Family Court Act or freed for adoption pursuant to Social Services Law; or
- b) Who is in the custody of the Commissioner of Social Services or the Office of Children and Family Services; or
- c) Who is a destitute child under Social Services Law.

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, including consulting with the agency responsible for the care 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 and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

Consent for a Student Who is Home Instructed or Parentally Placed in a Private School at the Parent's Expense

If a parent of a student who is home instructed or placed in a private school by their parents at their own expense does not provide consent for an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, the District may not continue to pursue those evaluations by

(Continued)

Students

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)**

using the due process procedures and the District is not required to consider the student as eligible for special education services.

**Parental Revocation of Consent**

Parental revocation of consent for continued provision of special education and related services must be in writing. When the parent revokes such consent, the District still must provide the parent with the usual written notice of its intentions with respect to the child.

The provision of law regarding the right to be represented in an impartial due process hearing by non-attorneys applies to any party to such a hearing, not just to parents.

**Procedural Safeguards Notice**

The School District will provide the procedural safeguards notice prescribed by the Commissioner of Education to the parents of a student with a disability at least one (1) time per year and also:

- a) Upon initial referral or parental request for evaluation;
- b) Upon the first filing of a due process complaint notice to request mediation or an impartial hearing;
- c) Upon request by a parent;
- d) Upon a decision to impose a suspension or removal that constitutes a disciplinary change in placement; and
- e) Upon first receipt of a State complaint.

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) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 3212, 4005, 4202, 4401 and 4402  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1, 200.4(b)(6) and 200.5

NOTE: Refer also to Policy #7260 -- Designation of Person in Parental Relation

Adoption Date: 3/23/09



Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS****Due Process Complaints**

The District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities. In the event such disputes cannot otherwise be resolved, either a parent or the District may file a due process complaint challenging the identification, evaluation or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to such student. The complainant may not have an impartial due process hearing until the complainant, or the attorney representing the complainant, files a due process complaint notice that meets the requirements set forth in law for such notice. Any and all due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two (2) years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint. Upon receipt or filing of the due process complaint notice, the District will provide a procedural safeguards notice to the parents. The District will also inform parents in writing of the availability of mediation and of any free or low-cost legal and other relevant services available in the area.

An impartial due process hearing will be conducted at a time and location reasonable and convenient to the parent and student involved. The hearing will be closed to the public unless the parent requests otherwise.

A student whose education is the subject of a due process complaint will remain in his/her current placement during the pendency of the impartial due process hearing unless both parties agree or as otherwise permitted by law.

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

**Resolution Process**

Prior to the opportunity for an impartial due process hearing, the District will convene a meeting with the parents and the relevant member or members of the committee on special education or committee on preschool special education who have specific knowledge of the facts identified in the complaint. Such meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The resolution meeting will be at a mutually agreed

(Continued)

Students

**SUBJECT: DUE PROCESS COMPLAINTS; SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS (Cont'd.)**

upon time and place, and in a location that is physically accessible to the parents. The District will ensure that all resolution meetings conform to the requirements set forth in the Regulations of the Commissioner of Education.

The parents and the District may agree, in writing, to waive the resolution process or agree to use the mediation process to resolve the dispute.

**Selection and Board Appointment of Impartial Hearing Officers**

In the event a due process complaint notice is filed pursuant to the Individuals with Disabilities in Education Act (IDEA), the Board of Education will arrange for an impartial due process hearing to be conducted. In such instances, the Board will immediately-but not later than two (2) business days after receipt of the due process complaint notice or mailing of the due process complaint notice to the parent-initiate the process to select an impartial hearing officer (IHO) through a rotational selection process. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's Impartial Hearing Reporting System (IHRS) to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made only from such list and in accordance with the alphabetical rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the Department.

The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The District will also reimburse the IHO for certain travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule.

Administrative procedures will be developed governing the implementation of this policy.

Individuals with Disabilities Education Act (IDEA), 20 USC Section 1400 et seq.  
34 CFR Part 300  
Education Law Sections 4005, 4202, 4404(1) and 4410(7)  
8 NYCRR Sections 200.2 and 200.5

NOTE: Refer also to Policies #7660 -- Parent Involvement for Children with Disabilities  
#7690 -- Special Education Mediation  
#7313 -- Suspension of Students

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] 300.503) 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 300.503  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1(z) and 200.5(g)

Adoption Date: 3/23/09

## Students

**SUBJECT: SPECIAL EDUCATION MEDIATION**

The District will offer mediation to resolve any disputes involving any matter for which an impartial due process hearing may be brought, including matters arising prior to the filing of a due process complaint notice.

Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of any school district or State agency that is involved in the education or care of the student who is the subject of the mediation process. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process and should be knowledgeable in laws and regulations relating to the provision of special education services.

Parents or persons in parental relation to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial due process hearing procedures in accordance with Federal and State law and regulations. If the parent and District agree, alternative means of meeting participation may be utilized, such as video conferences and conference calls.

Discussions during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.

If resolution to the complaint is reached through mediation, the parent and the representative of the District who has the authority to bind the District will execute a legally binding written agreement specifying the resolution and stating that all discussions occurring during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or State court. If the written agreement is inconsistent with the student's current individualized education programs (IEP), the IEP must be immediately amended to reflect the mediation agreement.

The mediation process is voluntary and will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relation to request an impartial due process hearing subsequent to mediation. Parents or persons in parental relation to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relation from requesting an impartial due process hearing without having first utilized mediation procedures set forth in Education Law.

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) Section 1400 et seq.  
34 Code of Federal Regulations (CFR) Part 300  
Education Law Sections 4005, 4202 and 4404-a  
Judiciary Law Section 849a  
8 New York Code of Rules and Regulations (NYCRR) Sections 200.1 and 200.5

Adoption Date: 3/23/09

**Rocky Point Union Free School District**

**NUMBER**

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Instruction

**Rocky Point Union Free School District**

**NUMBER**

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## Instruction

**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 and 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.

Education Law Sections 1604, 1709, 2503 and 3204

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of any legally protected class or category including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; marital status; pregnancy; parental status; weight; ethnic group; or religious practice. Further, the District provides equal access to its facilities to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 (as a patriotic society).

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

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

**Educational Services for Married/Pregnant Students**

The opportunity to participate in all of the programs and activities of the District will not be restricted or denied because of pregnancy, parenthood, or marriage. Pregnant students will be encouraged to remain and participate in District programs. The forms of instruction provided to these students may include any or all of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;
- b) Receive home instruction;
- c) Attend BOCES programs.

The Superintendent or designee, in consultation with student services staff, the school physician, and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of these students.

(Continued)



## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)****Reporting Allegations of Discrimination**

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, immediately report the alleged conduct or incident. Reports of discrimination may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, or CRCO.

All District employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*.

**Grievance Process for Complaints of Discrimination**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various District policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

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

If an investigation reveals that discrimination has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law

(Continued)

## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)**

and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

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

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

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

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

Age Discrimination Act of 1975, 42 USC § 6101 et seq.  
 Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.  
 Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.  
 Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.  
 Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.  
 Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.  
 Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.  
 28 CFR Part 35  
 34 CFR Parts 100, 104, 106, 110, and 270  
 45 CFR Part 86  
 Civil Rights Law §§ 40, 40-c, and 47-b  
 Education Law §§ 10-18, 313, 2801, 3201, and 3201-a  
 New York State Human Rights Law, Executive Law § 290 et seq.  
 8 NYCRR § 100.2  
 9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #3410 -- Code of Conduct  
 #3420 -- Non-Discrimination and Anti-Harassment in the District  
 #3421 -- Title IX and Sex Discrimination  
 #7554 -- Dignity for All Students  
 #7551 -- Sexual Harassment of Students  
 District *Code of Conduct*

## 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.

It shall be the duty of the Board of Education to provide inspections and supervision of the health and safety aspects of the school facilities.

Education Law Sections 409, 409-a, 807-a and 906

8 New York Code of Rules and Regulations (NYCRR) Part 136 and Section 141.10

Adoption Date: 3/23/09

## Instruction

**SUBJECT: PREVENTION INSTRUCTION****Acquired Immune Deficiency Syndrome (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.

A representative community advisory group consisting of appropriate school personnel, School Board members, parents, religious representatives, and other community members shall be established in order to make recommendations for curriculum content, implementation, and evaluation of an AIDS instructional program. Appropriate training will be provided for instructional staff.

No student shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian has filed with the Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

AIDS instruction in the elementary grades shall be taught by the regular classroom teachers, while such instruction in the middle and high school grades shall be a part of the required health education curriculum.

**Substance Abuse - Prevention Instruction**

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. An educationally sequential health prevention program, utilizing as appropriate community, staff and student input, 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.

**Environmental Conservation Instruction**

The Board of Education supports and encourages the development of a District-wide, articulated curriculum of environmental conservation integrated into other program disciplines.

(Continued)

## Instruction

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)****Fire and Arson Prevention/Injury Prevention/Life Safety Education**

The Board of Education directs the administration to provide instruction in fire and arson prevention, injury prevention and life safety education relating to protection against injury or death and property loss or damage as a result of criminally initiated or other preventable fire.

Such instruction shall include materials to educate children on the dangers of falsely reporting a criminal incident, an impending explosion or fire emergency involving danger to life or property, an impending catastrophe, or a life safety emergency.

The Board of Education directs the administration to provide such instruction for all students for a period of not less than forty-five (45) minutes in each month that school is in session.

**Student Safety**

Instruction in courses in technology education, science, home and career skills, art, physical education, and 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.

**Instruction on 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.

(Continued)

## Instruction

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

For purposes of developing such courses of study, the Board of Education may establish local advisory councils or 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.

**Instruction on Child Development and Parenting Skills**

Instruction regarding child development and parenting skills may be offered by the District. The curriculum shall include instruction on the consequences and prevention of shaken baby syndrome, which may include the viewing of a video presentation for students in secondary schools.

## AIDS Instruction:

8 New York Code of Rules and Regulations (NYCRR) Sections 135.3(b)(2) and 135.3(c)(2)

## Civil Preparedness:

New York State Office of Disaster Preparedness

## Fire and Arson/Injury Prevention/Life Safety:

Education Law Section 808

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(c)(5)

## Prevention of Child Abduction:

Education Law Section 803-a

## Student Safety:

Education Law Section 808

8 New York Code of Rules and Regulations (NYCRR) Sections 107 and 155

## Substance Abuse:

Education Law Section 804

8 New York Code of Rules and Regulations (NYCRR) Section 135.3(a)

## Instruction on Child Development and Parenting Skills

Education Law Section 804(3)(6)

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7320 -- Alcohol, Tobacco, Drugs and Other Substances (Students)  
*District Code of Conduct on School Property*

Adoption Date: 3/23/09

## Instruction

**SUBJECT: CAREER AND TECHNICAL (OCCUPATIONAL) EDUCATION**

The Board of Education recognizes the need for career and technical education and reaffirms its policy of strengthening the local high school career and technical education 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 sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status, disability, or use of a guide dog, hearing dog or service dog in any career and technical education program or activity of this District.

The career and technical education 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 career and technical education opportunities will be offered without regard to sex, sexual orientation, race, color, creed, religion, national origin, political affiliation, age, marital status, military status, disability, or use of a guide dog, hearing dog or service dog. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

**Grievance Procedure**

Grievance procedures for resolving complaints regarding discrimination shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

**Local Advisory Council**

In accordance with Education Law, the Board will appoint a Local Advisory Council for Career Education. The Board may, with BOCES approval, utilize the BOCES Advisory Council as its Local Advisory Council.

Civil Rights Law Section 40-c

Education Law Article 93

Executive Law Section 290 et seq.

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(h) and 141 et seq.

Adoption Date: 3/23/09

## Instruction

**SUBJECT: GUIDANCE PROGRAM**

A District plan for the K through 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 through 5)**

A coordinated guidance program in grades K through 5 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 (6 through 12)**

A coordinated guidance program in grades 6 through 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.



**SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS**

**Driver Education**

A driver education course may be offered under the conditions set forth by the New York State Education Department and Commissioner's Regulations.

**Gifted and Talented Students**

The Board of Education will provide appropriate educational programs for students identified as being gifted and talented.

**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 program for a minimum of one hundred twenty (120) minutes per week.
- b) All students in grades 4 through 6 shall participate in a program of a minimum of one hundred twenty (120) minutes per week.
- c) All secondary students (in grades 7 through 12) shall have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester. 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 or licensed chiropractor.

Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

## Instruction

**SUBJECT: INSTRUCTION IN CERTAIN SUBJECTS**  
**Health and Mental Health Education**

The District's health education program recognizes the multiple dimensions of health by including instruction related to:

- a) Mental health;
- b) The relation of physical and mental health;
- c) Alcohol, tobacco, and other drugs; and
- d) The prevention and detection of certain cancers.

By including such instruction, the District will enhance student understanding, attitudes, and behaviors that promote health, well-being, and human dignity.

Health education programs provided by the District will be designed according to the needs and abilities of the students at successive grade levels in accordance with applicable laws and regulations.

Education Law §§ 803, 804, 806-a, and 3204  
Education Law Article 90  
8 NYCRR §§ 107.2, 135.4, and 142

## Instruction

**SUBJECT: PATRIOTISM, CITIZENSHIP AND HUMAN RIGHTS EDUCATION**

In order to promote a spirit of patriotic and civil service and obligation, as well as to foster in students of the District moral and intellectual qualities which are essential in preparing them to meet the obligations of citizenship, the Board requires students attending District schools, over the age of eight (8) years, to attend instructional courses in patriotism, citizenship, and human rights issues, with particular attention to the study of the inhumanity of genocide, slavery (including the freedom trail and underground railroad), the Holocaust, and the mass starvation in Ireland from 1845 to 1850.

The Board also directs that all students attending District schools in grades 8 through 12 receive instruction in the history, meaning, significance and effect of the United States Constitution, the New York State Constitution, and the Declaration of Independence.

The curricula for such courses must include the subjects specified by the Board of Regents and be for the period of instruction, as mandated by the Regents, which is necessary in these subjects in each of the appropriate grades.

One (1) week during each school year a uniform course of exercises shall be provided to teach students, in an age appropriate manner, the purpose, meaning and importance of the Bill of Rights Articles in the United States and New York State Constitutions. These exercises shall be in addition to the above required courses.

In addition, each School District that receives Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17th of each year for the students in the District to commemorate the September 17, 1787 signing of the Constitution, known as Constitution Day and Citizenship Day. However, when September 17 falls on a Saturday, Sunday, or holiday, this day shall be held during the preceding or following week.

The Board directs that the above named subjects, as mandated by law, be addressed in the instructional curricula provided by the District.

Education Law Section 801  
Public Law 108-477 Section 111(b)

NOTE: Refer also to Policy #7554 -- Dignity for All Students Act

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Adoption Date: 3/23/09

**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 instructional 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 necessary to evaluate the effectiveness of the School System.

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(m)

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT**

The District will collaborate with parents and other family members to help students participating in Title I programs reach their full academic potential and to improve the District's overall academic quality. As part of its collaboration, the District will conduct outreach; plan and implement programs, activities, and procedures for parent and family member engagement; and consult meaningfully with parents and family members.

**District-Wide Parent and Family Engagement**

To facilitate parent and family participation, the District will:

- a) Involve parents and family members in jointly developing this policy, its Title I Plan, and its support and improvement plans. If the parents or family members indicate that the Title I plan is not satisfactory, the District will submit their comments to the State Education Department along with the plan;
- b) Improve student academic achievement and school performance through coordination, providing technical assistance, and giving support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in;
- c) Coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local programs;
  - Title I Informational Meeting for parents of students who receive services
  - Distribution of effective literacy strategies for parents
  - Title III Family Literacy Night
  - Parent/Team meetings as needed
  - Parent /Teacher Conferences
  - Parents as Reading Partners

(Continued)

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

- d) Conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of its Title I schools. The evaluation will include identifying:
1. Barriers to greater participation by parents and family members in Title I activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
  2. The needs of parents and family members to assist with their child's learning, including engaging with school personnel and teachers; and
  3. Strategies to support successful school and family interactions
    - Title I parent, teacher, and school administrators summer planning meetings
- e) Use the evaluation's findings to design evidence-based strategies for more effective parent and family member engagement, and to revise the policy, if needed;
- f) Involve parents in Title I activities, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the District to adequately represent the students' needs, to develop, revise, and review the parent and family engagement policy; and participate in each building's Shared Decision Making teams. Parents are appointed by the PTA.
- g) Involve parents and family members in decisions regarding how it spends funds reserved for parent and family engagement activities.
  - Title I parent, teacher, and school administrators summer planning meetings

**School-Level Parent and Family Member Engagement**

The Board directs each school receiving Title I funds to develop a building-level parent and family member engagement plan with that school's parents and family members. In addition to the content included above, each school building-level plan will:

- a) Describe how to convene an annual meeting, at a convenient time, to inform parents and family members of their school's participation in Title I programs, to explain Title I requirements, and to identify the right of the parents and family members to be involved. All parents and family members of these children will be invited and encouraged to attend the meeting;
- b) Offer flexibility in scheduling meetings, and may provide transportation, child care, or home visits related to parent and family member engagement, using Title I funds;
- c) Involve parents and family members in an organized, ongoing, and timely way in planning, reviewing, and improving Title I programs, including this policy;

(Continued)

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

- d) Provide parents and family members with timely information about programs, a description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, the achievement levels of the challenging state academic standards, and, if requested by parents or family members, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to their child's education. The District will-respond to any suggestions as soon as practicably possible; and
- e) Develop a compact jointly with parents and family members that outlines how they, school staff, and students will share responsibility for improved student academic achievement. The compact will also detail the means by which the school and parents and family members will build and develop a partnership to help all children achieve the state's standards.
- f) Have a compact that:
1. Describes the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment to enables these students to meet the challenging state academic standards;
  2. Describes the ways in which each parent or family member will be responsible for supporting the child's learning, volunteering in the child's classroom, and participating, as appropriate, in decisions relating to the child's education and positive use of extracurricular time; and
  3. Addresses the importance of communication between teachers and parents or family members on an ongoing basis through, at a minimum:
    - (a) Parent or family member-teacher conferences in elementary schools, at least annually, during which the compact will be discussed as it relates to the individual child's achievement;
    - (b) Frequent reports to parents or family members on the child's progress;
    - (c) Reasonable access to staff, opportunities to volunteer and participate in the child's class, and observing their classroom activities.
      - Teacher eBoards
      - Parents are invited to sign up as a "Mystery Reader" in their child's class
      - Parent volunteers & guest speakers
      - Parent /Teacher Conferences
      - Resources are shared with parents at Team Meetings to support and improve academic outcomes
    - (d) Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

(Continued)

**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

If the parents or family members believe that the building-level parent and family engagement plan is not satisfactory, the school will submit their comments when it makes the plan available to the District.

To ensure effective involvement of parents or family members and to support a partnership among the school involved, parents or family members, and the community, to improve student academic achievement, the District and each school will:

- a) Provide assistance to parents or family members of children served by the District or school to understand topics such as the challenging state academic standards, state and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of the children;
  - Kindergarten Orientation
  - PTA Presentations
  - Open House/ Meet The Teacher Nights
- b) Provide materials and training to help parents or family members to work with the children to improve their achievement, such as literacy training and using technology (including education about the harms of copyright piracy) to foster parent and family member engagement;
  - Resources are shared with parents at Team Meetings to support and improve academic outcomes
  - Additional Parent/ Teacher conferences as needed
- c) Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents or family members, in the value and utility of parent or family member contribution, and in how to reach out to, communicate with, and work with parents or family members as equal partners; implement and coordinate parent or family member programs; and build ties between parents or family members and the school;
  - Professional Development is provided
- d) Coordinate and integrate, to the extent feasible and appropriate, parent and family member engagement programs and activities with federal, state, and local programs, including public preschool programs that encourage and support parents and family members in more fully participating in the education of the children;
  - The District works collaboratively with its Universal Prekindergarten providers
  - The District shared The New York State Prekindergarten Foundation for the Common Core book
  - The District purchased and shared Literacy Beginnings, A Prekindergarten Handbook by Gay Su Pinnell & Irene C. Fountas which aligns with our Kindergarten curriculum
- e) Ensure that information related to school and parent and family member programs, meetings, and other activities is sent to the parents or family members of participating children in a format and, to the extent practicable, in a language the parents or family members can understand;

(Continued)



**SUBJECT: TITLE I PARENT AND FAMILY ENGAGEMENT (Cont'd.)**

- f) Provide other reasonable support for parent and family member engagement activities as parents or family members may request.

In addition, the District and each school may:

- a) Involve parents or family members in developing training for teachers, principals, and other educators to improve the effectiveness of this training;
- b) Provide necessary literacy training from funds received under this part if the District has exhausted all other reasonably available sources of funding for the training;
- c) Pay reasonable and necessary expenses associated with local parent and family member engagement activities, including transportation and child care costs, to enable parents and family members to participate in school-related meetings and training sessions;
- d) Train parents or family members to enhance the involvement of other parents or family members;
- e) Arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents or family members who are unable to attend these conferences at school, to maximize parent and family engagement and participation;
- f) Adopt and implement model approaches to improving parent and family engagement;
- g) Establish a District-wide parent and family member advisory council to provide advice on all matters related to parent and family member engagement in supported programs; and
- h) Develop appropriate roles for community-based organizations and businesses in parent and family member engagement activities.

In carrying out the parent and family member engagement requirements, the District and its schools, to the extent practicable, will provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports in a format and, to the extent practicable, in a language they understand.

**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.

**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 technological materials and equipment. For the purpose of this policy, technology refers to computers, peripherals, CD/DVD devices, local area networks, satellite and wireless transmission, interactive whiteboards, document cameras, video camcorders, digital projectors, PALM pilots, and other telecommunications equipment.

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) Supporting the integration and use of computers and related technology to enhance instruction, distance learning and other modes of delivery. Computers should also improve management and delivery of instruction to all students and other uses in support of the Board-approved curriculum.
- b) A comprehensive staff development program to ensure appropriate and effective use of technology.
- c) The preparation of students to utilize multiple types of technology.
- 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) Carefully selecting and evaluating educational software so as to meet the teachers' and students' needs and conform to District policy and regulations.
- g) The provision of sufficient funds, within the budgetary constraints of the Board, for the implementation of technology instruction.
- h) Investigating the availability of a variety of funding sources for developing, enhancing and expanding the curriculum through the use of technology.

The Board recognizes that technology will be changing and directs the Superintendent or his/her designee to assess the technological needs of the District's instructional program, fiscal and human resources, staff development needs, equipment and supplies, and research and review current materials and make recommendations to the Board.

Computer users will recognize and adhere to existing copyright laws.

NOTE: Refer also to Board Policy #8350 -- Use of Copyrighted Materials

## Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY 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. 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 and chat rooms 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: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY 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.

**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.

The District is not responsible for inappropriate content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

(Continued)

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY POLICY (Cont'd.)****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.

"Passive Consent" (Opt-out) Student access to the District's computer system will automatically be provided unless the parent has submitted written notification to the District that such access not be permitted. Procedures will be established to define the process by which parents may submit a written request to deny or rescind student use of District computers.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology.

All users of the district's computer network, including access to the Internet and World Wide Web, must understand that use is a privilege, not a right, and that any such use entails responsibility. They must comply with the requirements of this policy and accompanying regulation, in addition to generally accepted rules of network etiquette, and the district's policy on the acceptable use of computers and the internet (policy 7314). Failure to comply may result in disciplinary action including, but not limited to, the revocation of computer access privileges.

47 United States Code (USC) Sections 254(h) and 254(l)  
47 Code of Federal Regulations (CFR) Part 54  
Education Law Section 814

**NOTE:**

Refer also to Policy #3120--*Acceptable Use Policy for Staff/Students/Visitors to the District for District Network, Computers, E-Mail, and the Internet*

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Adoption Date 3/23/09  
Revision Dates 8/29/11, 7/11/12  
Review Date 7/12/12

## Instruction

**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;
  3. 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.

(Continued)

## Instruction

**SUBJECT: INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS OR STUDENTS  
WITH LIMITED ENGLISH PROFICIENCY (Cont'd.)**

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 and/or offer State assessments 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(2)(2-a), 3602, and 3713  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(g) and Parts 117 and 154

**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**

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.

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)

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Adoption Date 9/26/11

Revision Date

Review Date



## 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. In addition, the Board will ensure that all instructional materials will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students. The alternative format must meet the National Instructional Materials Accessibility Standard (NIMAS) defined in federal law.

20 United States Code (USC) Section 1474(e)(3)(B)

Education Law Section 701 et seq.

8 New York Code of Rules and Regulations (NYCRR) Parts 155 and 200.2

Adoption Date: 3/23/09

## Instruction

**SUBJECT: SELECTION OF LIBRARY AND MULTIMEDIA MATERIALS**

A school library/library media center shall be established and maintained in each school district. The library in each elementary and secondary school shall meet the needs of the pupils, and shall provide an adequate complement to the instructional program in the various areas of the curriculum. Each school district shall also employ a certified school library media specialist, unless equivalent service is provided by an alternative arrangement approved by the Commissioner.

The Board of Education agrees that the responsibility of the school media center is:

- a) To provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities and maturity levels of the students served.
- b) To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards.
- c) To provide a background of information that will enable students to make intelligent judgments in their daily lives.
- d) To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking.
- e) To provide materials representative of the many religious, ethnic, and cultural groups and their contribution to our American heritage.
- f) To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

In interpreting these principles, the following will apply:

- a) Broad and varied collections will be developed systematically by the library media specialist, based on recommendations of the professional staff and suggestions of students and parents. Final approval will be made by the Building Principal.
- b) Qualitative standards of selection involving factual accuracy, authoritativeness, artistic quality and appeal will be applied by library media specialists before purchases are made.
- c) Materials will not be excluded because of the race, nationality, political opinions or religious views of the author.
- d) Materials will be continuously re-evaluated in relation to changing curriculum and instructional needs. Worn out, out-dated materials will be discarded.

## 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 librarian 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 -- Selection of Library and Multimedia Materials.

**Curriculum Areas in Conflict with Religious Beliefs**

In accordance with applicable law and regulation, a student may be excused from the study of specific materials relating to health and hygiene if these materials are in conflict with the religion of his/her parents/guardians. Alternatives may be provided that are of comparable instructional value.

Education Law Section 3204(5)

8 New York Code of Rules and Regulations (NYCRR) Section 135.3

NOTE: Refer also to Policies #8320 -- Selection of Library and Multimedia Materials  
#8360 -- Religious Expression in the Instructional Program

Adoption Date: 3/23/09

## 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.

## Instruction

**SUBJECT: TEXTBOOKS/WORKBOOKS/INSTRUCTIONAL COMPUTER HARDWARE**

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. Textbooks, once designated, cannot be superseded within a period of five (5) years except by a three-fourths (3/4) vote of the Board.

Each school district has the option of participating in the National Instructional Materials Access Center (NIMAC). Whether a district does or does not participate in NIMAC, 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 (8 NYCRR Section 200.2(b)(10)). The New York State Education Department (NYSED) recommends that school districts choose to participate in NIMAC, because this national effort to centralize the distribution of instructional materials in alternate formats will help guarantee timely provision of such materials to students.

For school districts, Boards of Cooperative Educational Services (BOCES), State-operated schools, State-supported schools and approved private schools that choose to participate in NIMAC, **contracts with publishers executed on and after December 3, 2006** for textbooks and other printed core materials *must* include a provision that requires the publisher to produce NIMAS files and send them to the NIMAC (this will not add any cost to the contract).

For more information regarding NIMAC including model contract language, Steps for Coordinating with NIMAC and an IDEA Part B Assurances Application please see: <http://www.vesid.nysed.gov/specialed/publications/persprep/NIMAS.pdf>.

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 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. The Board of Education shall approve the expenditure of funds for the purchase of workbooks and manuals.

(Continued)

**SUBJECT: TEXTBOOKS/WORKBOOKS/INSTRUCTIONAL COMPUTER HARDWARE  
(Cont'd.)****Instructional Computer Hardware**Loan to Students Attending Nonpublic Schools in the District

The School District shall loan, upon request of an individual or a group of individual students, to all students legally attending nonpublic elementary or secondary schools located in the School District, instructional computer hardware which is designated for use in any public elementary or secondary schools of the State or is approved by any school authorities as such term is defined in Education Law Section 2(12).

Such instructional computer hardware is to be loaned free to such children, subject to such rules and regulations as are or may be prescribed by the Board of Regents and school authorities and shall be required for use as a learning aid in a particular class or program. Instructional computer hardware containing computer software programs which are religious in nature or content shall not be purchased or loaned by the School District.

The School District shall not be required to loan instructional computer hardware to nonpublic school students in excess of that acquired pursuant to Education Law Section 753 and shall be loaned on an equitable basis to children attending nonpublic schools in the District and to students with disabilities residing in the District who attend programs under the provisions of Education Law Sections 4401(2)(c),(2)(e),(2)(g),(2)(i), and (2)(l). However, the School District shall not be required to loan instructional computer hardware purchased with local or federal funds or with State funds, other than Instructional Computer Hardware Aid funds.

School authorities shall specify a date by which written requests for the purchase and loan of instructional computer hardware must be received by the District. Such date shall not be earlier than the first day of June of the school year prior to that for which such instructional computer hardware is being requested. For a child not attending a nonpublic school prior to June first, the parent/guardian may submit a written request for instructional computer hardware within thirty (30) days after such child is enrolled in the nonpublic school. In no event, however, shall a request made later than the times otherwise provided pursuant to Education Law Section 754 be denied where a reasonable explanation is given for the delay in making the request. All nonpublic schools in the School District shall be notified of the specified date.

The form of request used by a lending District may provide for a guarantee by a parent or guardian for the return of such hardware or, in the case of loss or damage, for payment of the value thereof.

(Continued)

Instruction

**SUBJECT: TEXTBOOKS/WORKBOOKS/INSTRUCTIONAL COMPUTER HARDWARE  
(Cont'd.)**

20 United States Code (USC) Section 1474(e)(3)(B)

Education Law Sections 2(12), 701 et seq., 753, 754, 3602(6), 3602(26), 4401(2)(c), 4401(2)(e), 4401(2)(g),  
4401(2)(i) and 4401(2)(l)

8 New York Code of Rules and Regulations (NYCRR) Sections 21.3, 100.12, 155.1(a)(4) and 175.25

## Instruction

**SUBJECT: USE OF COPYRIGHTED MATERIALS**

Pursuant to Section 107 of the Copyright Law ("Fair Use" provisions), the use of copyrighted material for criticism, comment, news reporting, teaching, scholarship, or research may be permitted under certain circumstances. 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 Section 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.

The Board recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or using of audio visual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

Under Fair-Use Statute Section 107, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

**The Purpose and Character of the Use**

The use must be for such purposes as teaching or scholarship and must be nonprofit.

**The Nature of the Copyrighted Work**

Staff may make single copies of the following for use in research, instruction or preparation for teaching: book chapters; articles from periodicals or newspapers; short stories, essays or poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers in accordance with these guidelines.

**The Amount and Substantiality of the Portion Used**

In most circumstances, copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.

**The Effect of the Use Upon the Potential Market for or Value of the Copyrighted Work**

If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

(Continued)



## Instruction

**SUBJECT: USE OF COPYRIGHTED MATERIALS (Cont'd.)**

While the District encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of District staff to abide by the District's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for District staff to violate copyright requirements in order to perform their duties properly. The District cannot be responsible for any violations of the copyright law by its staff.

A Copyright Officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records. The Copyright Officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the District's procedures or is permissible under the law should contact the person designated as the Copyright Officer. The Copyright Officer will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

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.

**Copyright Permission Letter Directions:** (Refer to page 3)

Whenever a student or staff member wishes to "re-publish" someone else's writing or graphics on a Rocky Point School web site (example: eBoard), explicit permission must be obtained from the owner of copyright or evidence must be provided that the materials are "in the public domain". The form below may be copied and pasted into an e-mail message sent to the owner of the site and/or the owner of copyright. An e-mail reply which answers all questions fully and grants permission should be printed out and saved. Every web page containing such items must provide full credit to the source (APA or MLA style), indicate that permission was granted, and include a notice clarifying that all rights are still reserved by the copyright owner.

Digital Millennium Copyright Act (DMCA)

17 United States Code (USC) Sections 101 et seq., 512 and 1201 et seq.

34 Code of Federal Regulations (CFR) Part 201

Bellingham Public Schools. Copyright Permission Letter. <http://www.bham.wednet.edu/copyperm.htm>

(July 27, 2007)

(Continued)

**ROCKY POINT UNION FREE SCHOOL DISTRICT  
USE OF COPYRIGHTED MATERIALS**

**Copyright Permission Letter**

Rocky Point Schools Copyright Permission Request  
(Type Name of Site here)  
(Type Name of Site Manager here)  
(Type e-mail address of Site Manager here)  
(Type URL (s) (addresses) of Web page containing desired item(s))

Dear (insert name of Site Manager):

I am a (insert either "student" or "teacher") in the Rocky Point (NY) Public Schools. My school is (insert name of school). My e-mail address is (insert full e-mail address).

We are currently engaged in a project which (insert description of the project and its goals here).

While doing research for this project, I visited your excellent site and was very much impressed with what you have done.

I am interested in gaining permission to "re-publish" the following material from your Web site on my web site. (Describe first item)/(Describe additional items)

Are you the holder of a copyright for these materials?

Yes  No

If you are not the holder of a copyright, can you identify the owner and supply an e-mail address so that I may contact the owner?

If you are the holder of copyright, may we "republish" these items, including at the bottom of the Web page a clear notice that we are "re-publishing" the item with your permission, with all rights reserved?

I give my permission.  I do not give my permission.

Please write the words you wish for us to place at the bottom of the page describing your copyright restrictions.

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Thanks so much for your time and assistance. We appreciate your contribution to the development of excellent content on the Web.

Please send back this whole message with your name and title at the bottom so that we can identify the source of permission.

Sincerely,  
(insert your name)

Adoption Date: 3/23/09

## Instruction

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM**

The Board of Education acknowledges the importance of religion to the understanding of society and the richness of the human experience. In approaching the teaching about religion in the school, the District will be guided by three concepts when making decisions about the appropriateness of activities for inclusion in the school program: the activity should have a secular purpose; the activity should neither advance nor inhibit religion; and the activity must not foster an excessive entanglement of "government" with religion.

Nurturing the development of knowledge and respect for the rights of all cultural and religious groups is a continuing goal of the School District. Students, faculty and administration are reminded of the pluralism of religious beliefs and are urged to be conscious of and respect the sensitivity of others.

Opportunities to learn about cultural and religious traditions should be provided within the framework of the curriculum. Information about religious and cultural holidays and traditions focusing on how and when they are celebrated, their origins and histories should be part of this instruction. This educational opportunity should be handled with great care, sensitivity and respect for the feelings and beliefs of individuals.

An environment should be created and encouraged where students of various ethnic backgrounds feel comfortable in sharing comments about their religious and cultural traditions. No student should be singled out to share or participate in such discussions solely on the basis of that student's identification with the cultural/religious heritage being addressed. A student's preference not to share or participate in such discussions should be honored and respected without penalty.

**School Activities Related to Religious Holidays or Themes**

School activities related to the teaching about religious holidays or themes must be consistent with, representative of, and congruent with the District's curriculum.

In planning school activities related to the teaching about religious holidays or themes, special effort must be made to ensure that the activity is not devotional and that students of all faiths can join without feeling they are betraying their own beliefs.

In planning school activities related to the teaching about religious holidays or themes, age appropriate activities are encouraged within the framework of the curriculum. Teaching about religious and cultural holidays may include such special activities as parties and special foods, if they reinforce educational goals.

(Continued)

**SUBJECT: RELIGIOUS EXPRESSION IN THE INSTRUCTIONAL PROGRAM (Cont'd.)****Symbols in the Schools**

The purpose of using religious symbols should be to teach about religious concepts and traditions, and to convey historical or cultural content, not to promote or celebrate religious concepts, events or holidays.

**Music in the Schools**

The purpose of using religious music should be to teach musical concepts, to convey historical and cultural content, or to create aesthetic experiences in a setting which emphasizes artistic expression and educational value, not to promote or to celebrate a religious faith.

**Curriculum Areas in Conflict with Religious Beliefs**

Students shall be given the option to be excused from participating in those parts of an activity, program, or area of instruction involving a religious theme which conflicts with their own religious beliefs or that of their parents/guardians in accordance with applicable law and regulations. Alternatives may be provided that are of comparable instructional value.

**Implementation**

Administrative regulations will be developed to implement the terms of this policy. Further, the District shall vigorously publicize and disseminate this policy and accompanying regulations in order to ensure community, faculty, student, and parental/guardian awareness.

United States Constitution, First Amendment

Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, Section 9524

Equal Access Act, 20 United States Code (USC) Sections 4071-4074

Education Law Sections 1609(9), 1609(10), 1709(1), 1709(3), 3204(5) and 3210

8 New York Code of Rules and Regulations (NYCRR) Sections 16.2 and 109.2

NOTE: Refer also to Policies #7460 -- Constitutionally Protected Prayer in the Public Schools  
#8330 -- Objection to Instructional Materials

Adoption Date: 3/23/09

## Instruction

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING  
AND THE USE OF WEB 2.0 AND 3.0 TOOLS**

To enhance communication with students, parents/guardians, staff, and community members, the Board of Education encourages the development and ongoing maintenance of District and school web sites using online services. Web sites shall be aligned with the District's plans for communications and media relations.

**Teacher Web Pages**

An exciting innovation in technology is the opportunity for District teachers and staff to create teacher Web pages using a variety of online services including, but not limited to eBoard. The Board and the administration encourage the development of Web pages by teachers and staff in order to increase communication and provide information to parents, students and the community about classroom and student activities as well as instructional resources. To be considered authorized by the School District, teacher Web pages must be developed in accordance with this regulation using resources consistent with the District's Web presence.

The following guidelines apply to all teacher Web pages developed by District teachers or staff and housed within Web sites authorized by the District. All information must be in compliance with District policies, regulations, and Web standards.

**Content Integrity**

- a) All subject matter on the Web pages and their links must relate to:
  1. Curriculum and instruction;
  2. District authorized activities and services;
  3. Information about the School District or its mission.
- b) Safety – Information about students and staff posted on a teacher Web page should be general in nature. Do not use students' full names on the Web. Also, for example, do not give specific locations and times when listing a field trip or activity. Remember that this information is public for anyone to access.
- c) Always refer to our organization by using its proper name, Rocky Point Union Free School District.
- d)

(Continued)

## Instruction

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING AND THE USE OF WEB 2.0 AND 3.0 TOOLS (Cont'd.)**

- e) Confidential information regarding students, staff, or the organization may not be posted on teacher Web pages.
- f) Treat your audience with respect. Avoid any objectionable language, and use proper grammar and spelling at all times.
- g) No individual or outside organization will be permitted to publish personal Web Pages as part of the District/school/classroom Web Page(s).
- h) Internet access for the creation of Web Pages is provided by the District and all information must be reviewed by the Superintendent of Schools or his/her designee.
- i) Personnel designing information for the Web Pages must familiarize themselves with and adhere to District standards and procedures. Failure to follow District standards or responsibilities may result in disciplinary sanctions in accordance with law and/or the applicable collective bargaining agreement.
- j) The District shall provide general training on relevant legal considerations and compliance with applicable laws and regulations including copyright, intellectual property, and privacy of student records as well as relevant District procedures to those staff members and students who are allowed to develop or place material on the District/school/classroom Web Page(s).

**Content Standards**

- a) Approval for posting a Web Page must be obtained from the Superintendent or his/her designee(s). If at any time, the Superintendent of Schools or his/her designee believes the proposed material does not meet the standards approved by the District, it will not be published on the Web. Decisions regarding access to active Web Pages for editing content or organization will be the responsibility of the Superintendent/designee(s).
- b) A Web Page must be sponsored by a member of the District faculty, staff or administration who will be responsible for its content, design, currency and maintenance. The sponsor is responsible for ensuring that those constructing and maintaining the Web Page have the necessary technical training and that they fully understand and adhere to District policies and regulations. The Web Page must include the name of the sponsor.
- c) Staff or student work should be published only as it relates to a school/classroom authorized project or other school-related activity

(Continued)

## Instruction

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING AND THE USE OF WEB 2.0 AND 3.0 TOOLS (Cont'd.)**

- d) The review of a Student Web Page (if considered a school-sponsored student publication) shall be subject to prior District review as would any other school-sponsored student publication.
- e) An authorized teacher who is publishing the final Web Page(s) for himself/herself or for a student will edit and test the Page(s) for accuracy of links and check for conformance with District standards and practices.
- f) A disclaimer statement about the content of Web Pages must be part of individual sites:

Example: "The District has made every reasonable attempt to ensure that our Web Pages are educationally sound and do not contain links to questionable material or material that can be deemed in violation of the School District's Standards and Guidelines for Web Page Publishing Policy."

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

(Continued)

## Instruction

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING AND THE USE OF WEB 2.0 AND 3.0 TOOLS (Cont'd.)****Release of Student Education Records/Directory Information**Release of Student Education Records

In accordance with 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 education records, other than student directory information, 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.

Student Directory Information

Per FERPA, Districts must publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information and indicating a 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.

Parental/Eligible Student Consent Required and Privacy Concerns

Written parental/eligible student consent shall be obtained by the District before education records or personally identifiable information contained therein is released to any party unless:

- a) Such release is authorized by the Family Educational Rights and Privacy Act, or its implementing regulations;
- b) The information released is "directory information" as designated by the District in accordance with FERPA. The District shall provide parents and eligible students with annual notification of their rights under FERPA and designation of directory information (i.e., disclosure of personally identifiable information contained in student records);
- c) For anything not specifically designated as "directory information" by the District, the District must receive a "signed and dated written consent" from the parent/eligible student prior to releasing such information (unless otherwise authorized per FERPA);
- d) However, even if student photographs are designated as directory information per FERPA, due to privacy and safety concerns, **the District requires specific affirmative written parent/eligible student consent prior to posting student photographs on District/school/classroom Web Pages.** Whenever possible, group photographs of students

(Continued)



## Instruction

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING AND THE USE OF WEB 2.0 AND 3.0 TOOLS (Cont'd.)**

and/or the use of photographs where the student is not easily identifiable is preferable to the use of individual student photographs for safety reasons;

- e) Web Pages **shall not** include a student's full name, telephone number, address, e-mail address or post such information of other family members or friends. Posting of student names will be limited to first name only. Permission forms from parents are strongly suggested;
- f) Online posting of building layouts, school bus schedules, inclement weather bus stops, and/or other specific activity schedules detailing dates/times/locations (e.g., field trips) is prohibited on school-affiliated Websites, without the authorization of the Superintendent, as such information may pose risks of child abduction or other security concerns. Password protected Websites may be authorized by the Superintendent/designee.

**Staff Use of Computerized Information Resources****Use of Copyrighted Materials and "Fair Use" Exceptions/Intellectual Property and Works Made for Hire****Fair Use of Copyrighted Materials**

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

Pursuant to Section 107 of the Copyright Law ("Fair Use" provisions), the use of copyrighted material for criticism, comment, news reporting, teaching, scholarship, or research may be permitted under certain circumstances. 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 (USC) Section 101 et seq.) (Board Policy #8350)

Generally, copyrighted materials may not be posted on your Web site without the copyright owner's permission. Merely acknowledging the source of the copyrighted material is *not* a substitute for obtaining this permission. Materials that may be subject to copyright include photographs, logos, music, videos, cartoons, drawings/paintings/graphs/charts/animation, articles, and other Web pages.

Teachers and staff should assume that any such materials, even if found on the Internet and even in the absence of the © symbol or other copyright notice, are subject to copyright.

(Continued)

## Instruction

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING  
AND THE USE OF WEB 2.0 AND 3.0 TOOLS (Cont'd.)**

- a) Under certain limited circumstances, teachers are authorized to use portions of copyrighted works in traditional classroom settings under the doctrine of "fair use," without specific permission. However, a copy of a copyrighted work placed by a teacher on a Web site is less likely to be seen as a "fair use" of that work. Therefore, reliance on considering such use on a Web site as "fair use" should be avoided.
- b) Generally, links to copyrighted resources available elsewhere online may be created as long as the link merely directs the user to another site and does not cause a copy of the copyrighted work to be created and stored on District sites or Web servers. Include link disclaimer language:
- c) The District has made every reasonable attempt to ensure that our Web pages are educationally sound and do not contain links to questionable material or material that can be deemed in violation of the School District's Standards and Guidelines for Web Page Publishing Policy.
- d) These links are provided for your information and convenience. By clicking on a link you will be leaving the School District's Web site. Please be aware that, while we make every effort to evaluate all the sites to which we link, we cannot endorse nor be responsible for the content provided on these sites. Surf Safely!
- e) Framing (displaying another site's Web page within the District's Web page design) is not permitted. Your link must create a separate Web page to appear.
- f) Students are the copyright owners of their own work. You must get the written permission of the student, as well as his or her parent, to post a copy of a student's work on your Web pages.

Additional Guidelines for the Use of Photos and Images

- a) Written parental permission or permission from an "eligible" student (one who is eighteen years of age or older or who is attending an institution of post-secondary education) must be obtained before posting photos of students on the Web site under any circumstances, even if the students are not identified on the Web site by name. This includes students whose parents who may have otherwise "consented" to the use of their child's photo in other contexts by not "opting out" of designation of their child's photo as directory information under FERPA.
- b) When uploading a file containing an approved photo, please make certain the file name does not list students' names (ex.: SallyMae.jpg). If it does, please re-save the photo using another generic description to then upload onto the Web. Students' names could be inadvertently shared, accessed as part of the image's code, if not corrected.
- c) Photos of individual students or staff are not recommended for security reasons. Group pictures make it harder to identify a specific person in the photo.

(Continued)

## Instruction

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING AND THE USE OF WEB 2.0 AND 3.0 TOOLS (Cont'd.)**

- d) When using the School District logo, use only the standard logo and do not modify it in any way. When using the logo of another organization, you must get permission in writing first.
- e) You may only use images on your Web page with the permission of the copyright owner, unless the image is from a source that specifically grants permission for such use. You cannot scan material from a book and paste it onto your Web page. Handouts created by anyone but you cannot be posted on the Web page. Clip art may be used if from a source that grants permission for such use.

Intellectual Property/ Works Made for Hire

All works completed by employees as part of their employment shall be considered "works made for hire" as described in the United States Code Annotated, Title 17, Copyrights to the extent permitted by law. This determination includes, but is not limited to, the following activities:

- a) Work prepared by an employee within the scope of his/her employment, whether tangible or intangible;
- b) Work specifically ordered or commissioned for use as a contribution to a collective work, as enumerated in law.
- c) Any work created within the scope of such a relationship will be considered a work made for hire when a regular employment relationship exists.
- d) Work covered under this policy is the property of the School District, not the creator of such work. The District shall own any and all rights to such works, or derivatives thereof, unless there is a written agreement to the contrary.

Student Work

Students are the copyright holders of their own original work. The District must receive written permission from both the parent and the student prior to publishing students' original work on the District/school/classroom Websites.

**Google Docs, Microsoft Office Live/Sky Drive, Blogs, Podcasts and Vodcasts**

In addition to or as part of a teacher Web page, teachers may choose to create blogs to engage students in effective dialogue on selected topics. They may choose to create or make available podcasts or vodcasts for instructional purposes as well. Teachers and staff are encouraged to utilize Web 2.0 communications tools such as Google Docs, Microsoft Office Live, blogs, podcasts and vodcasts that are developed and/or used in accordance with this regulation using resources provided by and hosted on sites consistent with the District's Web presence.

(Continued)

## Instruction

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING AND THE USE OF WEB 2.0 AND 3.0 TOOLS (Cont'd.)**

Teachers who use interactive Web 2.0 and greater tools including blogs, podcasts or vodcasts as instructional tools should remember that their content may be viewed by anyone who has the ability to access the Web site on which the blog, podcast or vodcast is located. Blogs, podcasts and vodcasts should be reserved for classroom use only and must be "locked," so as not to allow the general public to post their comments, thus keeping your learning project on task. In addition, the District requires that all blogs developed pursuant to this regulation be monitored by the teacher or staff member. Therefore, teachers and staff members are not authorized to use the "unmoderated" option when setting up a blog.

Teachers and staff members are responsible for the content of Web 2.0 tools, instructional blogs, podcasts and vodcasts that they create. These 21st century tools will be monitored in the same manner as teacher Web pages. Inappropriate material may not be posted by staff or students. If inappropriate content is found, it will be removed immediately and notification will be made to the teacher or staff member who created the blog, podcast or vodcast. Appropriate disciplinary action may be taken.

The information above on content integrity, copyright and use of images and photos on teacher Web pages also applies to all Web 2.0 communication tools including, but not limited to, blogs, wikis, podcasts and vodcasts.

Blogs, podcasts and vodcasts should be used to enhance learning, and topics for those online presentations should align with the curriculum. Controversial topics may be addressed using these tools in accordance with Board policy and administrative regulations. Blogs, podcasts and vodcasts can be used to share the exciting and creative curriculum-based activities experienced by our staff and students.

**Applicable Policy and Regulation**

All development and use of teacher Web pages and Web 2.0 communication tools such as blogs, podcasts and vodcasts shall be subject to any other applicable Board policies and regulations regarding the use of the DCS.

**Student Free Speech Issues (School-sponsored Publications)**

In general, School Districts can exercise editorial control over the style and content of student expression in school-sponsored publications, theatrical productions, and other expressive activities that students, parents and members of the public might reasonably perceive to bear the imprimatur of the school.

However, the school's actions in such a case must be reasonably related to legitimate pedagogical concerns and may not amount to viewpoint discrimination.

(Continued)

**SUBJECT: DISTRICT STANDARDS AND GUIDELINES FOR WEB PAGE PUBLISHING  
AND THE USE OF WEB 2.0 AND 3.0 TOOLS (Cont'd.)****Consequences for Non-Compliance**

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

**Staff**

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

**Students**

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

**Oversight**

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

**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)  
8 New York Code of Rules and Regulations (NYCRR) Section 175.5

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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, individuals may be excused from this requirement as a protection of their Constitutional rights.

Education Law Section 802

8 New York Code of Rules and Regulations (NYCRR) Section 108.5

Adoption Date: 3/23/09

## Instruction

**SUBJECT: INDEPENDENT STUDY FOR TRANSFER CREDIT**

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The Principal, after consultation with relevant faculty, may award transfer credit for work done through independent study. The decision should be based on whether the student's record indicates that the work is consistent with New York State commencement level learning standards and is of comparable scope and quality to that which would have been done in the school awarding the credit. Credit shall be granted only for courses in the approved curriculum.

8 New York Code of Rules and Regulations (NYCRR) Section 100.5(d)(5)(i)(b)

Adoption Date: 3/23/09



**SUBJECT: HOMEWORK**

The Board of Education acknowledges the educational validity of homework as an adjunct to and extension of the instructional program of the schools. "Homework" shall refer to those assignments to be prepared by the student outside of the school or independently while in attendance at school.

## Instruction

**SUBJECT: HOME TUTORING (HOMEBOUND INSTRUCTION)**

Resident children attending public or non-public schools who qualify for home tutoring due to a long term illness or are physically unable to attend classes shall be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

The building administrator shall make reasonable efforts to ensure that the provision of home tutoring services takes into consideration the impact of school absences on class attendance and grading (i.e., minimal attendance).

Licensed Health Care Provider's certification, Committee on Special Education recommendation, or Superintendent's direction is necessary for students to be eligible to receive home tutoring in a student's home, in a District facility, or at a neutral site such as the public library. At the District's discretion, additional verification may be required by the District's physician

**Procedures:**

The following procedures for students requiring home tutoring have been developed under the direction of the Superintendent:

Parent/Guardian must:

- a) Provide Licensed Health Care Provider's certification stating date when the student was treated, evaluated, or seen, the nature of the illness or injury, and anticipated duration of home tutoring. (Such note will be accepted only if it is dated and signed by the Licensed Health Care Provider. . A stamped signature is not acceptable.)
- b) Except as provided by law, no home tutoring will be provided for illnesses of less than two consecutive school weeks' duration.
- c) If a student will be out for longer than two consecutive weeks, the School District may require the student to be seen by a physician of the District's choice.
- d) After the student is seen by a District physician, a final determination will be made as to the duration of home tutoring.
- e) If a student receives home tutoring and is expected to be out of school for more than 30 days,, monthly medical evaluations from the student's treating Licensed Health Care Provider must be provided by the parent to continue tutoring services.
- f) Provide clearance documentation from the treating Licensed Health Care Provider when home tutoring is no longer necessary, and the student must return to school immediately.

Education Law Sections 1604(20), 1709(24), 3202 and 4401  
8 New York Code of Rules and Regulations (NYCRR) Section 175.21

## Instruction

**SUBJECT: FIELD TRIPS**

The Board of Education recognizes that field trips are an educationally sound and important ingredient in the instructional program of the schools.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

Field trips are a part of the curriculum of the schools, and student conduct and attendance on field trips are governed by the same rules that govern regular classroom activities. The School System shall obtain written parental/guardian permission for students going on school-sponsored field trips.

The Superintendent shall prepare procedures for the operation of a field trip activity. Field trip support shall be determined annually by the Board during its budget deliberations. Regardless of the fiscal support for field trips, the rules of the School District for approval and conduct of such trips shall apply.

The Superintendent/designee may cancel previously approved field trips due to extenuating circumstances.

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property  
#5730 -- Transportation of Students  
#7310 -- School Conduct and Discipline

*District Code of Conduct on School Property*

## Instruction

**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.

**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. However, the School District *does* permit home-instructed students to participate in intramural and other school-sponsored 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. The District shall not provide such items to home-instructed students.

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.

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.

(Continued)

**SUBJECT: HOME INSTRUCTION (HOME SCHOOLING) (Cont'd.)**f) Special Education Services

Solely for the purpose of Education Law Section 3602-c, home-instructed students with disabilities are deemed to be students enrolled in and attending a non-public school, which enables them to receive special education services.

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 be allowed to use school facilities provided that there is a mutual agreement on the part of all involved parties.

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.

Education Law Sections 3204, 3205, 3210(2), 3212(2), 3240-42, 3602-c and 4402  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.10, 135.4(c)(7)(ii)(b)(2) and 200.2(a)

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