

NOTE: The word "homeless" has been replaced by "experiencing housing insecurity"

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## **FOREWORD**

Contained herein are the policy statements formulated by the Board of Education of the Ontario Central 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or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.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 by-laws and policies of the Ontario Central 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.

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## **BOARD OF EDUCATION LEGAL STATUS**

The Board of Education is a seven-member Board elected by district residents. Each member of the Board serves for three years. The terms of office of Board members shall not all expire in the same year. Board members are responsible for school district management, policy-making and all matters related to the employment of the Superintendent.

Complete and final authority on all district educational matters, except as restricted by law, will be vested in the Board.

The legal status of the Board is that of a corporate body established pursuant to the laws of New York State. Any liability of the district is a liability of the Board of Education as a corporation and not that of the members of the Board as individuals.

Members of the Board of Education have legal authority for the conduct of the district schools only when acting as a body in a properly convened session. Board members acting as individuals have no authority over personnel or school affairs.

The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

The Board is entrusted with the responsibility of developing policies under which the district is managed. In addition, the Board has all the powers and duties stated in the Education Law and other applicable New York State law.

Complete and final authority on all district educational matters, except as restricted by law, will be vested in the Board.

Ref: Education Law §§1604; 1604-a; 1701; 1702; 1703; 1708; 1709; 1710; 1804(1); 2101(2); 2105

Adoption date: 3/5/19

**BOARD OF EDUCATION MEMBERS: QUALIFICATIONS**

A Board of Education member of the Onteora Central School District must meet the following qualifications:

1. must be a qualified voter of the district; that is, a citizen of the United States, at least 18 years of age or older, and not adjudged to be an incompetent;  
(Note: a convicted felon is barred from running for a seat on a board of education if their maximum prison sentence has not expired or if they have not been pardoned or discharged from parole)
2. Able to read and write;
3. A legal resident one (1) year prior to the election;
4. Cannot be an employee of the Onteora Central School District;
5. The only member of their family (that is, cannot be a member of the same household) on the Onteora Central School District Board;
6. May not simultaneously hold another, incompatible public office;
7. Must not have been removed from a School District office within one (1) year preceding the date of election to the Board.

Education Law Section 2102, 2103, 2103-a,  
and 2502(7)  
Public Officers Law Section 3

Adopted: 5/5/15 Reviewed 2/25/19

## **BOARD OF EDUCATION MEMBERS: CANDIDATES AND CAMPAIGNING**

### Nominations

Candidates for the office of member of the Board of Education shall be nominated by petition. Such petition shall be directed to the District Clerk, shall contain the signatures and addresses of at least 25 qualified voters of the district or two percent of the voters who voted in the previous election, whichever is greater, and shall state the name and residence of the candidate. Each petition shall be filed with the District Clerk not later than 30 days preceding the Annual Meeting and Election at which the candidates so nominated are to be elected.

The District Clerk will supervise the procedure used to establish the order of names on the ballot. The Board may reject nominations if the candidate is ineligible or has declared an unwillingness to serve.

### Reporting Expenditures

If a candidate's campaign expenditures exceed \$500, the candidate must file a sworn statement with both the district clerk and the commissioner of education itemizing their expenditures and contributions received. The statement must list the amounts of all money or other valuable things paid, given, expended or promised by the candidate, or incurred for or on the candidate's behalf with their approval.

A candidate who spends \$500 or less is only required to file a sworn statement with the district clerk indicated this to be the case. No other campaign expenditure statement is required.

An initial statement must be filed at least 30 days before the election, a second statement must be filed on or before the fifth (5<sup>th</sup>) day preceding the election and a final statement must be filed within 20 days after the election.

### Election

- a) The hours of voting shall be as indicated by Board resolution.
- b) The candidates receiving the largest number of votes or, in the alternative, the largest number of votes for each specific vacancy, shall be declared elected in accordance with Education Law.
- c) At least ten (10) days prior to the election, the Board shall appoint at least two (2) inspectors of election for each voting machine/ballot box, and set their salary.
- d) The District Clerk or their designee shall attend the election and record the name and legal residence of each voter. The Clerk shall give notice immediately to each person declared elected to the Board, informing their of the election and their term of office.
- e) Only qualified voters as determined by Education Law (Section 2012) may vote at any District meeting or election.

(Continued)

**BOARD OF EDUCATION MEMBERS: CANDIDATES AND CAMPAIGNING (cont'd)**

- f) No electioneering will be allowed within one hundred (100) feet of the polling place.
- g) 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 their term of office immediately upon completion of the vote tally.
- h) Provision shall be made for the election by "write-in-vote" of any candidate not previously nominated.

Electioneering

Electioneering during the hours of any vote is prohibited within the polling place or within 100 feet of any such polling place. Electioneering includes the display or distribution of any banner, poster, placard, button, or flyer, on behalf of or in opposition to any candidate or issue to be voted upon.

Cross-ref: 1610 Annual District Election and Budget Vote  
5120, School District Budget Hearing

Ref: Education Law §§2018; 2031-a Education Law Sections 2004, 2013, 2018, 2025, 2029, 2031-a, 2032, 2034(7)(d), 2105(14), and 2121

Adoption date: 3/19/19

**VACANCY ON THE BOARD OF EDUCATION: RESIGNATION AND  
DISMISSAL**

A member of the Board of Education may resign their office by filing their resignation with the District Clerk. A Board member may also resign by filing a written resignation with the District Superintendent (BOCES Superintendent) of the Supervisory District. The District Superintendent shall approve the resignation and file it with the District Clerk.

The effective date of the resignation must be within 30 days after the date of 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 may 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.

In the event of death, resignation, refusal to serve, or any disqualification of a Board member, the Board may appoint a new member to fill such a vacancy. If the Board chooses to fill the vacancy, it shall be only for a term ending with the next annual election of the School District at which time such vacancy shall be filled in a regular manner for the balance of the unexpired term. The Board, at its own option, may also elect to call a special election within ninety (90) days to fill the unexpired term. If not so filled, the District Superintendent of the Supervisory District may appoint a competent person to fill the vacancy until the next annual election of the District. The Commissioner of Education may order a special election for filling a vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

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, 1706, 1709(17)(18),  
2103(2), 2109, 2111, 2112, and 2113  
Public Officers Law Sections 30, 31 and 35

Adopted: 3/5/19

### **POWERS AND DUTIES OF THE BOARD**

The Board of Education shall have powers and duties as set forth in New York State Education Law, principally Articles 35 and 37, 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.

Duties and responsibilities of the Board of Education include, but are not limited to, the following:

- a) Perform all duties and exercise all powers granted to it by the rules of the Board of Regents and the regulations of the Commissioner of Education.
- b) Prescribe regulations and by-laws necessary for the effective conduct of all proceedings which include general management, operation, control of and discipline in the schools, and all other educational, social or recreational activities, and other interests under its charge or direction.
- c) Establish and maintain such free schools for children and adults as the Board shall deem necessary to meet the demands of the District.
- d) May maintain public libraries, and shall establish and equip playgrounds and recreation centers on District property.
- e) Authorize the general courses of study which shall be given in the schools and shall approve the content of such courses before they become operative.
- f) Determine where each pupil will attend, determine textbooks to be used, and regulate the admission and grade placement of pupils.
- g) Create, maintain or abolish such positions and divisions as in its judgment may be necessary for the proper and efficient administration and management of its schools.
- h) Prescribe rules and regulations for the care, control and safekeeping of all school property.
- i) Provide all equipment, books, furniture, and supplies for the proper and efficient management of all schools.
- j) In its discretion, conduct, authorize and maintain extra classroom activities. Prescribe rules and regulations to govern moneys received or derived from carrying on extra classroom activities.
- k) Provide transportation, home teaching or special classes for students with disabilities and delinquent children in accordance with law and regulation, irrespective of the school they legally attend.
- l) Call special elections when deemed necessary and give public notice of special or annual elections.
- m) Appoint a School District Clerk who shall also be clerk of the Board of Education, and a School District Treasurer.
- n) Visit the physical plant once a year and report at the next regular meeting of the Board of Education on the conditions thereof.
- o) Visit each school in session and report at the next regular meeting of the Board of Education on the educational program.

Policy 2210

Education Law Sections 1604, 1709 and 1804

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

Adopted: 3/5/19



## By-Laws

**NOMINATION AND ELECTION OF BOARD OFFICERS**

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.

Education Law Sections 1701 and 2105(6)

## **DUTIES OF THE PRESIDENT AND VICE PRESIDENT OF THE BOARD OF EDUCATION**

The President's duties include the following:

- a) Preside at all meetings of the Board;
- b) Call special meetings as necessary or on request;
- c) Appoint members to all committees of the Board;
- d) Serve ex-officio as a member of all committees;
- e) Execute documents on behalf of the Board;
- f) Perform the usual and ordinary duties of the office.

The Vice President has the power to exercise the duties of the President in case of the absence or disability of the President.

Education Law Section 1701

Adopted 3/5/19

## **BOARD ORGANIZATIONAL MEETING**

The Board of Education recognizes its obligation to hold an annual organizational meeting. The purpose of the organizational meeting is to elect officers of the Board and make the proper appointments and designations of other district employees for the proper management of the school district during the school year.

The Board will hold its annual organizational meeting on the first Tuesday in July. If that day is a legal holiday, the Board will hold the meeting on the first Wednesday in July. The Board may alternately hold the meeting on a date during the first 15 days in July that is not a legal holiday. The Board will choose this date by resolution at a Board meeting before July.

The District Clerk shall call the meeting to order, and shall preside until the election of a new president. The order of business to be conducted at the organizational meeting shall include items required or implied by state law and/or regulation. The Board may also conduct general district business, including properly entering into executive session, if necessary, at the end of the meeting before adjourning.

### Oath of Office

The District Clerk shall administer and countersign the oath of office to newly-elected Board members. The oath shall conform to Article XIII-1 of the New York State Constitution, and Section 10 of the Public Officers Law. No new Board member shall be permitted to vote until they have taken the oath of office.

### Election of Board Officers

The Board shall elect a president and vice-president for the ensuing year, and administer the oath of office to them. A majority of all members of the Board shall be necessary for a valid election.

The Board shall appoint and the oath of office shall be administered to the following district officers:

District Treasurer  
District Clerk  
Claims Auditor

Deputy Treasurer  
Tax Collector

### Appointments

The Board shall appoint and establish the stipend (if any) for the following positions

District Clerk  
School Attorney  
Athletic Events Physician  
Medical Director

District Treasurer  
Independent Auditor  
CSE Impartial Hearing Officers  
Bond Counsel

Deputy District Treasurer  
Alcohol & Drug Testing Site  
Fingerprinting  
Tax Collector

(Continued)

## **BOARD ORGANIZATIONAL MEETING**

Claims Auditor	Purchasing Agent	Coordinator for Section 504
Residency Officer	Records Access Officer	Records Management Officer
Homeless Liaison	Title VI & IX Officer	Broker of Record
Asbestos Designee	ECA Treasurer	
ECA Chief Faculty Counselors Bennett Elementary, Middle School and High School		
School Buildings Structural Inspector and Fire Inspector		

### **I. Bonding of Personnel**

The Board shall bond the following personnel handling district funds:

Tax Collector	Claims Auditor
District Treasurer	District Clerk
Deputy Treasurer	School Attorney
Treasurer, ECA	Assistant Superintendent for Business
Senior Account Clerk/Typist	Account Clerk/Typist
Claims Auditor	ECA Chief Faculty Counselor

The Board may, in each instance, specify the amount of the bond it intends to obtain. The Board may include any of the above officers in a blanket undertaking, pursuant to law and Commissioner's Regulations, rather than bond individuals.

### **III Authorizations**

The Board shall authorize/approve:

- a. of person to certify payrolls;
- b. to designate authorized signatures on checks; and an alternate
- c. of Board and district memberships in professional organizations;
- d. to offer school district employee and officer indemnification under Public Officer's Law §18;
- e. of positions entitled to use district-owned cell phones and credit cards;
- f. of Board representative(s) for appointing Impartial Hearing Officers; and
- g. of Superintendent of Schools to approve budget transfers, and the monetary limits of such transfers.

### **IV Designations**

The Board shall designate/approve:

- a. Official Bank Depositories
- b. Official Newspaper(s)
- c. Board Meeting Schedule

(Continued)

## **BOARD ORGANIZATIONAL MEETING**

### **V Other Approvals**

The Board shall approve:

- a. The rate for mileage reimbursement
- b. Superintendent to apply for Grants in Aid (State and Federal) as appropriate;
- c. The prices for school meals
- d. Rate for Board of Registration for Vote & Election
- e. Limit for credit card

The Board shall review its policies on Investments (5220) and Purchasing (5410), the Code of Conduct (3410), and Parental Involvement, as required by law. The Board shall also review building-level student attendance data as required under Commissioner's Regulations section 104.1, and if the data shows a decline in attendance rates, shall review its policy on Attendance (5100).

Cross-ref: 8260, Parental Involvement  
1320, 1321, Board Officers  
1510, Regular Meetings  
7110, Attendance  
5520, Extra Classroom Activities  
Fund  
3410, Code of Conduct  
5220, Investments  
1335, Claims Auditor  
5571, Internal Audit Function  
5570, Audit Committee  
5410, Purchasing

Ref: New York State Constitution, Article XIII, §1  
General Municipal Law §103(2) (official newspapers)  
Public Officers Law §§10; 13; 30  
Education Law §§305(31) (designated educational official); 1701 (meeting to elect president, may elect vice president); 1707 (union free school districts date of meeting); 1904 (central high school districts in Nassau county); 1720(2) (bonding of personnel); 2130 (appoint clerk, bonded treasurer and bonded tax collector); 2502(9) (City of Albany), (9-a) (City of Rensselaer); 2504 (small city meetings); 2527 (bonding officials in small city school districts); 2553(9) (City of Rochester), (10) (City of Buffalo); 2563 (large city meetings) 8 NYCRR §§104.1 (requirement to review attendance data); 170.2 (bonding of tax collector, treasurer, claims auditor); 170.12 (bonding of claims auditor); 172.5 (bonding of extraclassroom activity treasurer)

Adoption date: 3/19/19

## **DUTIES OF THE DISTRICT CLERK, SCHOOL DISTRICT TREASURER AND PURCHASING AGENT**

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 Board of Education Trustee;
- c) Provides notice of all meetings of the Board to the public and to all Board Trustees. Contacts and communicates with Trustees 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 by-laws;
- 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 Section 10, Public Officers Law;
- 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.

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

### **Treasurer**

The District Treasurer shall:

- a) Act as custodian of all moneys belonging to the School District and lawfully deposits these moneys in the depositories designated by the Board;
- b) Pay all authorized obligations of the District as directed;

## By-Laws

**DUTIES OF THE TAX COLLECTOR**

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

- a) Prepares and mails tax notices;
- b) 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 them 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 the Real Property Tax Law.

Education Law Sections 2126 and  
2130 Real Property Tax Law  
Sections 922, 924, 1322, 1330, and  
1338

Adopted: 6/29/09 Reviewed 3/19/19

## **DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR**

The responsibility for engaging a qualified and competent Certified Public Accountant (CPA) or Public Accountant (PA) to perform the annual audit of the District's financial statements resides with the Board of Education. State laws and regulations require that the annual audit be "accepted" by a resolution of the Board of Education. This resolution along with the audit report must be filed with State Education Department (SED) in a timely manner. In addition, the independence and objectivity of the auditor may be enhanced when the Board of Education and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

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

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

- a) Independence: The auditor must document that they are independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.
- b) Internal Quality Control System: The auditor must document that their internal quality control processes adequately demonstrate compliance with government auditing standards. they must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.
- c) Internal Controls: The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the control environment, risk assessment, control activities, information and communication, and monitoring.
- d) Planning and Supervision: The auditor's work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.
- e) Audit documentation: In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.
- f) Reporting on Internal Controls and Compliance: The auditor must report on and present the results of their testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.
- g) Safeguard Of Assets: The auditor verifies that a current asset inventory system is in place and that there is adequate insurance coverage for assets and for employees with authorized access to those assets.

(Continued)



Generally Accepted Government Auditing Standards (GAGAS) Sections 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20

Education Law Section 2116-a

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

Adopted: 3/19/19

## CLAIMS AUDITOR

The Board of Education will designate and appoint a claims auditor for the district. The claims auditor shall serve at the pleasure of the Board. The claims auditor shall report directly to the Board.

No person shall be eligible for appointment to the office of Claims Auditor who shall be:

- A member of the Board of Education
- The clerk or treasurer of the Board
- The Superintendent of Schools or other official of the district responsible for business management
- The person designated as purchasing agent
- Clerical or professional personnel directly involved in accounting and purchasing functions of the district
- The individual or entity responsible for the internal audit function
- The independent auditor responsible for the annual external audit
- A close or immediate family member of an employee
- Officer or contractor providing services to the district.

For purposes of this policy, a close family member shall be defined as a parent, sibling or nondependent child, and an immediate family member shall be defined as a spouse, spouse equivalent, or dependent (whether or not related).

The claims auditor is responsible for formally examining, allowing or rejecting all accounts, charges, claims or demands against the school district. The auditing process should determine:

1. that the proposed payment is for a valid and legal purpose;
2. that the obligation was incurred by an authorized district official;
3. that the items for which payment is claimed were in fact received or, in the case of services, that they were actually rendered;
4. that the obligation does not exceed the available appropriation; and
5. that the submitted voucher is in proper form, mathematically correct, does not include previously paid charges, and is in agreement with the purchase order or contract upon which it is based.

The claims auditor shall provide periodic written reports as may be requested by the Board.

Cross-ref: 6680, Internal Audit Function

Ref: Education Law §§1604 (35); 1709(20-a); 1724; 2509; 2526; 2554(b)

8 NYCRR § 170.12(c)

*Matter of Levy*, 22 EDR 550 (1983)

Adoption date: 5/7/19

## **POLICY**

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 Board may appoint a policy committee however, such committee does not absolve the Board of its responsibility in the formulation and adoption of policy.

Any member of the Board, district, staff, students, parents, district taxpayers, or other member of the public may identify policy issues

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 shall promptly inform the Board of all policies that are out-of-date due to changes in the law or for other reasons appear to need revision.

### **Updating of Existing Policy**

The Board shall evaluate the effect of its policies and the manner in which they have been implemented by the administration on a special basis. In such evaluation, the Board may call upon staff, students and community.

The Board directs the Superintendent to bring to its attention any policy areas in need of revision or new development.

### **Developing New Policies**

In formulating new policies, the Board shall refer to regulation 1410R. The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which policy will be administered. These rules and detailed  
(Continued)

**POLICY (cont'd)**

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.

**Communication of Policy and Regulation**

The Board of Education Policy Manual and accompanying regulation is a public document containing decisions and guidelines that are important to the entire District and community. Staff and community members are encouraged to be familiar with the contents of the manual. To this end, copies of the manual will be available in each of the school buildings as well as in the Central Office and on the District website. Additionally, information on new and updated policies will be sent to staff and to the media for public knowledge.

Education Law Sections 1604(9)  
and 1709(1) and (2)  
REF Regulation 1410R– Development of New Policies - Procedure

Adopted 9/24/19

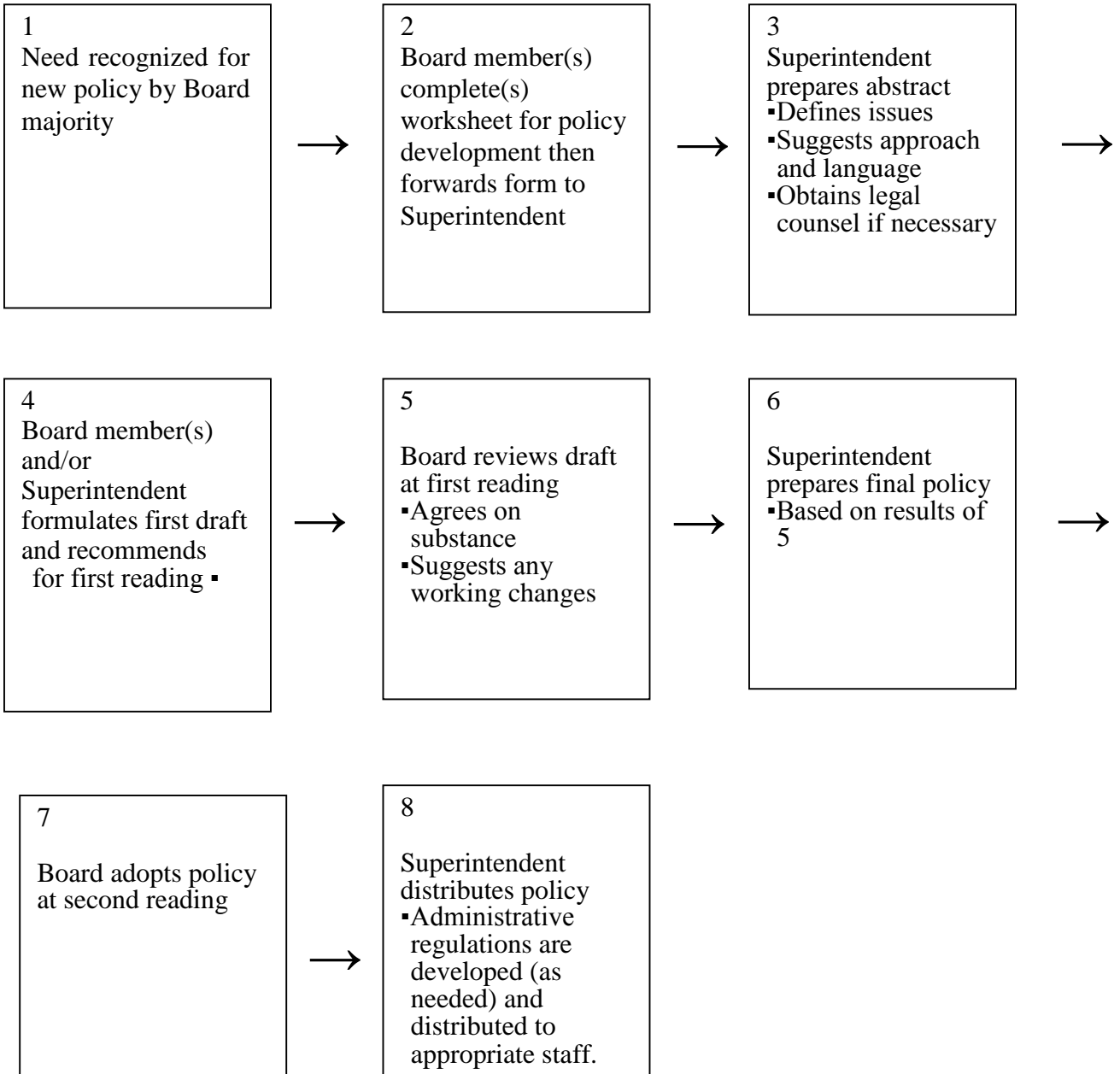
# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 1410R

Date: 11/1/19

## DEVELOPMENT OF NEW POLICIES



With cooperative assistance of Administrative Council and/or Supervisors Council when appropriate.

## BOARD MEETINGS

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 which requires a quorum to conduct public business, including committees and subcommittees.

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

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 shall attend all meetings of the Board. The Superintendent shall attend all executive session meetings of the Board except those that concern their evaluation and salary determination. The Board may request the attendance of such additional persons as it desires.

- Re** a. The Board of Education will video/audio record each Board meeting and broadcast it on the District TV Station and well as post it on the District website.
- b. The public portion of any meeting of a public body may be photographed, recorded and broadcast.
- c. There is no privacy interest in statements made during public portions of meetings of public bodies. Distaste or embarrassment shall not constitute a basis for prohibiting or limiting the photographing, recording or broadcasting of those present at a meeting.
- d. Operation of equipment to photograph, record or broadcast a meeting is permitted unless it is obtrusive, disruptive, or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings.

(Continued)

**BOARD MEETINGS (cont'd)**

- e. Use of equipment necessary to photograph, record or broadcast is permitted without notice to or express permission from the public body or those in attendance at the meeting.
- f. Use of equipment necessary to photograph, record or broadcast is permitted in a supervised or unsupervised manner.
- g. Use of special lighting or large equipment necessary to photograph, record or broadcast a meeting is permitted unless it is obtrusive or disruptive to the deliberative process.
- h. Personnel who operate equipment necessary to photograph, record and/or broadcast a meeting shall be permitted to move about the room, as long as such movement does not disrupt or interfere with the deliberative process, and remains within or behind the public seating area
- i. If any provision of these guidelines or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances

The recording and broadcasting of public meetings shall comply with sections a-h of this policy and will be made available at a designated location. Written copies of such rules shall be provided upon request, to those in attendance at or who seek to attend a meeting.

**Notice of Meetings**

For all regular and scheduled special meetings of the Board of Education, the District Clerk shall give adequate notice to all members and to the community, including posting notice of the time and place of meetings on the district website.

If a meeting is scheduled at least a week in advance, notice will be given or electronically transmitted to the public and news media at least 72 hours prior to the meeting. A special meeting may be called upon 24-hour notice to Board members.

When a meeting is scheduled less than a week in advance the Board shall provide or electronically transmit public notice to the extent practicable. Said notice shall be conspicuously posted in one or more designated public locations, including the district's website.

If a board member intends to participate in a board meeting via videoconference, the public notice of the meeting will indicate that videoconferencing will be used, specify the location(s) for the meeting and state that the public may attend at any of the locations.

If a meeting will be streamed live over the internet, notice will indicate the internet address of the website streaming the meeting.

(Continued)

**BOARD MEETINGS (cont'd)**

Public Officers Law Article 7

Education Law Section 1708

NOTE: Refer also to Policy #1520 -- Special Meetings of the Board of Education  
Policy 1710 Quorum  
Policy 1511 Agenda Preparation and Dissemination  
Open Meetings Law, Public Officers Law §§100 et seq.  
Education Law §§1606; 1708; 2504; 2563

Adopted: 9/25/18 Reviewed 6/28/19



## **AGENDA PREPARATION AND DISSEMINATION**

The Superintendent and/or the Board President shall prepare the agenda for each board meeting according to the order of business, to facilitate orderly and efficient meetings, and to allow board members sufficient preparation time. The Vice President shall attend and participate when available. The Board President may include other Board members from time to time.

Items of business may be suggested by any Board member, district employee, parent, student, or other member of the public, and must relate directly to district business. The inclusion of items suggested by district employees, parents, students, or other members of the public shall be at the discretion of the Superintendent, subject to the approval of the Board President.

Persons suggesting items of business must submit the item to the Superintendent at least 7 days prior to a regular meeting.

Once the agenda is set, items will not be added, unless the item is of an emergency nature and authorized by the Superintendent in consultation with the Board President. The agenda can be modified by a majority vote of the Board.

The agenda shall specify whether the item is an action item, a consent item, a discussion item or an information item.

The agenda and any supporting materials will be distributed to board members the Friday before the board meeting to permit careful consideration of items of business. The agenda and supporting material to be discussed at the board meeting that is permissible to be released to the public will be posted on the district's website, to the extent practicable, two days before the meeting. In addition, the agenda will be released to the news media including local newspapers, radio stations and television stations in advance of the meeting. The agenda and supporting material to be discussed at the board meeting that is permissible to be released to the public will also be available in the Superintendent's office two days before the meeting and at the Board meeting to anyone who requests a copy.

The District Clerk shall be responsible for ensuring that the agenda is available to the public and the media.

Cross-ref: 1510 Regular Board Meetings, 1520 Special Meetings of the Board of Education

Ref: Public Officers Law 103(e) Adoption date:

7/3/12 Reviewed 6/23/19

**PUBLIC BE HEARD: REGULAR BOARD MEETINGS/WORKSHOP SESSIONS**

All meetings of the Board of Education where members meet to conduct public business are meetings which are subject to the Open Meetings Law. The public will be given an opportunity to address the Board at the regular monthly business meeting or at any other meeting at the discretion of the Board.

To sign up for Public Be Heard, the public can contact the District Clerk prior to the meeting or put their name and topic on the sign-in sheet provided at each meeting.

Any individual addressing the Board of Education will be asked to give their name at the outset of their comments. A time limit of 2 or 3 minutes per person may be set by the board unless otherwise indicated at the meeting.

The following statement of rules will be read by the President of the Board prior to the opening of a public session:

*The Board appreciates hearing from the public, including students, on any agenda or non-agenda item. Please understand that by our adopted parliamentary procedure, the Board can't engage in discussion or answer questions during Public Be Heard. Please know that we hear you and take all your comments into consideration. The Board does reserve the right to correct any inaccuracies or misinformation during Public Be Heard. Please limit your comments to 3 minutes, be civil, and do not name any particular individuals or promote any commercial ventures or products. People wishing to express individual student or personnel concerns can bring them to the Superintendent's attention in private.*

No action will be taken by the Board of Education at the same meeting on requests from the public which may necessitate either a new policy or a change in existing policy. It is requested that such requests be submitted in writing and preferably at least one (1) week prior to Regular Board Meetings.

The purpose of a Board Workshop Session is to discuss some aspect of the governance of the school program.

Education Law Section 1708

Adopted: 9/14/21

## By-Laws

**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.

Public Officers Law Sections 103 and 104

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

## **ANNUAL DISTRICT ELECTION AND BUDGET VOTE**

The district shall hold an annual election and budget vote at which the district's authorized voters will elect members of the Board of Education and vote on the district budget for the coming school year. The annual district election and budget vote will be held on the third Tuesday in May, unless, due to a conflict with religious observance, the Board requests that the Commissioner approve changing the election date to the second Tuesday in May. The request is due to the Commissioner by March 1<sup>st</sup>.

The District Clerk shall publish a notice of the time and place of the annual election and budget vote at least four times within the seven weeks prior to the election, in two newspapers having general circulation within the district. The first publication of the notice shall be at least 45 days prior to the election. The notice shall also contain notice of any other matter required by law.

Copies of the budget to be voted upon at the annual election and budget vote will be available upon request in each district school building, at the school district offices, and at any public library or free association library within the district, for district residents at the time of the annual election and budget vote and the 14 days preceding (other than Saturday, Sunday and holidays), as well as on the school district's website.

The Board shall appoint assistant clerks and election inspectors necessary for the annual election and budget vote at a Board meeting held before the annual election and budget vote.

### **Propositions**

The Board has the authority, under the Education Law, to adopt reasonable rules and regulations concerning the submission of petitions to the Board to place propositions on the ballot which may amend the budget. Pursuant to those provisions, the Board establishes the following guidelines:

1. Unless otherwise provided by the Education Law, petitions for the submission of a proposition must contain a minimum of [insert the number/percent of signatures the district requires; for example, 25 signatures of qualified voters of the district or 5 percent of the eligible voters who voted in the previous annual election of the members of the Board of Education, whichever is greater.]
2. Petitions must be filed with the District Clerk at least 30 days prior to the annual election, except for petitions relating to a proposition which must be included in the notice of the annual election (e.g., changing the number of board members). Such petitions must be submitted 60 days in advance of the annual election to facilitate the preparation and printing of the ballots.
3. Propositions must include the specific appropriations necessary for the purposes listed.

(Continued)

**ANNUAL DISTRICT ELECTION AND BUDGET VOTE (cont'd)**

4. Wording of a petition must comply with legal requirements. If the wording does not comply, it may be changed or altered by the Board, or the Board may reject a petition for failure to comply.

Propositions received in accordance with these specifications will be placed on the ballot as amendments and will be voted upon by the voters in the same manner as the proposed budget, except that the Board shall not be required to place any proposition on the ballot which is within the exclusive province of the Board, or otherwise forbidden by law. No proposition involving the budget may be submitted to the voters more than twice within a twelve month period.

The Board may also, on its own motion, submit propositions.

**Improper Advocacy**

The district may provide informational material to the voters concerning budgets, propositions, or other matters before the electorate. However, school district funds and resources may not be used to exhort voters to support a particular position. For example, the district will not engage in activities including, but not limited to, sending flyers supporting the budget home with students, providing mailing labels for materials supporting a proposition or using the district e-mail to deliver promotional material for candidates.

**Ref:** Education Law §§416(3); 1608(2); 1716(2) 1804(4); 1906(1); 2002(1); 2003(1)(2); 2004(1)-(7); 2009; 2021;2022(1), (4)-(5); 2035(2); 2601-a(2)  
General Construction Law §60  
*Phillips v. Maurer*, 67 N.Y.2d 672 (1986)  
*Appeal of the Bd. of Educ. of the Greenwood Lake UFSD*, 47 EDR 446 (2008)  
*Matter of Hebel*, 34 EDR 319 (1994)  
*Matter of Martin*, 32 EDR 567 (1993)  
*Matter of Como*, 30 EDR 214 (1990)

Adoption date: 3/5/19

## **PROCEDURE FOR THE ANNUAL DISTRICT ELECTION**

Voting will be conducted by voting machines or paper ballot at the Poll Centers between the hours of 2 p.m. – 9 p.m.

Each machine or ballot box shall have at least two election inspectors appointed by the Board in attendance during all voting hours. It shall be the duty of the District Clerk and assistant clerk or clerks to keep a poll list containing the name and legal residence of each person before such person is permitted to vote.

Election inspectors shall not advise or induce such voter to vote on any proposition or candidate, and if the election inspector were to learn how the individual voted, the election inspector shall never reveal the vote(s) recorded to any other person at any time.

The machines are to be arranged for a write-in vote. When a write-in vote is used, it automatically nullifies any other vote that is made on the machine for that particular candidate or issue.

Write-in ballot spaces are required. Ballots containing the names of nominated candidates will be provided by the Board. There will be as many write-in spaces as there are vacancies at the time of election.

The writing in of a name in the blank space so provided, will sufficiently indicate a vote. The district cannot require a voter to place any other mark beside the name of a write-in candidate.

If a voter is challenged, in order to vote they must complete a Challenge Statement at the Registrar's desk. Their name and the name of the Challenger will be recorded on a Challenge list.

Only those voters who are registered with the Ulster County Board of Elections will be eligible to vote.

Inspectors of Election are to receive the votes cast, canvass same, and report the results of the voting following the closing of Polls.

### **Closing of Poll Centers**

After every voter present has had a chance to vote and Polls are closed, the Inspectors are authorized to send the results of the voting to the District Clerk in Boiceville. The results of the election will be made public at that time. A special meeting of the Board of Education is to be called within 24 hours following the closing of the Polls to certify the voting results submitted by the Chairman.

(Continued)

## **PROCEDURE FOR THE ANNUAL DISTRICT ELECTION (cont'd)**

### **Chairman and Board of Registration**

At the last Regular Meeting in April, the Onteora Central School District Board of Education will approve the appointment of the Chairman for the Annual District Meeting, as well as the members of the Board of Registration for each Poll Center.

Members of the Board of Registration shall be paid at rates approved by the Board of Education and will be assigned to duties by the District Clerk.

### **Legal Qualifications of Voters at School District Meetings**

A person shall be entitled to 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 meeting at which they offer to vote.

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

### **Absentee Ballots**

The Board of Education authorizes the District Clerk or a Board designee to provide absentee ballots to qualified District voters. Absentee ballots shall be used for the election of School Board members, the adoption of the annual budget and School District public library budget, referenda and on questions and propositions submitted to the voters of the district.

A District voter must request in advance an application for an absentee ballot. The voter must complete the application and state the reason they will not be able to appear in person on the day of the District election/vote for which the absentee ballot is requested. The application must be received by the District Clerk 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 they are unable to appear to vote in person on the day of the School District election/vote because:

(Continued)

### **PROCEDURE FOR THE ANNUAL DISTRICT ELECTION (cont'd)**

- a) They are 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) They have 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) They will be on vacation outside of the county or city of residence on the day of such District election/vote;
- d) They 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) They 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 they 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 their vote may be canvassed.

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. In addition, any qualified voter may challenge the acceptance of the absentee voter's ballot of any person on such list by making their reasons known to the election inspector before the close of the polls.

The district shall request registration lists from the Board of Elections for those voters whose registration record has been marked "permanently disabled" and shall automatically mail absentee ballots to such voters in advance of each district vote or election.

Education Law Sections 1716 and 2025

Education Law Sections 2014, 2018-a and -b, and 2613

Education Law Section 2012 Election Law Article 5

Education Law § 2018; 2018-c; 2019; 2019-a; 2020; 2022; 2025; 2030; 2031; 2032; 2035; 2037; 2603; 2607; 2610;

Election Law §§3-224; 5-106; 5-612; 5-400

*Matter of Rodriguez*, 31 EDR 471 (1992)

*Matter of Gresty*, 31 EDR 90 (1991)

*Matter of Ferro*, 25 EDR 175 (1985)

*Matter of Manno and Maloney*, 23 EDR 172 (1983)

*Matter of Yost*, 21 EDR 140 (1981)

*Matter of Alpert and Helmer*, 20 EDR 281 (1980)

*Matter of Reigler and Barton*, 16 EDR 256 (1977)

Adopted: 6/17/19



## By-Laws

**QUORUM**

Majority of the absolute Board shall constitute a quorum at any meeting of the Board of Education. If a quorum is not present within twenty (20) minutes after the time set for a meeting, the members then in attendance may adjourn to any date prior to the next dated meeting, in which latter event notice shall be given to all members of the Board of the time and place of such adjourned meeting.

In the case of a meeting at which just a majority of the Board members is present, final action on resolutions cannot be taken except by affirmative vote of all those Board members constituting the majority.

The Superintendent of Schools and the Clerk or designees shall attend all meetings of the Board.

Discipline of Board members who fail to attend meetings regularly shall be in accordance with Education Law. (See Policy #1240 -- Vacancy on the Board of Education: Resignation and Dismissal.)

General Construction Law Section 41

## By-Laws

**MINUTES**

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

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

- a) The type of meeting;
- b) The date, time of convening, and adjournment;
- c) Board members present and absent;
- d) Board members' arrival and departure time, if different from opening or adjournment times;
- e) All action taken by the Board, with evidence of those voting in the affirmative and the negative, and those abstaining;
- f) The nature of events that transpire, in general terms of reference.

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

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

## **EXECUTIVE SESSIONS**

The Board of Education may hold executive sessions at which only the members of the Board or persons invited by the Board shall be present. However, the executive session is only available for the purpose of discussion, and except as the law allows, formal action must be taken in an open session.

Executive sessions can be requested by any member of the Board or the Superintendent of Schools.

A Board member must make a motion during an open meeting to convene in executive session. Upon a majority vote of its members, the Board may convene in executive session at a place which the Board President or said members may designate within the district to discuss the subjects enumerated below. Matters which may be considered in executive session are:

1. matters which will imperil the public safety if disclosed;
2. any matter which may disclose the identity of a law enforcement agent or informer;
3. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
4. discussions regarding proposed, pending or current litigation;
5. collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
6. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7. the preparation, grading or administration of examinations; and
8. the 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.

The motion to go into executive session shall be detailed enough to allow the public to understand the topic the Board will be discussing, without disclosing specifics. Discussion in executive session shall be limited to the topic(s) identified in the motion.

A Board may not take action in executive session except to vote on 3020-a probable cause finding.

Individual Board members, acting on their own, shall not disclose matters discussed in executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law.

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## EXECUTIVE SESSIONS

Minutes shall be taken at executive sessions of any action that is taken by a formal vote and should consist of a record or summary of the final determination of such action and the date and vote thereon, provided, however, that such summary shall not include any matter which is not required to be made public by the Freedom of Information Law. Minutes taken shall be available to the public within one week from the date of the executive session.

Cross-ref: 2160, Code of Ethics

Ref: Education Law §1708 (3)  
Public Officers Law §§100 et seq.  
*Application of the Board of Education*, 57 EDR Dec. No. 17,147 (2017)  
*Application of Nett and Raby*, 45 EDR 259 (2005)  
Formal Opinion of Counsel No. 239, 16 EDR 457 (1976)

Adoption date: 10/8/19

Internal  
Operations

## **ORIENTING NEW BOARD MEMBERS**

The election or appointment to the office of Board of Education carries great responsibilities to the community and children of the Onteora School District, along with the expectation of confidentiality. The Board of Education believes that participation in a program of orientation is helpful to any trustee elected to the Board of Education for a first term. Therefore, the following program of orientation shall be available:

a) Each newly elected or appointed Board of Education trustee shall be provided an opportunity to attend an orientation meeting with the President of the Board of Education and the Superintendent to tour the District buildings and discuss the following:

1. Refer to policy 2350, which is mandatory for new Board of Education trustees as of July 2011
2. Organization of the Board and District.
3. Board of Education Handbook

b) Each newly elected or appointed Board of Education trustee shall be invited to attend Board meetings prior to the commencement of their term. The District Clerk shall direct the newly elected Trustees to on-line. material pertinent to meetings and shall explain its use.

c) Each newly elected or appointed Board of Education Trustee shall be assigned a mentor from the sitting Board

d) Each newly elected or appointed Board of Education trustee elected or appointed to a first term shall be provided a portfolio of information prepared by the Superintendent. The portfolio shall contain, but not be limited to a copy of the following documents:

1. Board of Education Member Handbook
2. Board of Education website link (<https://www.onteora.k12.ny.us/board-of-education>)  
Includes goals, committees of the board, Board norms, minutes, etc.
3. Access to School Law book by NYSSBA (most recent edition).
4. Superintendent's and Assistant Superintendent for Curriculum & Instruction's current contract with the Board of Education  
<https://www.onteora.k12.ny.us/about/agreements>

(Continued)

## **ORIENTING NEW BOARD MEMBERS**

5. All negotiated agreements with the Superintendent and Board of Education.  
<https://www.onteorak12.ny.us/about/agreements>
6. Technology Plan. <https://www.onteorak12.ny.us/about/district-plans>
7. Budget.  
<https://resources.finalsite.net/images/v1549896539/onteorak12nyus/luvr2szno2dhjg03kxo/2018-2019ApprovedBudget.pdf>
8. Audit Committee Charter. <https://www.onteorak12.ny.us/board-of-education/committees-of-the-board>
9. Board Docs Access.
10. Professional Development Plan. <https://www.onteorak12.ny.us/about/district-plans>

Reference: OCSD Policy 2350 Board Member Training

Adopted: 11/23/21

## Internal Operations

**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.

**Principles of Parliamentary Procedure**

The following major principles of parliamentary procedure shall be used as a guide:

- a) Proposed motions shall be understood before being opened for discussion.
- b) Opportunity shall be offered for discussion before a motion is put to a vote.
- c) A member shall be permitted to withdraw their motion with the consent of the person who seconded it before discussion has commenced.
- d) After discussion has started on a motion, the member making the motion is not permitted to withdraw the motion except with the unanimous consent of the members.
- e) If a motion is lost, it cannot be properly reconsidered at the same meeting without the consent of the majority of the members present.
- f) A motion for reconsideration can be made and seconded only by a member who voted with the majority on the original motion.
- g) Amendments to a motion or to previous amendments must be disposed of before a vote can be taken on the original motion as amended.
- h) Once before the Board, a motion may only be interrupted by a motion to lay it on the table, postponement, for amendment, or adjournment.
- i) Members shall address the chair and be recognized by it before making a motion or speaking on a question before the body.
- ) One (1) motion shall be discussed at a time.

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

## **BOARD COMMUNITY COMMUNICATIONS**

The Board of Education encourages transparent engagement and communication with the school community.

One of the most direct ways to communicate with the Board as a whole is during the Public Be Heard portion of the Board's public meetings (see Policy #1512)

The Board can be reached as a whole via email at [onteoraboe@onteorak12.ny.us](mailto:onteoraboe@onteorak12.ny.us).

While members of the Board may receive individual communications from the public, individual trustees cannot make decisions for, or represent positions of the Board as a whole, unless they have previously been publicly determined.

The Board directs the District Clerk to receive and review physical letters sent as correspondence to the Board. Anonymous letters will be reviewed and filed by the District Clerk, except as may be required pursuant to law or Board policy when correspondence pertains to: whistleblower complaints, retaliatory behavior, sexual harassment, allegations of fraud, health and safety issues, and legal issues.

The Board may also call upon the Board Communications Committee, if appropriate, to assist with community communications, in concert with the Administration.

#1512 Public Be Heard: Regular Board Meetings/Workshop Sessions

#5572 Allegations of Fraud

#5573 "Whistle-Blower" Protection Policy

#3421 Sexual Harassment



## **COMMITTEES OF THE BOARD**

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.

### **Visitation Committees**

The Board of Education may appoint one (1) or more committees annually to fulfill its obligations articulated in Policy 1310, subsections n and/or o.

Policy 1310  
Education Law Section 1708

Adopted: 11/4/14 Reviewed 10/22/19

## Internal Operations

**COMMUNITY INVOLVEMENT IN ADVISORY COMMITTEES**

The Board of Education recognizes that the public has resources of training and experience useful to the schools. The strength of the local School District is in large measure determined by the degree to which these resources are tapped in supporting the improvement of the local educational program. For the purposes of this policy, community shall mean not only the lay and public community, but also the personnel and student community of the School District.

When it is deemed appropriate by the Board of Education, Lay Advisory Committees may be appointed for a clearly specific time period and to address an identified concern(s).

The membership of any and all interim committees appointed will be determined by the Board of Education, and will be appropriate in terms of functionality with respect to the concern(s) and/or reason(s) for forming the committee.

It is not the intent of the Board of Education to maintain standing lay advisory committees, nor does the Board of Education intend to abdicate its responsibility for all final decisions.

## Internal Operations

**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. All reimbursement requests must be submitted by June 30th of that school year.
- 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.

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

Adopted: 10/22/19

## Internal Operations

**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 and identifying the Board's objectives for the ensuing year.

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.

## **BOARD MEMBER TRAINING**

### State-Mandated Training

Members of the Board of Education elected or appointed for a term beginning on or after July 1, 2005, shall, within the first year of their term, complete a minimum of six hours of training on the fiscal oversight, accountability and fiduciary responsibilities of a school board member.

Additionally, Board members elected or appointed for a first term beginning on or after July 1, 2011, shall, within the first year of his or her term, complete a training course to acquaint him or her 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.

These mandatory trainings may be taken together as a single course or separately.

Each member shall demonstrate compliance with these requirements by filing with the District Clerk a certificate of completion of such course issued by the provider. Actual and necessary expenses incurred in complying with this requirement shall be a charge against the school district.

Every Board member will complete at least one training per year which addresses topics pertinent to serving successfully as Board members, in their roles as fiscal stewards, policymakers, and governance leaders. In years where Board members complete the state-mandated training, they are not required to take additional training under this paragraph. Such training can take the form of in-person conferences, online webinars or classes, facilitated retreats, or other format approved by the Board. The Board shall determine participation in training by majority vote. The Board shall include in the annual budget sufficient funds for at least one training per Board member per year.

The Board President and Board Vice President, when newly-elected, will complete at least one training on the duties, roles and responsibilities of school board officers. Such training can take the form of in-person conferences, online webinars or classes, facilitated retreats, or other format approved by the Board. The Board shall determine participation in training by majority vote. The Board shall include in the annual budget sufficient funds for at least one such training per newly-elected Board officer.

Cross-ref:     2110, Orienting New Board Members  
                  2320 Attendance by Board Members at Conferences, Conventions, and Workshops  
                  6161, Expense Reimbursement

Ref:     Education Law §2102-a

Adoption date: 11/23/21

## Community Relations

**GOALS OF SCHOOL AND COMMUNITY RELATIONS**

The major goals of school and community relations are:

- a) To develop and maintain the confidence of the community in the Board, the professional staff, and the educational program.
- b) To stimulate public interest and involvement in the schools
- c) To discover what people think, and what they want to know; and supply information as appropriate.
- d) To develop the most effective means of communication with the maximum number of people in the District.

Parents, Guardians, students and community members are encouraged to discuss concerns with members of the school staff most immediately concerned with the issue.

NOTE: Refer also to Policy #3230 -- Public Complaints

Adopted: 11/19/19

## **MEDIA RELATIONS**

The Board of Education invites and welcomes the active participation of all forms of media, in educating the public, improving education and promoting the schools within the district and the wider community. The Board and Superintendent will make every reasonable effort to cooperate with the media by providing accurate information about district operations, to the extent permissible by statute and regulation.

The Board President is designated as the spokesperson for the Board when the Board is making a statement on an issue. No other member of the Board individually will speak for, or in the name of, the Board unless by explicit direction of the Board. Board members should emphasize to the media when asked to speak as a Board member that they can only speak as private citizens unless they have been empowered by the Board to speak for it.

The Superintendent of Schools shall establish all necessary procedures to govern day-to-day interactions between the schools and the news media.

The Superintendent of Schools is designated as the spokesperson for the district.

Cross-ref: 4526, Computer Use in Instruction  
8630, Computer Resources and Data Management

Ref: Arts and Cultural Affairs Law §61.09

Adoption date: 11/19/19

### **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.

The flag shall be flown or displayed at full- or half-staff pursuant to law. In addition, the flag may be flown or displayed at half-staff to commemorate the death of a present or former Board member, present employee or student.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

Ref: 4 U.S.C. §§5-9 (display of the flag)  
Education Law §§418; 419; 420 (requirement for the school to purchase display and develop rules and regulations for the care and custody of the flag)  
Executive Law §§400-403 (rules for display of the flag)  
8 NYCRR Part 108 (flag regulations)



## **SCHOOL VOLUNTEERS**

The Board recognizes the need to develop a school volunteer program to support District instructional programs and extracurricular activities. The Board encourages volunteers from all backgrounds and age groups who are willing to share their time, training, experience or personal characteristics to benefit the students of the district. The purpose of the volunteer program will be to:

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

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.

Volunteers shall not be used to provide transportation for school-sponsored activities.

Volunteers shall not be left alone with students.

No volunteer shall be permitted to have unsupervised direct contact with students.

All volunteers are required to act in accordance with district policies, regulations and school rules. Any staff member who supervises volunteers may ask any volunteer who violates district policies, regulations or school rules to leave school grounds.

School volunteers may not access student personally identifiable information, except if permitted under policy 7240, Student Records.

An application shall be filled out by each prospective volunteer and forwarded to the District Office for evaluation. The Building Principal will forward their 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, subject to approval by the Board of Education. Each Building Principal shall be responsible for maintaining a current and complete list of all active volunteers.

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

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; Policy 7240

Adopted: 2/20/20

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 3160R

Date: 11/7/14

## **VOLUNTEERS ADMINISTRATIVE REGULATIONS**

Annually an application (part 1 and 2) shall be filled out by each prospective volunteer and returned to the principal of the building in which they seek approval to volunteer. The applicant must fully complete and sign their application and the Volunteer Code of Conduct.

The principal shall check to insure the application is complete and will insure that they make a copy of a photo ID of the volunteer applicant. They will also make a copy of the signed Volunteer Code of Conduct (part 2) and provide a copy to the applicant.

The principal shall complete part 3 of the application and shall approve or not approve the volunteer and then forward it with the volunteer's completed application (part 1), signed Volunteer Code of Conduct (part 2), and a copy of ID to the Superintendent for evaluation and approval.

The Superintendent retains the right to approve or reject any volunteer applications submitted for consideration. Following approval from the Superintendent of Schools, volunteer applicant shall be placed on a Board Agenda for Board Approval.

Once Board approved, the applicant shall be placed on the list of approved volunteers. However, the Superintendent retains the right to reconsider approval or rejection of any approved volunteers.

**SUBJECT: PARENT AND FAMILY ENGAGEMENT**

The Board of Education believes that positive parent and family engagement is essential to student achievement, and thus encourages such involvement in school educational planning and operations. Parent and family engagement may take place either in the classroom or during extra-curricular activities. However, the Board also encourages parent and family engagement at home (e.g., planned home reading time, informal learning activities, and/or homework “contracts” between parents, family members and children). The Board directs the Superintendent of Schools to develop a home-school communications program in an effort to encourage all forms of parent and family engagement.

The federal definition of the term “parents” refers to a natural parent, legal guardian or other person standing in *loco parentis* (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare).

For purposes of this policy, parental involvement refers to the participation of parents in regular, two-way, and meaningful communication, involving student academic learning and other school activities.

At a minimum, parent and family engagement programs, activities and procedures at both the district and individual school level must ensure that parents and family members:

- Play an integral role in assisting their child’s learning;
- Are encouraged to be actively involved in their child’s education at school; and
- Are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

**Title I Parent and Family Engagement- District Level Policy**

Consistent with the parent and family engagement goals of Title I, Part A of the federal No Child Left Behind Act of 2001 (NCLB) and its reauthorization in the Every Student Succeeds Act (ESSA), the Board of Education will develop and implement programs, activities and procedures that encourage and support the participation of parents and family members of students eligible for Title I services in all aspects of their child’s education. The Board also will ensure that all of its schools receiving Title I, Part A funds develop and implement school level parent and family engagement procedures, as further required by federal law.

District and school level Title I parent and family engagement programs, activities and procedures will provide opportunities for the informed participation of parents and family members (including those who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children).

As further required by federal law, parents and family members of students eligible for Title I services will be provided an opportunity to participate in the development of the district’s

(Continued)

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (cont'd)**

Title I plan, and to submit comments regarding any aspect of the plan that is not satisfactory to them. Their comments will be forwarded with the plan to the State Education Department.

Parents and family members also will participate in the process for developing either a comprehensive or targeted “support and improvement plan” when the school their child attends is identified by the State as needing this plan.

Parent and Family Member Participation In Development of District Wide Title I Plan

The Board, along with its superintendent of schools and other appropriate district staff will undertake actions to ensure parent and family member involvement in the development of the district wide Title I plan.

Development of School Level Parent and Family Engagement Approaches

The superintendent of schools will ensure that all district schools receiving federal financial assistance under Title I, Part A are provided coordination, technical assistance and all other support necessary to assist them in planning and implementing effective parent and family engagement programs and activities that improve student achievement and school performance.

Building Capacity for Parental Involvement

To build parent capacity for strong parental involvement to improve their child’s academic achievement, the district and its Title I, Part A schools will, at a minimum:

1. Assist parents in understanding such topics as the state’s academic content challenging academic standards, state and local academic assessments, Title I requirements, how to monitor their child’s progress and how to work with educators to improve the achievement of their child.
2. Provide materials and training to help parents work to improve their child’s academic achievement such as literacy training and using technology (including education about the harms of copyright piracy).
3. Educate its teachers, specialized instructional support personnel, principals and other school leaders, and other staff, with the assistance of parents, in understanding the value and utility of a parent’s contributions and on:
  - a) The development of an infrastructure to continually assess, plan and implement strategies that build the partnership.
    1. The use of the District-wide shared decision-making team, a committee of parents, community members, teachers, and administrators, to guide overall program efforts and serve as a home-school partnership network.

(Continued)

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (cont'd)**

Shared decision making cannot usurp the regulations of the Education Commissioner of New York State

2. Coordination of activities through the staff development system in areas of teacher inservice, assessment of teaching strengths, and communication with parents toward creation of the best possible learning experience for each child.
- b) Self-study of parental involvement practices by the building site teams of parents, teachers and the administrator in each school using the following seven (7) basic principles considered essential to home-school partnerships.
  1. Every aspect of the school climate is open, helpful and friendly.
  2. Communications with parents (whether about school policies and programs or about their own children) are frequent, clear, and two-way.
  3. Parents are treated as collaborators in the educational process, with a strong complementary role to play in their children's school learning and behavior.
  4. Parents are encouraged, both formally and informally, to comment on school policies and share in the decision making.
  5. The Principal and other school administrators actively express and promote the philosophy of partnership with all families.
  6. The school encourages volunteer participation from parents and the community at large.
  7. The school recognizes its responsibility to forge a partnership with all families in the school, not simply those most easily available.
- c) Resources will be provided to Principals, teachers and parents.
4. Ensure that information related to school and parent-related programs, meetings and other activities is sent to the parents of children participating in Title I programs in an understandable and uniform format, including alternative formats, upon request, and to the extent practicable, in a language the parents can understand.

Coordination of Parental Involvement Strategies

The district will coordinate and integrate strategies adopted to comply with Title I, Part A parental involvement requirements with parental involvement strategies adopted in connection with other Federal, State, and local programs, including public preschool programs.

(Continued)

## Community Relations

**SUBJECT: PARENT AND FAMILY ENGAGEMENT (cont'd)**Review of District Wide Parent and Family Engagement Policy

The Board, along with its superintendent of schools and other appropriate staff will conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of this parent and family engagement policy in improving the academic quality of Title I schools, including the identification of barriers to greater participation by parents in activities under this policy, and the revision of parent and family engagement policies necessary for more effective involvement.

The Ontario Central School District, its School Board, and staff will provide leadership in the development of clear avenues of parental involvement. Full realization of the partnership will be achieved through the on-going commitment and active participation by both home and school.

Cross-ref: 4010, Equivalence in Instruction

Ref: 20 USC §§6318(a)(2); 7801(38), Every Student Succeeds Act (§1116 of the Elementary and Secondary Education Act)

U.S. Department of Education, *Parental Involvement, Title I, Part A, Non-Regulatory Guidance*, April 23, 2004

**School-Parent Compact**

To help our children achieve, we agree to abide by the following conditions during the [insert school year] school year:

**School Responsibilities**

The school will:

- Provide high-quality curriculum and instruction in a supportive and effective learning environment;
- Hold parent-teacher conferences during these conferences, this compact will be discussed as it relates to your child's academic achievement;
- Provide parents with frequent reports on their child's progress;
- Provide parents reasonable access to staff; and
- Provide parents with opportunities to volunteer and participate in their child's class and to observe classroom activities.
- Ensure regular two-way, meaningful communication between parents and family members and school staff, and, to the extent practicable, in a language that the parents and family members can understand

**Parents' Responsibilities**

We, as parents, will support our children's learning in all of these equally important ways:

- Monitor my child's attendance;
- Make sure that homework is completed;
- Limit amount of daily recreation screen time;
- Volunteer in my child's school when possible;
- Participate in decisions regarding my children's education;
- Promote positive use of my child's extracurricular time; and
- Stay informed about my child's education and communicate with the school regularly.

**Student Responsibilities**

As a student, I will share the responsibility to improve my grades, and agree to:

- Give to my parents all notices and information received by me from my school every day.
- Do homework every day and ask for help when needed;
- Read at least 20 minutes a day outside of school.

School: Date: Parent Signature: Date: Student Signature: Date:

Adopted: 2/7/17



## Part 100 Regulations

### 100.11 Participation of parents and teachers in school-based planning and shared decisionmaking

[Disclaimer](#) | Current through December 31, 2009

a. <a href="#">Purpose</a>	d. <a href="#">Board of Education or BOCES responsibilities</a>	g. <a href="#">Excellence and accountability pilot district program</a>
b. <a href="#">District plan</a>	e. <a href="#">Appeals to the commissioner</a>	h. <a href="#">Collective bargaining agreement</a>
c. <a href="#">Specifications of plan</a>	f. <a href="#">Review of plan</a>	

#### 100.11 Participation of parents and teachers in school-based planning and shared decisionmaking.

- a. Purpose. The purpose of school-based planning and shared decision making shall be to improve the educational performance of all students in the school, regardless of such factors as socioeconomic status, race, sex, language background, or disability.
- b. By February 1, 1994, each public school district board of education and each board of cooperative educational services (BOCES) shall develop and adopt a district plan for the participation by teachers and parents with administrators and school board members in school-based planning and shared decisionmaking. Such district plan shall be developed in collaboration with a committee composed of the superintendent of schools, administrators selected by the district's administrative bargaining organization(s), teachers selected by the teachers' collective bargaining organization(s), and parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by school-related parent organizations, provided that those portions of the district plan that provide for participation of teachers or administrators in school-based planning and shared decisionmaking may be developed through collective negotiations between the board of education or BOCES and local collective bargaining organizations representing administrators and teachers. In the City School District of the City of New York, the superintendent of each community school district, of each district that reports directly to the chancellor and of each high school superintendency shall develop such district plan in collaboration with a committee composed of administrators selected by the district's administrative bargaining organization(s), teachers selected by the teachers' collective bargaining organization(s), and parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by school-related parent organizations. Members of community school boards may be members of such committees. For the purpose of this subdivision, school-related parent organization means a nonprofit organization of parents of children attending the schools of the school district whose purposes include the promotion of parental involvement in public education and that is chartered or incorporated under the laws of New York, or is affiliated with a statewide or regional parent organization that is so chartered or incorporated or is an unincorporated association authorized to do business under an assumed name in New York. In districts in which teachers or administrators are not represented by a collective bargaining organization or there are no school-related parent organizations, teachers, administrators and/or parents shall be selected by their peers in the manner prescribed by the board of education or BOCES to participate in the development of such district plan. In the City School District of the City of New York, the superintendent of each community school district, of

each district that reports directly to the chancellor and of each high school superintendency shall develop a plan in the manner prescribed by this subdivision, and each such plan shall be incorporated into a plan by the central board of education, which plan shall comply with this section.

c. The plan for participation in school-based planning and shared decisionmaking shall specify:

1. the educational issues which will be subject to cooperative planning and shared decisionmaking at the building level by teachers, parents, administrators, and, at the discretion of the board of education or BOCES, other parties such as students, school district support staff, and community members;
2. the manner and extent of the expected involvement of all parties;
3. the means and standards by which all parties shall evaluate improvement in student achievement;
4. the means by which all parties will be held accountable for the decisions which they share in making;
5. the process whereby disputes presented by the participating parties about the educational issues being decided upon will be resolved at the local level; and
6. the manner in which all State and Federal requirements for the involvement of parents in planning and decisionmaking will be coordinated with and met by the overall plan.

d.

1. The district's plan shall be adopted by the board of education or BOCES at a public meeting after consultation with and full participation by the designated representatives of the administrators, teachers, and parents, and after seeking endorsement of the plan by such designated representatives. In the city school district of the City of New York, each plan shall be approved by the superintendent pursuant to subdivision (b) of this section after consultation with and full participation by the designated representatives of the administrators, teachers and parents, and after consultation with the members of the board of education of the community school district, and after seeking endorsement of the plan by such designated representatives. The plan shall be made available to the public. Each board of education or BOCES shall file such plan with the district superintendent or, in the case of city school districts having a population of 125,000 inhabitants or more or a BOCES, with the commissioner within 30 days of adoption.
2. Each board of education or BOCES shall submit its district plan to the commissioner for approval within 30 days of adoption of the plan. The commissioner shall approve such district plan upon a finding that it complies with the requirements of this section and makes provision for effective participation of parents, teachers, and administrators in school-based planning and decisionmaking.

e.

1. In the event that the board of education or BOCES fails to provide for consultation with, and full participation of, all parties in the development of the plan as required by subdivisions (b) and (d) of this section, the aggrieved party or parties may commence an appeal to the commissioner pursuant to section 310 of the Education Law. Such an appeal may be instituted prior to final adoption of the district plan and shall be instituted no later than 30 days after final adoption of the district plan by the board of education or BOCES.
2. Any aggrieved party who participated in the development of the district plan may also



appeal to the commissioner pursuant to section 310 of the Education Law from action of the board of education or BOCES in adopting, amending, or recertifying the plan. The grounds for such an appeal may include, but shall not be limited to, noncompliance with any requirement of subdivision (c) of this section and failure to provide within the district plan for meaningful participation in school-based planning and shared decisionmaking within the intent of this section.

- f. The district's "Plan for the Participation by Teachers and Parents in School-Based Planning and Shared Decisionmaking" shall be reviewed biennially by the board of education or BOCES in accordance with subdivision (b) of this section. Any amendment or recertification of a plan shall be developed and adopted in the manner prescribed by subdivision (b) and paragraphs (d)(1) and (2) of this section. The amended plan or a recertification of the previous plan, together with a statement of the plan's success in achieving its objectives, shall be filed with the district superintendent where applicable, and submitted to the commissioner for approval no later than February 1st of each year in which such biennial review takes place, commencing with February 1, 1996, except that in the City School District of the city of New York, the central board of education shall submit any biennial review required during the 1999-2000 school year by September 1, 2000.
- g. Notwithstanding the provisions of subdivisions (b) through (f) of this section, where a district has implemented a plan for participation in school-based planning and shared decisionmaking as of February 1, 1994 through its excellence and accountability pilot district program, such district shall not be required to develop a new district plan pursuant to this section.
- h. A school district or BOCES which has developed or implemented a plan for participation of teachers and/or administrators in school-based decisionmaking as the result of a collective bargaining agreement between the board of education or BOCES and local collective bargaining organizations representing teachers and/or administrators shall incorporate such negotiated plan as a part of the district plan required by this section. The board of education or BOCES shall develop the remainder of the district plan, including the portion relating to parental involvement, in the manner prescribed by subdivision (b) of this section.

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## **VISITORS TO THE SCHOOL**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry and report to the office of the Principal upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
3. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **PUBLIC COMPLAINTS**

Complaints by citizens regarding any facet of the school operation, including but not limited to instruction or personnel, often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. In most instances, therefore, complaints will be made to the Building Principal and/or their 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 (1) of their assistants. Unresolved complaints at the building level must be reported to the Superintendent by the Building Principal. The Superintendent may require the statement of the complainant in writing.

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

## **PARENT-TEACHER ASSOCIATION**

The Board of Education recognizes and supports that the goal of the Parent-Teacher Association is to develop a united effort between educators and the school community to secure for every child the highest achievement in physical, academic and social education. Therefore, staff members and parents are encouraged to join the Parent-Teacher Association and to participate actively in its programs.

Adopted: 11/10/20

## **BOOSTER CLUBS**

### Purpose

The Board of Education recognizes and appreciates the cooperation and support given by booster clubs and parent organizations. The Board of Education, the administration and all other personnel of the district shall each endeavor to foster a positive and productive relationship with booster clubs and parent organizations.

### Title IX

The School District has a responsibility under Title IX to ensure that boys' and girls' programs are provided with equivalent benefits, treatment, services and opportunities regardless of their source. When determining equivalency, benefits, services and opportunities attained through the use of private funds (e.g., "booster clubs"), such funds are considered in combination with all benefits, services and opportunities.

Private fundraising, including student-initiated fundraising, is permissible under Title IX. Further, compliance with Title IX does not mean that teams must "share" proceeds from fundraising activities. It does, however, place a responsibility on the District to ensure that benefits, services, treatment and opportunities overall, regardless of funding sources, are equivalent for male and female athletes.

In accordance with the Office for Civil Rights, in order for the District to be in continuing compliance with Title IX requirements, the District must assure that services, benefits and opportunities in its athletic programs are provided on an equivalent basis to both boys and girls, including those services, benefits and opportunities that are provided through the use of outside financial assistance such as donations, fundraising by coaches, and booster clubs or other related organizations.

### Guidelines

While booster clubs and parent organizations are not controlled by the District, in order for this process to flow appropriately, the following guidelines are put in place by the Board:

### Organization

1. The Board shall provide booster clubs and parent organizations opportunities to support local school athletic, extracurricular, and student club efforts. Each booster club and parent organization must maintain current by-laws. Booster clubs and parent organizations shall also follow the district policies and Code of Conduct regulations when engaging in events on school property.

(Continued)

### **BOOSTER CLUBS (cont'd)**

2. The district's Athletic Director or Superintendent's designee shall be the administrative contact for booster clubs and parent organizations that support district athletic programs.
3. Building principals shall be the administrative contact for building-based booster clubs and parent organizations that support district extracurricular and student club activities. The Superintendent shall designate the administrative contact for all nonathletic district-wide booster clubs.
4. Each booster club and parent organization shall yearly submit a listing of its officers to the appropriate district administrative contact after the annual organizational meeting of the booster club or the parent organization.

#### Other Guidelines and Restrictions

1. District students are not eligible for membership in booster clubs or parent organizations.
2. When using any school facility for meetings, fundraising, socials, banquets, and other activities, booster clubs and parent organizations must make a request in writing as per Board Policy 3280 "Community Use of School Facilities."
3. Booster clubs and parent organizations are not permitted to use the district's marks (name, mascot or logo) without license or express permission granted in writing by the Superintendent. If an organization desires to use a mark other than the designated district mark for use by the club or organization on merchandise or for any other reason, such use must be approved in writing by the Superintendent.

#### Financial Records

1. All booster clubs and parent organizations must elect or otherwise designate a Treasurer.
2. Financial records must be maintained and made available, upon request, for Board and/or public inspection;
3. The organization must have its own tax identification number and may not use the school district's tax identification number.

#### Concerns

Concerns or issues of individual members of booster clubs regarding the organization should be made to the organization's officers. If the member has a concern that relates to how the booster club interacted with the District, the member should contact the designated contact as described above.

#### Fundraising

1. All fundraising activities shall comply with Policy #7450 "Fundraising by Students."
2. Parents/Guardians should be given the option to participate, donate money of equal value, or not participate in any fundraiser. In other words, mandatory fundraisers are not permitted.

(Continued)

## **BOOSTER CLUBS (cont'd)**

### Improvements to the District Buildings and Grounds

Any improvement to the district's buildings and grounds is ultimately the decision of the Board of Education. A booster club or parent organization who wishes to propose an improvement to the district's buildings and grounds must first present their proposal to the Superintendent. Any improvements will be done by the Board of Education through the acceptance of a gift or donation in accordance with policy 5230 "Gifts, Grants and Donations to the School District."

### Recognition Functions (Banquets)

Each booster club or parent organization may sponsor athletic, extracurricular, or club banquets to which all participating students shall be invited either with or without charging admission to such students. All banquets must be approved by the Superintendent and/or their designee.

### Printed Programs

Booster clubs and parent organizations which print programs for any reason shall follow the procedures as outlined in the administrative regulation related to this policy in regard to such printed programs.

### Expenditures for Equipment, Supplies, Etc.

1. All game uniforms shall be purchased by the district.
  - a. The "game uniform" includes any clothing that is worn during the athletic contest and that:
  - b. Displays the school colors or logo (except shoes) and
  - c. Is purchased by the district and
  - d. Is intended to be collected by the school at the conclusion of the season.
2. Any ancillary gear and apparel such as coaching aid equipment items, bags, totes, pre-game warm-ups, sweatshirts, etc., purchased by booster clubs, parent organizations, corporate sponsors, or other non-school sanctioned entities to the district for use by the district team or student club must meet NYSPHSAA rules and guidelines and be approved by the Board of Education in accordance with paragraph 3 below before they can be utilized by the students.
3. Items purchased or donated by an outside organization must meet the criteria as established in Policies 3271 "Solicitation of Charitable Donations from School Children," 3272 "Advertising in the Schools" and 5230 "Gifts, Grants and Donations to the School District .

### Disbanding Booster Clubs or Parent Organizations

A booster club or parent organization may disband on its own accord by submitting a written notice to the designated administrative liaison. All monies remaining in the organization's account must be handled appropriately by the organization. This may include donating the money to the Board of Education.

(Continued)

### **BOOSTER CLUBS (cont'd)**

#### Compliance

1. Violation of Board policy, Board administrative regulation, Title IX of the U.S. Code, as well as any other applicable state or federal laws and regulations may lead to revocation of a booster club's or parent organization's function in district activities.
2. Should any issues of compliance regarding this or other district policy or administrative regulation emerge between a booster club or parent organization and the district, the Superintendent shall resolve the situation.
3. The Board retains final responsibility and authority for the management and operations of school-sponsored activities and curriculum.

Adopted: 3/8/22



## **USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT**

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

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and loaned to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations.

Education Law Section 414

## **SOLICITATION OF CHARITABLE DONATIONS FROM 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 reserves the right to determine 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.

8 New York Code of Rules and  
Regulations (NYCRR) Section 19.6  
New York State Constitution Article VIII,  
Section 1 Education Law Section 414

NOTE: Refer also to Policies #7450 – Fund Raising by Students #3272 Advertising in the Schools

Adoption Date: 3/9/21

### **ADVERTISING IN THE SCHOOLS**

School facilities, staff, and school children shall not be employed in the schools in any manner for advertising or otherwise promoting on school property any commercial, political, or non-school agency, individual, or organization, except as approved by the Superintendent of Schools and:

- 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 Section 19.6 of the Rules of the Board of Regents;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent of Schools may, at their 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 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 Ontario Central School District except as authorized by law or the Commissioner's Regulations.

Canvassing, soliciting of funds or selling of any items by any outside agency shall not be permitted on the school premises. School personnel may not participate, during school hours or on school grounds, in the solicitation of orders, the distribution of advertising materials, or the collection of charges. The Superintendent is authorized to issue a list of suggested vendors to meet district-prescribed standards, e.g., for photographs or musical instruments, while allowing parents to make their own arrangements on any terms they wish, where the arrangement does not involve the use of school personnel.

A commercial photographer who is taking school photographs on school premises for a school purpose may advise students, by means of a card, brochure or other appropriate device, that copies may be purchased directly from the photographer. The solicitation of orders for and the sale of class rings or other commemorative items on school premises is permissible if authorized by the Board of Education, if all prospective vendors are given full and equal opportunity to compete, and if students are fully involved in the promotion and sale of such rings.

The Superintendent is hereby granted the authority to approve activities, in cooperation with any individual or organization, which are of general public interest and which promote the education or other best interests of the students. Exhibitions in schools of any books, articles, apparatus, films, or other educational material shall be judged on the basis of their actual educational values.

Contracts which purport to authorize private individuals or corporations to promote the sale of products and services through commercial advertisements aimed at public school students are expressly prohibited.

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**ADVERTISING IN THE SCHOOLS (cont'd)**

Nothing in this policy shall be construed to limit the authority of the Board under law to authorize the broadcast of high school games and other events by radio and TV stations even though the broadcast is commercially sponsored.

Ref: New York State Constitution Article 8 §1  
Education Law §414  
8 NYCRR Section 19.6 Part 23  
Arts and Cultural Affairs Law §61.09  
*Matter of Gary Credit Corp.*, 26 EDR 414 (1987)  
*Matter of Gary Credit Corp.*, 25 EDR 385 (1986)  
*Matter of Taftegaard*, 25 EDR 238 (1986)  
*Matter of Taftegaard*, 23 EDR 405 (1984)  
*Matter of Hoyt*, 20 EDR 316 (1980)  
*Matter of Puls*, 17 EDR 324 (1978)  
*Matter of Gordon*, 14 EDR 358 (1975)

Adoption date: 3/9/21

### **SOLICITING FUNDS FROM 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.

Community Relations

**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES**

While the district's school buildings and grounds are maintained primarily for the purpose of educating students within the district, the Board of Education recognizes that the buildings and grounds are a valuable community resource and believes that this resource should be available to the community for specific uses that will not interfere with educational activities and do not conflict with the District's policies, vision, and mission. This policy is intended to identify the uses that community groups may make of those facilities.

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 and for the registration of voters.
- 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.

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 of 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.

(Continued)

Community Relations

**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (cont'd)**

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. 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 costs of heat, electricity, maintenance, custodial services 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 10 days in advance of the requested use. The district retains the further right to waive user fees for groups that are associated with or sponsored by the district.
- c. 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 in accordance with paragraph C above. Only authorized personnel shall operate district equipment.
- d. Use of district facilities will only be permitted where the organization provides the district timely evidence of adequate insurance coverage (\$1,000,000 minimum) 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.
- e. 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 any 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 Constitutions;
  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. 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;
  6. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
  7. For any use prohibited by law.

(Continued)

Community Relations

**SUBJECT: COMMUNITY USE OF SCHOOL FACILITIES (cont'd)**

Application Procedure for Use of District Facilities

- a. All applications for use of school facilities shall be made in writing and submitted to the Assistant Superintendent for Business at least 30 days prior to the date of the requested use. A use permit application is available in each school and in the Business Office. The District retains the right to reduce the 30 day prior notice requirement.
- b. The applicant must clearly and completely describe the intended use of the district facility in the application.
- c. 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.
- d. All applicants must agree to assume responsibility for all damages resulting from its use of district facilities. Proof of adequate insurance must be provided by the applicant at least 10 days before the date of the requested use.
- e. Permits shall be valid only for the facility, use, dates and time specified in the permit. No adjustment to the permit is allowed except with the prior written approval of the Superintendent. Permits shall not be transferable.
- f. The Assistant Superintendent for Business is authorized to alter or cancel any permit if it becomes necessary to use the facility for school purposes or for other justifiable reason.
- g. 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.
- h. Issuance of a permit shall not limit the right of access to the facility by district staff.
- i. If the Assistant Superintendent for Business denies an application, the applicant may appeal to the Board of Education.

\*In the event of an austerity budget, use of facilities will be restricted to accommodate budgetary restraints.

Education Law Section 414

Adopted: 2/24/15



## **USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT**

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

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and loaned to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations.

Education Law Section 414

**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 when authorized for school functions or purposes.

Student vehicles must be parked in authorized areas only.

Add: areas except for authorized areas

Vehicle and Traffic Law Section 1670

## **SCHOOL DISTRICT RECORDS**

### **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 Section 87.

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 accept request for records submitted in the form of electronic mail.

The District shall respond to a request within five (5) business days of the receipt of a request. Should all or part of the request need to be denied, the District shall respond in the manner set forth by the rules and regulations stipulated by the Committee on Open Government.

### **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 website, 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.

The District shall respond to a request within five (5) business days of the receipt of a request. Should all or part of the request need to be denied, the District shall respond in the manner set forth by the rules and regulations stipulated by the Committee on Open Government.

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.

### **School District Records Management**

It is the policy of the Board of Education to inform members of the public about the administration and operation of the public schools in accordance with the Freedom of Information Law of the State of New York.

(Continued)

### **SCHOOL DISTRICT RECORDS (cont'd)**

The Superintendent of Schools shall develop regulations ensuring compliance with the Freedom of Information Law and setting forth the procedures to be followed to obtain access to district records. Such regulations shall address ensuring applicable confidentiality and security of district information. The Superintendent shall designate, with Board approval, a Records Access and Records Management Officer, pursuant to law.

#### **Retention and Destruction of Records**

The Board hereby adopts the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

The manner of destruction will be determined by the format of the record (i.e., paper, digital, etc.). In addition, destruction will be appropriately documented.

#### **Litigation-Hold**

The Superintendent will establish procedures in the event that the school district is served with legal papers. The Superintendent will communicate with applicable parties, including the school attorney and the records management official, to ensure that, when appropriate, a litigation-hold is properly implemented. The litigation-hold is intended to prevent the destruction or disposal of records that may need to be produced as part of discovery. It is the intention of the Board of Education to comply with applicable rules and regulations regarding the production of necessary documents, data, files, etc. The Board directs the Superintendent to institute such procedures to implement this policy.

The Superintendent or his/her designee, with assistance from the Records Management Officer, shall be responsible for developing and disseminating department-specific retention schedules and guidance to staff, as necessary, to ensure adherence to this policy.

Public Officers Law Sections 84 et seq.  
Education Law Section 2116  
Public Officers Law Section 87 and 89  
21 New York Code of Rules and Regulations (NYCRR) Parts 1401 and 9760

**Cross-ref:** 5672, Computer Resources and Data Management

**Ref:** Public Officers Law §84 *et seq.* (Freedom of Information Law); Education Law §2116  
Arts and Cultural Affairs Law §57.11; Arts and Cultural Affairs Law Article 57-A (Local  
Government Records Law); Federal Rules of Civil Procedure, 16, 26  
8 NYCRR Part 185 (Appendix I) – Records Retention and Disposition  
Schedule ED-1

Adopted: 2/1/22

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 3310R

Date: 2/22/22

## School District Records

It is recognized that the confidentiality of student records must be maintained. The terms used in this regulation are defined in the accompanying policy. The following necessary procedures have been adopted to protect the confidentiality of student records.

Section 1. Pursuant to the Family Educational Rights and Privacy Act (FERPA) and state law it is the policy of this school district to permit parents/guardians and eligible students to inspect and review any and all official records, files and data directly related to that student, including all materials that are incorporated into each student's cumulative record folder.

The rights created by FERPA and state law transfer from the parents/guardians to the student once the student attains eligible student status. However, districts can disclose information to parents of eligible students under certain circumstances, including when the student is a dependent under the IRS tax code, when the student has violated a law or the school's rules regarding alcohol or substance abuse (and the student is under 21); when the information is needed to protect the health or safety of the student or other individuals.

Section 2. Parents/guardians or the eligible student will have an opportunity for a hearing to challenge the content of the student's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Section 3. A letter will be sent annually to parents/guardians of students currently in attendance and students currently in attendance informing them of their rights pursuant to FERPA and state law, and will include a Parents' Bill of Rights. See Exhibits 5500-E.1 and 8635-E. The district will effectively notify parents, guardians and students who have a primary or home language other than English.

Section 4. To implement the rights provided for in sections 1 and 2, the following procedures are adopted:

1. A parent/guardian or an eligible student who wishes to inspect and review student records must make a request for access to the student's school records, in writing, to the Building Principal. Upon receipt of such request, once the district verifies the identity of the parent/guardian or eligible student, arrangements will be made to provide access to such records within 45 days after the request has been received. If the record to which access is sought contains information on more than one student, the parent/guardian or eligible student will be allowed to inspect and review only the specific information about the student on whose behalf access is sought.

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- a. Before providing access to student records, the district will verify the identity of the parent/guardian or eligible student.
  - b. The district may provide the requested records to the parent/guardian or eligible student electronically, as long as the parent/guardian or eligible student consents. The district will transmit PII electronically in a way that maintains its confidentiality, using safeguards such as encryption and password protection.
2. A parent/guardian or an eligible student who wishes to challenge the contents of the student's school records must submit a request, in writing, to the Building Principal identifying the record or records which they believe to be inaccurate, misleading or otherwise in violation of the privacy or other rights of the student together with a statement of the reasons for their challenge to the record.
3. Upon receipt of a written challenge, the Building Principal will provide a written response indicating either that they:
  - a. finds the challenged record inaccurate, misleading or otherwise in violation of the student's rights and that the record will be corrected or deleted; or
  - b. finds no basis for correcting or deleting the record in question, but that the parent/guardian or eligible student will be given an opportunity for a hearing. The written response by the Building Principal will be provided to the parent/guardian or eligible student within 14 days after receipt of the written challenge. The response will also outline the procedures to be followed with respect to a hearing regarding the request for amendment.
4. Within 14 days of receipt of the response from the Building Principal, a parent/guardian or eligible student may request, in writing, that a hearing be held to review the determination of the Building Principal.
5. The hearing will be held within 10 days after the request for the hearing has been received. The hearing will be held by the Superintendent of Schools, unless the Superintendent has a direct interest in the outcome of the hearing, in which case the Superintendent will designate another individual who does not have a direct interest in the outcome of the hearing to hold the hearing.
6. The parent/guardian or eligible student will be given a full and fair opportunity to present evidence at the hearing. The parent/guardian or eligible student may, at their own expense, be assisted or represented by one or more individuals of their own choice, including an attorney.
7. The Superintendent or other individual designated by the Superintendent will make a decision in writing within 14 days after the hearing.
8. After the hearing, if the Superintendent or the individual designated by the Superintendent decides not to amend the record, the district will inform the parent/guardian or eligible student that they have the right to place a statement in the record commenting on the contested information or stating why they disagree with the decision of the district. Any statement placed in the record will be

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maintained with the contested part of the student record for as long as the record is maintained. Further, the statement will be disclosed by the district whenever it discloses the portion of the record to which the statement relates.

Section 5. Except to the extent that FERPA authorizes disclosure of student records without consent, student records, and any material contained therein which is personally identifiable, are confidential and will not be released or made available to persons other than parents/guardians or eligible students without the prior written consent of the parents/guardians or eligible student.

Exceptions to FERPA's prior consent requirement include, but are not limited to disclosure:

1. To other school officials within the district who have been determined to have legitimate educational interests.
2. To officials of another school, school system or post secondary institution where the student seeks or intends to enroll.
3. To authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, the U.S. Attorney General, or state and local education authorities in connection with an audit or evaluation of a federal- or state-supported education program or in compliance with legal requirements related to those programs.
4. In connection with the student's application for or receipt of financial aid.
5. To state and local officials or authorities in compliance with state law that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are being released.
6. To organizations conducting studies for, or on behalf of, education agencies or institutions, in order to develop tests, administer student aid, or improve instruction.
7. To accrediting organizations to carry out their accrediting functions.
8. To parents of a dependent student, as defined by the Internal Revenue Code.
9. To comply with a judicial order or lawfully issued subpoena, including ex parte court orders under the USA Patriot Act. Prior to complying with a judicial order or subpoena, the district will make a reasonable effort to notify the parent/guardian or eligible student, unless the district has been ordered not to disclose the existence or content of the order or subpoena, or unless the parent is the subject of a court proceeding involving child dependency or child abuse and neglect matters, and the order is issued in context of that proceeding.
10. In connection with a health or safety emergency, the district will disclose information when, taking into account the totality of circumstances, a determination is made that there is an articulable and significant threat to the health or safety of the student or other individuals.
11. To teachers and school officials in other schools who have legitimate educational interests in the behavior or the student when the information concerns disciplinary action taken

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- against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
12. To provide information that the district has designated as “directory information.”
  13. To provide information from the school’s law enforcement unit records.
  14. To a court, when the district is involved in legal action against a parent or student, those records necessary to proceed with the legal action.
  15. To the U.S. Secretary of Agriculture, its authorized representatives from the Food and Nutrition Service, or contractors acting on its behalf, to monitor, evaluate and measure performance of federally-subsidized school food programs, subject to certain privacy protections.
  16. To any caseworker or representative of a state or local child welfare agency or tribal organization who has the right to access a student’s case plan, where the agency or organization is legally responsible for the care and protection of that student, not to be redisclosed except as permitted by law.

The district will use reasonable methods to provide access to student educational records to only those authorized under the law and to authenticate the identity of the requestor. The district will use an array of methods to protect records, including physical controls (such as locked cabinets), technological controls (*include those that are applicable:* such as role-based access controls for electronic records, password protection, firewalls, encryption), and administrative procedures. The district will document requests for and release of records, and retain the documentation in accordance with law.

If the district enters into a contract with a third party that calls for receipt of student PII by the contractor, the agreement will include a data security and privacy plan that includes a signed copy of the Parents’ Bill of Rights and addresses the following, among other contractual elements:

1. training of vendor employees regarding confidentiality requirements;
2. limiting access to PII to those individuals who have a legitimate educational interest or need access to provide the contracted services;
3. prohibiting the use of PII for any other purpose than those authorized under the contract;
4. prohibiting the disclosure of PII without the prior written consent of the parent/guardian or eligible student, unless it is to a subcontractor in carrying out the contract, or unless required by statute or court order, in which case they must provide notification to the district (unless notice is prohibited by the statute or court order);
5. maintaining reasonable administrative, technical and physical safeguards to protect PII;
6. using encryption technology to protect PII while in motion or in its custody to prevent unauthorized disclosure;
7. breach and notification procedures.



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The district will, via written agreements, designate authorized representatives who have access to educational records. The written agreement will specify how the work falls within the exception, what personally identifiable information is to be disclosed, how the educational record will be used, and that the records will be destroyed by the authorized representative once they are no longer needed for that purpose or the agreement expires.

Section 6. Whenever a student record or any material contained therein is to be made available to third persons, other than those covered by the exceptions authorized by FERPA, the parent/guardian or eligible student must file a written consent to such action. The written consent must specify the records to be released, the reasons for such release, and to whom. If the parent or eligible student so requests, the district will provide them with a copy of the records disclosed. In addition, if the parent of a student who is not an eligible student so requests, the district will provide the student with a copy of the records disclosed.

Section 7. Unless specifically exempted by FERPA, all persons requesting access to such records will be required to sign a written form which indicates the legitimate educational interest that such person has in inspecting the records. Such form will be kept with the student's file and will be maintained with the student's file as long as the file is maintained.

### Additional Rights Under New York State Law Related to the Protection of Student Data and Third Party Contractors

New York State Law offers parents additional rights beyond FERPA in regard to third party contractors and student PII. The district will post on its website and distribute a 'Parents' Bill of Rights for Data Privacy and Security.' The 'Parents' Bill of Rights' will establish the following:

- Educational purpose: The use of student personally identifiable information (PII) is for educational or related purposes only.
- Transparency: Disclosure of third party contracts and their privacy provisions.
- Authorization: Assurance that proper authorization will be secured prior to the release of PII.
- Security: A description of the measures in place to protect PII, without compromising the security plan.
- Data Breach Notification: An explanation of the procedures in the event of a data breach.
- Complaint Procedure: The district offers a complaint procedure in the event that a parent suspects a breach of student data by a third party contractor and provides information about

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lodging a complaint with the New York State Education Department's Chief Privacy Officer.

See policy 8635 (and regulation 8635-R), Information and Data Privacy, Security, Breach and Notification for more information on data security and breaches of PII, and 8635-E for the Parent's Bill of Rights for Data Privacy and Security.

## Retention and Disposition of Student Records

The Board has adopted the Records Retention and Disposition Schedule ED-1 issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, which contains the legal minimum retention periods for district records. The Board directs all district officials to adhere to the schedule and all other relevant laws in retaining and disposing of student records. In accordance with Article 57-A, the district will dispose of only those records described in the schedule after they have met the minimum retention periods set forth in the schedule. The district will dispose of only those records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the established legal minimum periods.

## **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.

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 has been adopted by the Board of Education only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. 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 and approved 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.

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;

(Continued)

**CODE OF CONDUCT ON SCHOOL PROPERTY (cont'd)**

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

(Continued)

**CODE OF CONDUCT ON SCHOOL PROPERTY (cont'd)**

- o) 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;
- p) 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;
- q) 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.

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  
Policy 7380 Dignity For All Students Act

## Community Relations

**SUBJECT: UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS**

It is a violation of School District Policy and the Code of Conduct for any person to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge upon school grounds or in any District building without the express written authorization of the Superintendent or their designee. Unlawful possession of a weapon upon school grounds may be a violation of the New York State Penal Law, and is a violation of School District policy and the Student Discipline Code of Conduct.

The term "weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or bodily injury.

Additionally, the possession of any weapon, as defined in the New York State Penal Code, on school property or in school buildings is prohibited, except by law enforcement personnel or upon written authorization of the Superintendent/designee.

Penal Law Sections 220.00(14), 265.01, 265.04,  
265.03, 265.05, 265.06, 265.01-a, and 265.01-b

NOTE: Refer also to Policies #7360 -- Weapons in School  
#7361 -- Gun-Free Schools

## 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 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 acts and/or threats of violence, including bomb threats, whether made orally, in writing, by e-mail, or on any social media platform, shall be subject to appropriate discipline in accordance with applicable law, District policies and regulations, as well as the *Code of Conduct*.

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 wellbeing of students, staff and the school environment. Employees and students shall refrain from engaging in threats or physical actions which create a safety hazard for others.

Students, staff and parents shall be encouraged to bring their concerns to any district employee. If a district employee becomes aware of a threat to the school community, the Building Principal shall be informed and they will convene the threat assessment team. The Building Principal may request the participation of the following additional individuals who may have specific knowledge of the potential perpetrator: supervisors, teachers, students and parents. The Building Principal is responsible for keeping the Superintendent informed about the activities of the threat assessment team (Policy 5681, School Safety Plans.)

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 staff, 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, 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.

Ref: Policy 5681, School Safety Plans  
Code of Conduct

Adopted: 9/11/18

## **ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment stands in direct opposition to District policy.

The Board prohibits all forms of discrimination and harassment on the basis of the protected classes described below by all employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board prohibits all forms of discrimination and harassment against employees on the basis of the following protected classes: race, color, creed, religion, national origin, political affiliation, sex, age, marital, military, veteran status, predisposing genetic characteristic, disability, or use of a recognized guide dog, hearing dog or service dog or any other legally protected category.

The Board prohibits all forms of discrimination and harassment against students on any basis, including but not limited to protect classed and others such as: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. Allegations of violations of Policy 7380, Dignity for All Students Act shall be investigated pursuant to the 7380 Regulation.

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

The intent is to provide an environment of mutual respect for all individuals to be free of harassment and intimidation.

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived protected trait which:

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

(Continued)



### **ANTI-HARASSMENT IN THE SCHOOL DISTRICT (cont'd)**

- c) Any student or employee in the School District who wishes to file a complaint regarding discrimination or report discriminatory conduct is encouraged to make such a complaint/report in writing on forms available in any of the school offices. Allegations of Sexual Harassment shall be made under Policy 3421 for Students and Policy 3422 for Employees.

Such communication should be made as soon as possible after the incident in order to enable the District to effectively investigate and resolve the complaint.

When a student or employee has a complaint of discrimination they should refer to and use the Grievance Procedure (found in District Regulation 3420P). However, complaints may be made verbally. In order to assist the investigation, victims should document the discrimination as soon as it occurs and with as much detail as possible including: the nature of the discriminatory behavior, dates, times, places, name of person responsible for the conduct, witnesses, and victim's response to the discriminatory behavior.

In accordance with Regulation 3420P, the District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly. The confidentiality of investigations cannot be guaranteed, but a good faith effort shall be made to maintain confidentiality.

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

(Continued)

## **ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

### 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 harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

### Finding That Harassment Did Not Occur

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

### Knowingly Makes False Accusations

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

### 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.

### Training and Dissemination of Administrative Regulations

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

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

### Complaints to Agencies

The District acknowledges that while it would like employees to raise issues of discrimination pursuant to this Policy so that they can be addressed by it, any student or employee has the legal right to immediately make a complaint to the appropriate governmental entity: An employee may file a complaint with the following agencies:

(Continued)

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004; and the New York State Division of Human Rights at 99 Washington Avenue Albany, New York 12210.

A student may file a complaint with the following agencies:

Federal Office for Civil Rights 26 Federal Plaza New York, New York 10278 ; and the New York State Division of Human Rights at 99 Washington Avenue Albany, New York 12210.

Please take notice that the failure to file a complaint with these agencies within the statutory period may result in the loss of your legal rights.

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

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

Prohibits discrimination on the basis of disability.

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

Prohibits discrimination on the basis of disability.

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

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

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

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

Title IX of the Education

Amendments of 1972, 20 United

States Code (USC) Section 1681 et

seq. Prohibits discrimination on the

basis os sex. Civil Rights Law

Section 40-c.Education Law Section

2801(1) Executive Law Section 290 et

seq. Military Law Sections 242 and

243 NOTE: Refer also to Policies

#3421 -- Sexual Harassment of Students

#3422 --Sexual Harassment of Employees

#7550 --Complaints and Grievances by Employees

#7550 --Complaints and Grievances by Students

#7380 --Dignity For All Students

Adopted: 4/20/22

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Procedure Number: 3420P

Date: 3/17/22

## DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE

### Definitions:

**Grievance:** An issue that reaches Level One Procedure. This issue involves the violation, interpretation, or application of any article of Title VI or Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, the Americans with Disabilities Act of 1990 and/or Section 504 of the Rehabilitation Act of 1973. Complaints involving discrimination on the basis of sex, including sexual harassment, which may involve violation of Title IX, Title VII, or the New York State Human Rights Law, are covered by a separate grievance procedure (3421/3421-R or 3422/3422-R). Complaints by Students in violation of the Dignity for All Students Act are covered by Policy 7380/7380-R.

**Student:** Any person enrolled as a student in any school and/or educational or recreational program authorized by the School District.

**Employee:** Any full time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered to the School District.

**Compliance Officer:** The person designated by the School District Board of Education to coordinate efforts to comply with federal and state discrimination and harassment laws.

The District's current Title VI/VII/IX Compliance Officer is:

Stephanie Laffin  
Assistant Superintendent for Curriculum & Instruction  
Onteora Central School District  
4166 Route 28  
Boiceville, NY 12412  
845-657-6383 x1023  
slaffin@onteora.k12.ny.us

The District's current Section 504/ADA Compliance Officer is:

Amanda Allison  
Director of Pupil Personnel Services  
Phone: 845-657-3320 x 1020  
AAllison@onteora.k12.NY.US

**Superintendent:** The Superintendent of Schools or his/her designated representative.

**Discrimination:** Discrimination includes the use of race, color, weight, creed, national origin, religion, religious practice, ethnic group, political affiliation, gender (including gender identity or expression and nonconformity to gender stereotypes), sex, sexual orientation, age, disability or other legally protected category as a basis for treating another in a negative manner.

Discrimination also encompasses harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Procedure Number: 3420P

Date: 3/17/22

## DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE

### Level One (1) Procedure:

#### 1. Student, Employee, and/or Third Party

a. Any student or employee in the School District, as well as any third party, who wishes to file a grievance (complaint) regarding discrimination is encouraged to make such a request in writing on forms available in any of the school offices. Such forms must be forwarded to the appropriate Compliance Officer. However, nothing herein shall prevent an individual from making a verbal complaint of discrimination.

#### 2. Compliance Officer

a. The Compliance Officer shall initiate and coordinate a thorough and impartial investigation and shall review any evidence that has been presented, and attempt to meet with the student or employee and any named witnesses. The Compliance Officer will also attempt to meet with any individual that the Compliance Officer believes will aid in the investigation.

b. Within sixty (60) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that discrimination based on the grievant's membership in a protected category has or has not occurred and shall inform the grievant and the alleged offender in writing of the outcome of the investigation. (Should the Compliance Officer be unable to render their decision in the specified amount of time, the Compliance Officer shall notify the grievant and the alleged offender of such delay). In the event the Compliance Officer finds that there has been a violation, s/he shall propose a resolution of the complaint.

### Level Two (2) Procedure:

If the grievant or alleged offender is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant or alleged offender may, within thirty (30) days after s/he has been notified of the Compliance Officer's findings and/or proposed resolution, file a written request for review by the Superintendent of Schools

The Superintendent of Schools may request that the grievant, alleged offender, the Compliance Officer, student, third party or any member of Onteora's staff present a written statement setting forth any information that such person has relative to the grievance and the facts surrounding it.

Within thirty (30) days from the date a review was requested, the Superintendent shall render their determination in writing. (Should the Superintendent be unable to render their decision in the specified amount of time, the Superintendent shall notify the grievant or alleged offender of such delay). Such determination shall include a finding that there has or has not been discrimination based on the grievant's membership in a protected category, and/or a proposal for equitably resolving the grievance. The grievant and the alleged offender shall be informed of the outcome of the Superintendent's determination.

The District acknowledges that while it would like students and employees to raise issues of discrimination pursuant to this Regulation so that they can be addressed by it, any employee or student has the legal right to immediately make a complaint to the appropriate governmental entity.

An employee may file a complaint with the following agencies:

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Procedure Number: 3420P

Date: 3/17/22

## DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE

Street, 5th Floor, New York, New York 10004; the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210; or the United States Department of Education, Office for Civil Rights at 32 Old Slip, 26<sup>th</sup> Floor, New York, New York 10005.

A student may file a complaint with the following agencies:

United States Department of Education, Office for Civil Rights at 32 Old Slip, 26<sup>th</sup> Floor, New York, New York 10005; and the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210.

Please take notice that the failure to file a complaint with these agencies within the statutory period may result in the loss of your legal rights.

### Prevention and Correction

The District will take all necessary steps to prevent discrimination and harassment in all forms. If the grievance process concludes in a finding of discrimination or harassment, the District will take all necessary steps to correct any discriminatory effects and prevent the reoccurrence of any discrimination or harassment.

### Non-Retaliation

The District prohibits any retaliatory behavior, including, but not limited to intimidation, reprisal, and harassment, directed against grievants and/or witnesses in an investigation pursuant to this grievance procedure. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that the grievant and/or witnesses have not suffered retaliation.

### Confidentiality

The confidentiality of investigations cannot be guaranteed, but a good faith effort shall be made to maintain confidentiality.

## **SEXUAL HARASSMENT OF STUDENTS**

The Board of Education recognizes that harassment of students on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression is unacceptable behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program. The District shall appoint one or more Title IX Coordinators each year and provide the Title IX Coordinator's contact information in the regulation that accompanies this policy (3421-R).

Sexual harassment is covered by a number of laws including Title IX and New York State Law and the Dignity for All Students Act. Accordingly, each incident will be evaluated by the Title IX Coordinator. The Complainant shall have the right to determine how they want to proceed. Even if a Complainant chooses not to pursue a Title IX complaint, the District has the right to pursue the matter through its Code of Conduct and Policies and Procedures.

Title IX applies to situations in which the district exercises substantial control over both the respondent (i.e. the person accused of sexual harassment) and the context (e.g. the school setting, a school field trip or an off-campus school event in the United States) in which the sexual harassment occurred.

Pursuant to Title IX sexual harassment is defined as:

- An employee of a district conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct which a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or
- Sexual assault, dating violence, domestic violence, and stalking as defined under the Clery Act and the Violence Against Women Act.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or

(Continued)

**SEXUAL HARASSMENT OF STUDENTS (cont'd)**

physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (3421R).

The Board is committed to providing an educational environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when harassment is done by electronic means (including on social media). Sanctions will be enforced against all those who engage in sexual harassment or retaliation, and against district personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

The District does not discriminate on the basis of sex in the educational programs or activities that it operates. In addition, pursuant to Title IX the District is required to not discriminate on the basis of sex.

In order for the Board to effectively enforce this policy and to take prompt both corrective and supportive measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District shall have actual knowledge when any school employee: (1) witnesses sexual harassment first hand; (2) hears about an allegation of sexual harassment from any source; or (3) receives a complaint about sexual harassment by any means (e.g. written, verbal, electronic). The District's Title IX Coordinator shall be informed immediately.

To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

(Continued)



**SEXUAL HARASSMENT OF STUDENTS (cont'd)**

If, after appropriate investigation, the district finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and laws.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. If Title IX regulations change, the regulations will default to the requirements under the law. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy, or a simplified version, will be posted in a prominent place in each district facility, on the district's website, and will also be published in other appropriate school publications.

Cross-ref: 7380 Dignity for All Students

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.* Education Law §§10-18 (The Dignity for All Students Act)

*Davis v. Monroe County Board of Education*, 526 U.S. 629, 652

(1999) *Gebser v. Lago Vista Independent School District*, 524 U.S.

274 (1998) *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60

(1992) *Cannon v. University of Chicago*, 441 U.S. 677 (1979)

Office for Civil Rights *Revised Sexual Harassment Guidance* (January 19,

2001) Office for Civil Rights, *Dear Colleague Letter: Bullying* (October 26, 2010)

Adoption date: 4/20/22

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 3421R

Date: 3/17/22

## SEXUAL HARASSMENT OF STUDENTS REGULATION

This regulation is intended to create and preserve an educational environment free from unlawful sexual harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression, in furtherance of the district's commitment to provide a healthy and productive environment for all students that promotes respect, dignity and equality. Sexual harassment is defined in the accompanying policy.

### Unacceptable Conduct

School-related conduct that the district considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc., or when accompanied by implied or overt threats concerning the target's school evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "pantsing" or "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory or imply sexual motives or intentions;

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9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
11. other hostile actions taken against an individual because of that person's actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's school area or equipment; sabotaging that person's school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to participate in school functions and activities; and
12. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
  - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
  - b. ostracizing or refusing to participate in group activities with an individual (for example, during class projects, physical education classes or field trips) because of the individual's actual or perceived sex, sexual orientation, and/or gender identity or expression;
  - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

For purposes of this regulation, action or conduct will be considered "unwelcome" if the student did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when the harassment is done by electronic means (including on social media).

Sexual harassment is defined differently by different laws. Accordingly, any complaint of sexual harassment that does not meet the jurisdiction of Title IX may still be addressed as sexual harassment but under the District's Code of Conduct and/or New York State law.

### Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the definitions of sexual harassment as outlined in the policy and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment under a specific federal or state law. If the behavior doesn't rise to the level of sexual harassment under the law, but is found to be objectionable behavior, the behavior may

# ONTEORA CENTRAL SCHOOL DISTRICT

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## SEXUAL HARASSMENT OF STUDENTS REGULATION

be addressed under other components of the Code of Conduct and, when appropriate the individual will be educated and counseled in order to prevent the behavior from continuing.

For example, an allegation that if taken as true is not severe, pervasive, and objectively offensive or that does not fall under the jurisdiction of Title IX, may still be a violation of sexual harassment. Such a complaint will be investigated at the building level.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the following may be considered:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from their education or altered the conditions of the student's learning environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the target of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based discrimination.

### Reporting Complaints

Students who believe they been the target of sexual harassment related to the school setting are encouraged to report complaints to the Title IX coordinator as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student is required under the law to report the incident or behavior to the district, via the Building Principal/Department Head who will contact the Title IX Coordinator or directly to the District's Title IX Coordinator.

The Title IX Coordinator is:

Stephanie Laffin

Assistant Superintendent for Curriculum & Instruction

Onteora Central School District

4166 Route 28

Boiceville, NY 12412

845-657-6383 x1023

slaffin@onteora.k12.ny.us

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 3421R

Date: 3/17/22

## SEXUAL HARASSMENT OF STUDENTS REGULATION

The District is obligated to act once it has actual knowledge of an allegation in violation of Title IX. Accordingly, the Title IX Coordinator must be immediately informed. The student target will meet with the Title IX Coordinator for several reasons: (1) to receive any reasonable supportive measures; (2) to be informed of the District's Title IX policy, including their right to file a formal complaint;; and (3) to learn how to file a formal complaint. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally. However, the target must formalize their complaint in order for it to be investigated under Title IX.

Complaints should be filed with the Principal or the Title IX coordinator; however, students may go to any district employee with sexual harassment complaints.

Any school employee who receives a complaint of sexual harassment from a student must inform the student of the employee's obligation to report the complaint to the school administration, and must then immediately notify the Title IX coordinator.

In order to assist investigators, targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the target's response to the harassment.

The Title IX coordinator will offer supportive measures which may include a referral of the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.

### Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating formal complaints will discuss confidentiality standards and concerns with all complainants.

If a target, after meeting with the Title IX Coordinator, determines to not file a formal complaint the alleged behavior may still be addressed by the District under its other policies and procedure.

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If a target does file a formal complaint, the following process shall be followed. Please be aware that should the federal regulations under Title IX pertaining to the Title complaint procedures the District shall default to the current law.

### Investigation and Resolution Procedure

#### A. Level One Procedure

If the student target decides to file a formal complaint, the Title IX Coordinator will issue a notice of allegations pursuant to a formal complaint to all parties. In the notice of allegation all parties will be informed that they have a right to an advisor of their choice. In addition, the parties will be advised of the possibility of informal resolution by a trained facilitator. Both parties need to volunteer and give written consent to participate in informal resolution. Informal resolution may not be used with employee-student matters. Informal resolution is not an option after a decision has been made under this policy.

In addition, the Title IX Coordinator will appoint a Title IX investigator. The Title IX investigator shall provide written notice of the investigation.

All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible. There shall be a presumption that the accused is not responsible for the alleged conduct until after a determination is made. No questions or evidence may be permitted that are protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

Immediately, but no later than two working days following receipt of a formal complaint, the Title IX coordinator shall notify the parties, prospective witness, and any individual who may have evidence important to the investigation. The Title IX investigator shall begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Recommend the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, ask the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Request, review, obtain and preserve any evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document

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the conversation. Provide the alleged harasser an opportunity to respond to the charges both verbally and in writing.

5. Inform the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if they make such contact with or retaliate against the target, they will be subject to immediate and/or additional disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint and provide to the parties for review. Each party shall have 10 days to provide a written response to the Title IX investigator. The Title IX investigator will have 10 days to summarize and prepare the final investigation report. The Title investigator will not reach a determination of fault.
8. Involvement and Notification
  - a. Parents/guardians of student targets and accused students will be notified within one school day of allegations that are serious or involve repeated conduct.
  - b. The parents/guardians of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
  - c. If either the target or the accused is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.
  - d. The Title IX investigator will submit a copy of all investigation and interview documentation to the Title IX decision-maker.
  - e. The Title IX decision-maker will report back to both the target and the accused, notifying them in writing, and also in person as appropriate, regarding the decision-makers process for determining the outcome of the investigation, including the question and answer format available to both parties and that the decision maker will share with both parties in writing the questions and answers. Once the question and answer process is completed, the decision maker will make a determination as to fault based upon the preponderance of the evidence standard. The decision maker will notify both parties of the outcome of the investigation and the action necessary to resolve the complaint. For example, if the respondent is found to be responsible for the behavior in violation of the Sexual Harassment Policy, the decision maker will refer the



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matter to a Superintendent's hearing if the behavior could warrant discipline greater than five days suspension. The decision-maker will instruct the parties to report immediately if the objectionable behavior occurs again or if the anyone retaliates against them.

- f. The decision-maker will notify the parties that if they desire further action based on the grounds for appeal set forth below, they may request a level two review by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the New York State Division of Human Rights, or the U.S. Department of Education's Office for Civil Rights.
9. The Decision maker shall create a written documentation of the investigation, kept in a secure and confidential location, shared with the parties simultaneously, containing:
  - a. Identification of the allegations potentially constituting sexual harassment.
  - b. A description fo the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interview with parties and witnesses, site visits, methods used to gather other evidence and the question and answer method used.
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of the code of conduct to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
  - f. The procedures and permissible bases for the complainant and respondent to appeal.
  - g ; and

If the decision maker determines that sexual harassment did occur, based on a preponderance of the evidence, the decision-maker will promptly notify the Superintendent, including but not limited to suspension from school, who will then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law (e.g. 3214 hearing for students).

Where the Title IX coordinator/investigator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Appeals may be made by either the target or the accused on the following grounds and must be submitted in writing to the Superintendent within 10 days of receipt of the written decision:

- Procedural irregularities affected the outcome of the matter



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- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that would affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or was bias.

At anytime during the grievance procedure the Title IX investigator or coordinator determine that the matter does not fall within the jurisdiction of Title IX, they may be mandated to or have the discretion to dismiss the complaint. Mandatory dismissal is for allegation not occurring in an educational program or activity, conduct that does not fall under the Title IX definition of sexual harassment, or conduct that occurred outside the jurisdiction of Title IX. Discretionary dismissal is permitted if the complainant withdraws, the respondent is no longer affiliated with the District, or evidence is unavailable.

### B. Level Two Procedure

The Superintendent will promptly notify the Parties that an appeal has been made. The Superintendent shall review those complaints appealed to the Superintendent following the determination of the decision maker. In the event the complaint of sexual harassment involves the Superintendent or the Superintendent was involved in the level one procedure, the complaint will be filed with or referred to the Board President, who may refer the complaint to a trained investigator not employed by the district for investigation.

The level two review should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

The Superintendent of Schools or outside investigator will review all documentation from the level one investigation and from the decision-maker. The Superintendent or outside investigator may request that the target, alleged harasser, the Title IX investigator, decision-maker, student, non- employee, or any member of the District's staff present a written statement setting forth any information that such person has relative to the complaint and the facts surrounding it or may, in their discretion, decide to speak with any individuals regarding the complaint.

When reviewing cases involving volunteers and non-employees, the investigator shall consider the extent of the District's control and any other legal responsibility the District may have with respect to the conduct of the accused.

If a level two review in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

## **SEXUAL HARASSMENT OF EMPLOYEES**

The Board of Education recognizes that harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees, as well as volunteers) on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression is unacceptable behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in the workplace is essential to ensure a healthy, nondiscriminatory environment in which employees and non-employees can work productively.

### **Definitions of Sexual Harassment**

The District is obligated to follow federal, state, and (where applicable), local laws pertaining to sexual harassment, including Title VII, Title IX and the New York Human Rights Law. Each law has a different definition of sexual harassment. Accordingly, each claim of sexual harassment will be reviewed under each pertinent law to determine whether sexual harassment has occurred. For purposes of this policy, sexual harassment includes harassment on the basis of perceived or self-identified sex, sexual orientation, gender identity and expression, and transgender status.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, sexual orientation, gender identity and expression, and transgender status, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- c. the conduct has the purpose or effect of unreasonably interfering with an employee's or non-employee's work or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

However, under New York State Human Rights Law, sexual harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Rather, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment.

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### **SEXUAL HARASSMENT OF EMPLOYEES (cont'd)**

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation.

#### **Title IX**

The District shall appoint one or more Title IX Coordinators each year and provide the Title IX Coordinator's contact information in the regulation that accompanies this policy (3422-R).

Title IX applies to situations in which the district exercises substantial control over both the respondent (i.e. the person accused of sexual harassment) and the context (e.g. the school setting, a school field trip or an off-campus school event in the United States) in which the sexual harassment occurred.

Pursuant to Title IX Sexual Harassment is defined as:

- An employee of a district conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct which a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or
- Sexual assault, dating violence, domestic violence, and stalking as defined under the Clery Act and the Violence Against Women Act.

The District does not discriminate on the basis of sex in the educational programs or activities that it operates. In addition, pursuant to Title IX the District is required to not discriminate on the basis of sex.

#### **Sexual Harassment Prohibited**

The Board is committed to providing a working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school- sponsored activities, programs and events, including those that take place at locations outside the district, or outside the work setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees and non-employees travel on district business, or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Corrective action will be enforced against all

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### **SEXUAL HARASSMENT OF EMPLOYEES (cont'd)**

those who engage in sexual harassment or retaliation, and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students, employees and non-employees have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the district. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at work due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the district finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and laws. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job-related, or occur in the workplace, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce

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## SEXUAL HARASSMENT OF EMPLOYEES REGULATION

This regulation is intended to create and preserve a working environment free from unlawful sexual harassment on the basis of perceived or self-identified sex, sexual orientation, and/or gender identity and expression, in furtherance of the district's commitment to provide a healthy and productive environment for all employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and “non-employees” (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality. Sexual harassment is defined in the accompanying policy.

### Unacceptable Conduct

Conduct that the district considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for promotions, preferences, favors, selection for job assignments, etc., or when accompanied by implied or overt threats concerning the target's work evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, “streaking” (running naked in public), “mooning” (exposing one’s buttocks), “snuggies” or “wedgies” (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt “flip-ups,” “pantsing” or “spiking” (pulling down someone's pants or swimming suit); pinching;

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- placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory or imply sexual motives or intentions;
  9. clothing with sexually obscene or sexually explicit slogans or messages;
  10. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
  11. other hostile actions taken against an individual because of that person's perceived or self-identified sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work area or equipment; sabotaging that person's work activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
  12. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
    - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
    - b. ostracizing or refusing to participate in group activities with an individual (including, but not limited to, projects or trips) because of the individual's perceived or self-identified sex, sexual orientation, gender identity or expression or transgender status;
    - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex, sexual orientation or gender.

For purposes of this regulation, action or conduct will be considered "unwelcome" if the employee or "non-employee" did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the work setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees or "non-employees" travel on district business, or when the harassment is done by electronic means (including on social media).

### **Determining if Prohibited Conduct is Sexual Harassment**

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations or based on sex may constitute sexual

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harassment under specific laws. Such conduct must rise above what a reasonable victim of discrimination with the same protected characteristics would consider petty slights or trivial inconveniences to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the behavior may be addressed under another employee policy or the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct altered the conditions of the employee's or "non-employee's" working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the target of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based discrimination.

### Reporting Complaints

Employees and "non-employees" who believe they have been the target of sexual harassment in the workplace are encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of an employee or "non-employee" is required to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Title IX coordinator. The District's Title IX coordinator is Stephanie Laffin  
Assistant Superintendent for Curriculum & Instruction  
Onteora Central School District  
4166 Route 28,  
Boiceville, NY 12412  
845-657-6383 x1023  
slaffin@onteora.k12.ny.us

The District shall have actual knowledge when any school employee: (1) witnesses sexual harassment first hand; (2) hears about an allegation of sexual harassment from any

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source; or (3) receives a complaint about sexual harassment by any means (e.g. written, verbal, electronic). The District's Title IX Coordinator shall be informed immediately.

School employees receiving complaints of sexual harassment from employees and "non- employees" must report the incident to the Title IX coordinator. Supervisory and managerial personnel are required to report complaints of sexual harassment, and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

In order to assist investigators, targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the target's response to the harassment.

Once the Title IX Coordinator receives the complaint or allegation, the Title IX Coordinator shall meet with the target to review three things: (1) explain and provide reasonable supportive measures; (2) inform the individual of the District's Title IX policy, including their right to file a formal complaint; and (3) explain how to file a formal signed Title IX complaint.

Stephanie Laffin  
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Onteora Central School District  
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The Title IX coordinator will offer reasonable supportive measures to the target. If appropriate, the Title IX coordinator may refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.

### **Confidentiality**

It is district policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards



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and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation will inform the complainant that:

1. the request may limit the district's ability to respond to their complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the harassment and preventing the harassment of others.

### **Investigation and Resolution Procedure**

Please note, if the Title IX regulations change, the District's procedure will default to the requirements under the law.

#### **A. Level One Procedure**

When the investigation **is not being reviewed** under Title IX, the assigned Title IX coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible. There shall be a presumption that the accused is not responsible for the alleged conduct until after a determination is made. No questions or evidence may be permitted that are protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege. If an allegation that if taken as true is not severe, pervasive, and objectively offensive or that does not fall under the jurisdiction of Title IX, may still be a violation of sexual harassment. Such a complaint will be investigated by the individual's supervisor unless the supervisor is part of the allegation.

When a complainant decides to **file a formal Title IX complaint, or if the investigation does not get resolved above, immediately, but no later than five working**

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**days following receipt of a complaint, the Title IX investigator** shall begin an investigation of the complaint according to the following steps:

1. Provide appropriate notice of allegation to each party, including their right to an advisor throughout the process.
2. Assign a Title IX investigator to the matter who will provide a notice of interview and evidence collection to each individual who will be interviewed or asked to provide evidence.
3. Interview the target and document the conversation. Recommend the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint.
4. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, ask the target to do so, providing alternative formats for individuals with disabilities who may need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Title IX investigator shall complete a complaint form based on the verbal report.
5. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
6. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
7. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if they make such contact with or retaliate against the target, they will be subject to immediate disciplinary action.
8. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
9. Review all documentation and information relevant to the complaint. If this is a Title IX formal complaint and investigation, the investigator will provide the parties with all of the evidence collected and interview notes. The parties will have 10 days to return a written document to the investigator regarding the relevance of each item. The Title IX investigator will have 10 days to then summarize the evidence it obtained during the investigation. The Title IX investigation summary will be provided to each party and arrangements will be made for a decision-maker to review the matter, use a question and answering process between the parties to gather to permit indirect cross examination of a party or witness and make a conclusion regarding whether sexual harassment under Title IX was violated.
10. If both parties provide voluntary written notice that they would like to resolve the matter outside of the formal process, an informal resolution may occur to resolve the complaint, including but not limited to:

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- a. discussion with the accused, informing them of the district's policies and indicating that the behavior must stop;
  - b. suggesting counseling and/or sensitivity training;
  - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
  - d. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.
11. Involvement and Notification
  - a. If the alleged harasser is a student, their parents/guardians will be notified within one school day of allegations that are serious or involve repeated conduct.
  - b. If the alleged harasser is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability caused the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.
  - c. The Title IX investigator will submit a copy of all investigation and interview documentation to the Parties (and their advisors) for review. Each Party has ten (10) days to provide the information back to the investigator along with their comments regarding relevance. Within ten (10) days of receipt the investigator shall issue his or her final investigative report. The investigator does not make a determination.
  - d. The Title investigator shall submit the Final Report to the Title IX Coordinator who will then provide it to the decision-maker. The decision-maker is charged with making the determination using a question and answer method.
  - e. The decision-maker will report back to both the target and the accused, notifying them in writing at the same time regarding the outcome of the investigation and the action taken to resolve the complaint. The decision-maker will instruct the parties to report immediately if the objectionable behavior occurs again or anyone retaliates against them.
  - f. The decision-maker will notify the parties that if they desire further action based on the grounds for appeal set forth below, they may request a level two review by contacting the Superintendent of Schools. The Title IX investigator will also notify the target of their right to contact the U.S. Department of Education's Office for Civil Rights, the U.S. Equal Employment Opportunity Commission, or the New York State Division of Human Rights.
12. The Decision maker shall create a written documentation of the Title IX complaint, kept in a secure and confidential location, shared with the parties simultaneously, containing:
  - a. Identification of the allegations potentially constituting sexual harassment.
  - b. A description of the procedural steps taken from the receipt of the formal

# ONTEORA CENTRAL SCHOOL DISTRICT

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## SEXUAL HARASSMENT OF EMPLOYEES REGULATION

complaint through the determination, including any notifications to the parties, interview with parties and witnesses, site visits, methods used to gather other evidence and the question and answer method used (including the questions and answers).

- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the code of conduct to the facts;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- f. The procedures and permissible bases for the complainant and respondent to appeal.
- g. ; and

If under Title IX the decision-maker determines that sexual harassment did occur, based upon a preponderance of the evidence, the decision-maker will promptly notify the Superintendent, who will then take prompt disciplinary action, up to and including suspension or discharge, in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint will be referred promptly to the Superintendent, who shall determine how the investigation will proceed. In addition, where the Title IX investigator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Appeals may be made by either the target or the accused on the following grounds and must be submitted in writing to the Superintendent within 10 days of receipt of the written decision:

- Procedural irregularities affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that would affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or was bias.

At anytime during the grievance procedure the Title IX investigator or coordinator determine that the matter does not fall within the jurisdiction of Title IX, they may be mandated to or have the discretion to dismiss the complaint. Mandatory dismissal is for allegation not occurring in an educational program or activity, conduct that does not fall

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under the Title IX definition of sexual harassment, or conduct that occurred outside the jurisdiction of Title IX. Discretionary dismissal is permitted if the complainant withdraws, the respondent is no longer affiliated with the District, or evidence is unavailable.

### B. Level Two Procedure

The Superintendent will promptly notify the parties that an appeal has been made. The Superintendent shall review those complaints appealed to the Superintendent following the determination of the decision maker. . In the event the complaint of sexual harassment involves the Superintendent or the Superintendent was involved in the level one procedure, the complaint will be filed with or referred to the Board President, who may refer the complaint to a trained investigator not employed by the district for investigation.

The level two review should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

The Superintendent of Schools or outside investigator will review all documentation from the level one investigation and from the decision-maker. The Superintendent or outside investigator may request that the target, alleged harasser, the Title IX investigator, decision-maker, student, non-employee, or any member of the District's staff present a written statement setting forth any information that such person has relative to the complaint, and the facts surrounding it or may, in his/her discretion, decide to speak with any individuals regarding the complaint.

When reviewing cases involving volunteers and non-employees, the investigator shall consider the extent of the District's control and any other legal responsibility the District may have with respect to the conduct of the accused.

If a level two review results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment.

No later than 60 days following receipt of the complaint, the Superintendent (or outside investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or outside investigator will provide all parties with a written status report within 60 school days following receipt of the complaint.

The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during Title IX sexual harassment grievance procedure.

## Community Relations

**SUBJECT: STATEWIDE UNIFORM VIOLENT INCIDENT REPORTING SYSTEM  
(UVIRS)**

In compliance with the Uniform Violent Incident Reporting System, the District will record each violent or disruptive incident that occurs on school property or at a school function. On or before September 30 of each year (commencing 2002), the District will submit an annual report of violent or disruptive incidents to the Commissioner in the manner prescribed.

The District will establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. 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 Section 2802 of the Education Law, except as otherwise authorized by law.

Beginning with the 2002-2003 school year, 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.

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

Adopted: 6/29/09

**SUBJECT: EMERGENCY CLOSINGS**

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcement thereof shall be made on all available media.

When school is closed, all related activities, including Board of Education meetings, athletic events and student activities, will ordinarily be suspended for that day and evening.

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

Regulation 3510P  
Adoption: 7/3/14

# ONTEORA CENTRAL SCHOOL DISTRICT

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## Regulation 3510P

In the event it is necessary to close school for the day due to inclement weather or other emergency reasons, announcements will be made on the following available media:

- District web page
- Facebook page
- Cancellations.com
- Local radio and TV stations
- Shoutpoint message to all parents and staff
- Onteora App

All communications shall be approved by the Superintendent or their designee.



## 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.

8 New York Code of Rules and Regulations  
(NYCRR) Subparts 80-1, 80-2 and 80-3  
Education Law Section 1709

## Administration

**SUBJECT: LINE AND STAFF RELATIONSHIPS**

It shall be the responsibility of the Superintendent to develop and detail the administrative and supervisory structure of the School District. Lines of authority will be shown on the Organizational Chart developed by the Superintendent.

Personnel will be expected to refer matters requiring administrative action to the administrator to whom they are responsible. The administrator will refer such matters to the next higher administrative authority when necessary. Additionally, all personnel are expected to keep the person to whom they are immediately responsible informed of their activities by whatever means the person in charge deems appropriate.

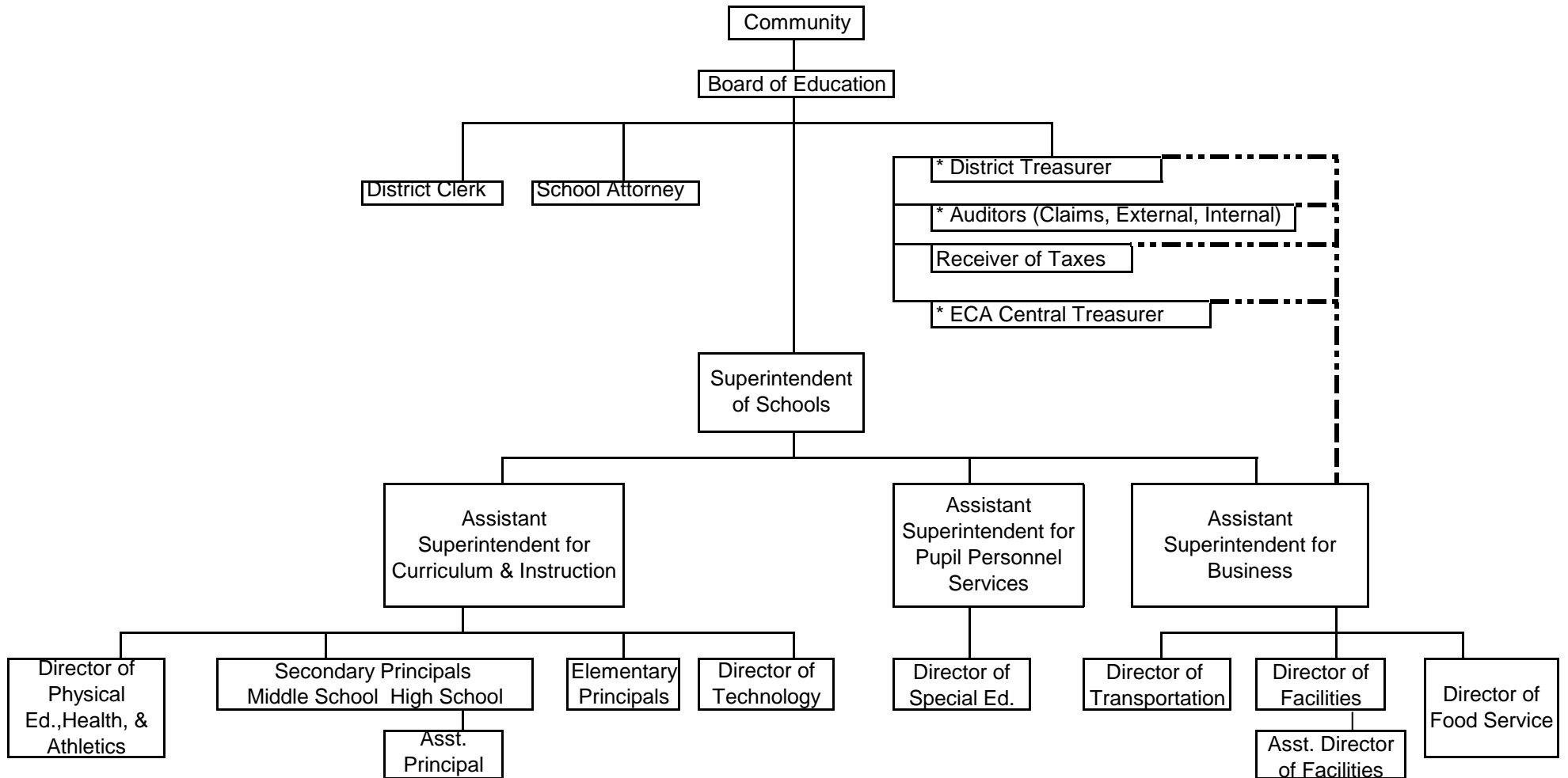
Lines of authority should not restrict in any way the cooperative, sensible collaboration of all staff members at all levels in order to develop the best possible school programs and services. The established lines of authority represent direction of authority and responsibility; when the staff is working together, the lines represent avenues for a two-way flow of ideas to improve the program and operations of the School District.

In the event an employee is not satisfied with an administrative decision and no other procedures exist for resolution of the disagreement, they shall have the right to appeal to the next higher level of authority and through successive steps to the Board of Education.

No part of this policy is meant to supersede or take precedence over the terms or conditions in any negotiated agreement between the Board and a group of its employees.

# Onteora Central School District

## Organizational Chart Policy 4212



----- Indirect Reporting \_\_\_\_\_ Direct Reporting

Adopted: 09/27/2022

\* Provide reports to Board of Education

## Administration

**SUBJECT: ABOLISHING AN ADMINISTRATIVE POSITION**

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

Education Law Section 3012

## Administration

**SUBJECT: ADMINISTRATIVE AUTHORITY**

The Superintendent of Schools shall delegate to another administrator the authority and responsibilities for making decisions and taking such actions as may be required during the absence of the Superintendent.

In the event of an emergency, every possible effort should be made to contact the Superintendent. If the Superintendent is not available, the authority to act for them shall be delegated according to the Organizational Chart, dependent upon the nature of the emergency. If the nature of the emergency warrants, the President of the Board of Education shall be contacted by the administrator assuming authority.

Each employee of the District shall be under the general direction of the Superintendent. Instructional staff members 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.

Whenever an emergency occurs in an individual school which requires an immediate decision, the Principal should act and notify the Superintendent as soon as possible.

The Superintendent shall maintain a current Organizational Chart to which immediate reference can be made by the Board or any employee of the District.

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.

Adopted: 1/9/18

**SUBJECT: USE OF COMMITTEES**

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

Adopted: 5/2/17

## Administration

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

The Board of Education shall conduct annually a formal performance evaluation of the Superintendent. The formal procedures used to complete the evaluation are to be filed in the District Office, and to be made available for review by any individual, no later than September 10 of each year.

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

**Evaluation of Administrative Staff**

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

The purposes of this evaluation are:

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

**Evaluation of Supervisory Personnel**

The Superintendent shall direct the Assistant Superintendents to conduct an annual evaluation of all supervisory personnel

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

Adopted: 8/19/14

## Administration

**SUBJECT: SUPERINTENDENT OF SCHOOLS**

The role and responsibilities of the Superintendent of School include, but are not limited to, the following:

- a) As Chief Executive Officer of the Board of Education, they shall attend all regular, special, and work meetings of the Board except that the Superintendent may be excluded when their employment contract or performance is discussed in executive session.
- b) They shall administer all policies and enforce all rules and regulations of the Board.
- c) They shall constantly review the local school situation and recommend to the Board areas in which new policies seem to be needed.
- d) They shall be responsible for organizing, administering, evaluating, and supervising the programs and personnel of all school departments, instructional and non-instructional.
- e) They shall recommend to the Board the appointment of all instructional and support personnel.
- f) They 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) They shall acquaint the public with the activities and needs of the schools through their written and spoken statements, and shall be responsible for all news releases emanating from the local schools.
- h) They 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) They shall determine the need and make plans for facilities expansion and renovation.
- ) They shall be responsible for recommending for hire, evaluating, promoting, and dismissing all professional and non-professional staff personnel.
- k) They shall prepare or supervise the preparation of the teacher's handbook, staff bulletins, and all other District-wide staff materials.
- l) They shall plan and coordinate the recruitment of teachers and other staff to assure the District of the best available personnel.

(Continued)



## Administration

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

- m) They shall plan and conduct a program of supervision of teaching staff that will have as its goal the improvement of instruction, and, at the same time, will assure that only the teachers found to be of a high degree of competence will be recommended for tenure.
- n) They 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) They shall, when necessary and/or desirable, transfer such personnel as they anticipate will function more effectively in other positions. These transfers shall be made within the guidelines of state laws, District policies and negotiated contracts.
- p) They 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 and 3003  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(m)

Adopted: 5/2/17

## Administration

**SUBJECT: SUPERINTENDENT-BOARD OF EDUCATION RELATIONS**

The Board of Education, in its role as Governance Body, is accountable for all pursuits, achievements and duties of the School District. The Board's specific role is to deliberate, to establish policies, and delegate the necessary authority to the Superintendent who, acting as Chief Executive Officer, is held accountable to the Board for compliance with its policies.

The Board focuses on the ends, whereas the Superintendent focuses on the means. The Board is responsible for overseeing the education of students, and for school district operations, but does not run the district's day to day operations.

- 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 their designee consider it unwise or impractical to comply with an explicit Board policy, the Superintendent will inform the Board of that determination. The Board will decide whether such judgment was warranted.
- e) When law or other authority calls for Board approval of decisions that the Board has delegated to the Superintendent, Board approval will be routinely given if those decisions have been made within the limits of Board policies.

Education Law Section 1711

Adopted: 5/2/17

**SUBJECT: ADMINISTRATIVE STAFF****School Business Official**

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

**Building Principals**

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

**Subject Coordinators**

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

8 New York Code of Rules and Regulations  
(NYCRR) Section 80.4

Adopted 10/12/10

## Administration

**SUBJECT: PROFESSIONAL DEVELOPMENT OPPORTUNITIES**

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

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

Participation shall be limited by available resources and reimbursement guidelines.

General Municipal Law Section 77-b

Non-Instructional/Business  
Operations**SUBJECT: BUDGET PLANNING AND DEVELOPMENT**

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

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

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

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

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

The budget will be presented in three (3) components which are to be voted upon as one (1) proposition:

- a) A program component which shall include, but need not be limited to, all program expenditures of the School District, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;
- b) A capital component which shall include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments and tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the School District,

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: BUDGET PLANNING AND DEVELOPMENT (Cont'd.)**

including facilities leases 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.

Each component must be separately delineated in accordance with Commissioner's Regulations.

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").

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.

(Continued)

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

District funds may be expended to inform the public regarding the annual budget and to present the annual budget to District voters; however, 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 Consumer Price Index, from January first of the prior school year to January first of the current school year.

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.

The budget shall be designed to reflect the Board's objectives for the education of the children of the district. It shall be carefully organized and planned to provide adequate accounting for each program expenditure, understanding of the financial needs of anticipated program developments, and be within the financial limitations of the district, **taking into consideration the statutory limits on the tax levy, and the possibility of voters overriding the limit if necessary.** To assist in budget and long-range planning, ongoing studies of the district's educational programs will include estimates of the fiscal implications of each program.

Non-Instructional/Business  
Operations

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

Education Law §§1608(2)-(4); 1716(2)-(4); 1804(4);  
1906(1); 2002(1); 2003(1); 2004(1); 2022(2); **2023**;  
**2023-a**; 2601-a

*Fiscal Management* (NYSSBA, 1997)

8 New York Code of Rules and Regulations  
(NYCRR) Sections 170.8, 170.9 and 170.11

General Municipal Law Section 36

State Education Department

Handbook No. 3 on Budget

Adopted: 11/8/11



**SUBJECT: BUDGET – PREPARATION SCHEDULE**

The Superintendent of Schools shall be responsible for the formulation of a tentative budget to be submitted to the Board of Education for its consideration and modification. The budget shall be a matter of continuous year round development in order that it may reflect the best thinking of the entire community. Staff members shall assemble a list of items throughout the year desirable for inclusion in the budget. The Superintendent of Schools shall use such lists in budget preparation. Steps in the formulation of the budget are as follows:

**Teachers**

All teachers requiring materials for the following year must originate and submit budget requests supplied by the District Office to their respective department heads for approval. If there is no department head, budget requests shall be submitted directly to the Building Principal.

**Building Principals**

The Building Principal shall review and approve or disapprove all budget requests. Disapproved budget requests shall be returned to the originator with notation of reason for refusal. Approved budget requests shall be summarized as to code and the amount forwarded to the office of the School Business Administrator. It will be the responsibility of the Building Principal to make budget adjustments as found necessary within their budget.

**Superintendent of Buildings and Grounds – Transportation Supervisor**

The Superintendent of Buildings and Grounds, and the Transportation Supervisor shall forward budget requests directly to their immediate supervisor. They will then forward these budget requests to the Business Administrator.

**School Business Administrator**

The School Business Administrator shall review and summarize all data submitted by the Building Principals, Superintendent of Buildings and Grounds, and the Transportation Supervisor. They shall summarize or compile all financial data and any other information necessary for the computation of the proposed budget.

**Superintendent of Schools**

The Superintendent of Schools shall review all proposed expenditures and submit their recommendations to the Board of Education.

(Continued)

**SUBJECT: BUDGET – PREPARATION SCHEDULE (Cont'd.)****Board of Education**

The Board of Education shall review the proposed requirements and recommendations of the Superintendent of Schools. The Board shall then prepare a tentative budget. A budget hearing is held not more than thirty (30) days nor less than ten (10) days prior to the day of voting. The Board shall make the final approval of the budget immediately after the public hearing for presentation to voters of the District at the annual election.

**Goal Oriented Budgeting**

The Board of Education supports the concept of Goal Oriented Budgeting where it can be applied in the budgetary process.

**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.

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.

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.

(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.

The Budget Notice shall include a description of how total spending and the tax levy resulting from the proposed budget would compare with a projected contingency budget, assuming that such contingency budget is adopted on the same day as the vote on the proposed budget. Such comparison shall be in total and by component (i.e., program, capital and administrative), and shall include a statement of the assumptions made in estimating the projected contingency budget.

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

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

**Notice of Budget Hearing/Availability of Budget Statement**

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

**Election and Budget Vote**

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

**Budget Development and Attachments**

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

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

Adopted: 6/29/09

**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.

In the event the original proposed budget is not approved at the Annual District Meeting and Election, the Board may resubmit the original proposed budget or a revised budget for voter approval, or individual propositions may be placed before District voters, at a special meeting held at a later date. In the alternative, if the initial proposed budget is defeated, the Board may adopt a contingency budget and levy taxes as necessary for implementation of the contingency budget expenditures. If the voters fail to approve the second budget submittal, or budget propositions(s), the Board shall adopt a contingency budget in accordance with law.

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

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

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

Adopted: 6/29/09

**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) They 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 their 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.

2002

5210

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)

Adopted: 6/29/09

**SUBJECT: DISTRICT INVESTMENTS**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

The objectives of the district's investment policy are to conform with all applicable federal and state requirements, to safeguard district funds and to minimize risk, to ensure that investments mature when cash is required to finance operations and to ensure a competitive rate of return. In accordance with this policy, the Treasurer or their designee is authorized to invest and/or deposit all funds, including proceeds of obligations and reserve funds, in time-deposit accounts, certificates of deposit, short-term government securities, repurchase agreements or other investment instruments permitted by law, subject to the investment regulations approved by the Board of Education.

To the extent feasible, investments and deposits shall be made in and through local or regional financial institutions. Concentration of investments in a single financial institution should be avoided. Diversification of investments and deposits is encouraged. Investments may be made either directly from an authorized trading partner, or by participation in a cooperative investment agreement with other authorized municipal corporations pursuant to General Municipal Law Article 5-G and in accordance with General Municipal Law Article 3-A.

This policy will be periodically reviewed by the Board and may be amended from time to time in accordance with the provisions of section 39 of the General Municipal Law.

Ref: Education Law §§1604-a; 1723-a; 3651; 3652  
Local Finance Law § 24.00, 25.00, 165.00  
General Municipal Law §§6-d; 6-j; 6-l-n; 6-p; 6-r; 10; 11; 39; Article 3-A; Article 5-G

Adopted 5/1/18

Adopted:



# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 5220R

Date: 5/25/22

## INVESTMENTS REGULATION

### Authorized Investments

- A. The Treasurer is authorized to invest all available district funds, including proceeds of obligations and Reserve Funds, in the following types of investment instruments:  
Savings Accounts or Money Market Accounts of designated banks;
- Certificates of Deposit issued by a bank or trust company located in and authorized to do business in New York State;
  - Demand Deposit Accounts in a bank or trust company located in and authorized to do business in New York State; Obligations of New York State; Obligations of the United States Government (U.S. Treasury Bills and Notes);
  - Repurchase Agreements involving the purchase and sale of direct obligations of the United States;
- B. All funds may be invested in Revenue Anticipation Notes or Tax Anticipation Notes of other school districts and municipalities, with the approval of the State Comptroller.
- C. Only Reserve Funds established by section 6-d, 6-j, 6-l, 6-m and 6-n of the General Municipal Law may be invested in obligations of the school district.

### Direct or Cooperative Investments

Investments may be made either directly from an authorized trading partner or by participation in a cooperative investment agreement.

- A. Cooperative investment agreements may be made with certain municipal corporations: any New York State county (outside New York City), city, town, village, BOCES, district, or school district, pursuant to General Municipal Law Article 5-G.
- B. Cooperative investment agreements, pursuant to General Municipal Law Article 3-A, must address: the governing board of the cooperative, lead participant, proportional interest, the cooperative's investment policy, contributions and distributions, apportionment of administrative expenses and costs, methodology to determine participants' interest, determination of market value at least monthly, portfolio interest rate testing at least monthly, irrevocable letter of credit, professional services, contribution confirmations, monthly statements, notification of distribution deferrals or unanticipated losses or material adverse events, annual independent audit, annual information statements, annual investment reports, and governing board rating disclosure.

### Conditions

All direct investments made pursuant to this investment policy will comply with the following conditions:

- A. Collateral
1. Savings accounts, money market accounts, time deposit accounts and certificates of deposit will be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State, the United States, New York State school districts and federal agencies whose principal and interest are guaranteed by the United States. The market value of collateral will at all times be 102% of the principal amount of the certificate

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 5220R

Date: 5/25/22

of deposit.

2. By an eligible “irrevocable letter of credit” issued by a qualified bank or other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 100% of the aggregate amount of deposits and the agreed up interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements. Collateral will be monitored no less frequently than on a monthly basis.

3. Collateral will not be required with respect to the direct purchase of obligations of New York State, the United States and federal agencies, the principal and interest of which are guaranteed by the United States Government.

## B. Delivery of Securities

1. Payment of funds may only be made upon receipt of collateral or other acceptable form of security, or upon the delivery of government obligations whether such obligations are purchased outright, or pursuant to a repurchase agreement. Written confirmation of delivery shall be obtained from the custodial bank.
2. Every Repurchase Agreement will make payment to the seller contingent upon the seller's delivery of obligations of the United States to the Custodial Bank designated by the school district, which shall not be the repurchase, or in the case of a book-entry transaction, when the obligations of the United States are credited to the Custodian's Federal Reserve account. The seller will not be entitled to substitute securities. Repurchase agreements shall be for periods of 30 days or less. The Custodial Bank shall confirm all transactions in writing to insure that the school district's ownership of the securities is properly reflected in the records of the Custodial Bank.

## C. Written Contracts

1. Written contracts are required for certificates of deposit and custodial undertakings and Repurchase Agreements. With respect to the purchase of direct obligations of U.S., New York State, or other governmental entities in which monies may be invested, the interests of the school district will be adequately protected by conditioning payment on the physical delivery of purchased securities to the school district or custodian, or in the case of book-entry transactions, on the crediting of purchased securities to the Custodian's Federal Reserve System account. All purchases will be confirmed promptly in writing to the school district.
2. The following written contracts are required:
  - a. Written agreements will be required for the purchase of all certificates of deposit.
  - b. A written contract will be required with the Custodial Bank(s).
  - c. Written contracts shall be required for all Repurchase Agreements. Only credit-worthy banks and primary reporting dealers shall be qualified to enter into a

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 5220R

Date: 5/25/22

Repurchase Agreement with the school district.

The written contract will stipulate that only obligations of the United States may be purchased and that the school district shall make payment upon delivery of the securities or the appropriate book-entry of the purchased securities. No specific repurchase agreement will be entered into unless a master repurchase agreement has been executed between the school district and the trading partners. While the term of the master repurchase agreement may be for a reasonable length of time, a specific repurchase agreement will not exceed thirty (30) days.

D. Designation of Custodial Bank

1. The Board will designate a commercial bank or trust company authorized to do business in the State of New York to act as Custodial Bank of the school district's investments. However, securities may not be purchased through a Repurchase Agreement with the Custodial Bank.
2. When purchasing eligible securities, the seller will be required to transfer the securities to the district's Custodial Bank.

E. Selection of Financial Institutions

1. The Treasurer will periodically monitor, to the extent practical but not less than annually, the financial strength, credit-worthiness, experience, size and any other criteria of importance to the district, of all institutions and trading partners through which the district's investments are made.
2. Investments in time deposits and certificates of deposit are to be made only with commercial banks or trust companies, as permitted by law.

F. Operations, Audit, and Reporting

1. The Treasurer or designee will authorize the purchase and sale of all securities and execute contracts for investments and deposits on behalf of the school district. Oral directions concerning the purchase or sale of securities will be confirmed in writing. The school district will pay for purchased securities upon the simultaneous delivery or book-entry thereof.
2. The school district will encourage the purchase and sale of securities through a competitive process involving telephone solicitation for at least three quotations.
3. The independent auditors will audit the investment proceeds of the school district for compliance with the provisions of this Investment Regulation.
4. Monthly investment reports will be furnished to the Board of Education.

Ref: Education Law §§1604-a; 1723-a; 3651;  
3652 Local Finance Law §24.00, 25.00,  
65.00

General Municipal Law §§6-d; 6-j; 6-1-n; 6-p; 6-r; 10; 11; 39; Article 3-A; Article

## **GIFTS, GRANTS, SCHOLARSHIPS AND DONATIONS TO THE SCHOOL DISTRICT**

The term “Gift” is understood to mean any bequest, gift, money, property good, scholarship, donation or grant.

Only the Board of Education may accept any gift for the school district.

Any gift accepted by the Board shall become the property of the District, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the district.

It shall be the policy of the district to accept a gift, provided it is made within the statutory authority granted to school districts and has received the approval of the Board of Education.

The Board reserves the right to refuse any gift which does not contribute towards the achievement of the district’s goals or the ownership of which would tend to deplete the resources of the district.

In granting or withholding its consent, the Board will review the following factors:

1. The terms of the gift must identify:
  - a. the subject of the gift
  - b. the purpose of the gift
  - c. the beneficiary or beneficiaries if any
  - d. all conditions or restrictions that may apply.
2. The gift must not benefit a particular or named individual or individuals.
3. If the purpose of the gift is an award to a single student, the determination of the recipient of such award shall be made on the basis that all students shall have an equal opportunity to qualify for it in conformance with federal and state law.
4. If the gift is in trust, the obligation of the investment and reinvestment of the principal shall be clearly specified and the application of the income or investment proceeds shall be clearly set forth.
5. No gift or trust will be accepted by the Board unless:
  - a. it is in support of and a benefit to all or to a particular public school in the district, or
  - b. it is for a purpose for which the school district could legally expend its own funds, or
  - c. it is for the purpose of awarding scholarships to students graduating from the district.

Any gift rejected by the Board shall be returned to the donor or his/her estate within 60 days together with a statement indicating the reasons for the rejection of such gift.

### Soliciting and Accepting Grants or Donations

Prior to seeking any grant or donation, the applicant must obtain prior approval from the district. Teachers seeking grants or donations for their classroom must obtain approval from the Building

(Continued)

**GIFTS, GRANTS, SCHOLARSHIPS AND DONATIONS TO THE SCHOOL DISTRICT  
(cont'd)**

Principal. Other staff or administrators seeking grants or donations to benefit an entire school or the district as a whole must obtain approval from the Superintendent or his/her designee.

Approval shall depend on factors including, but not limited to: compatibility with the district's educational program and standards; availability of existing district resources; whether ownership would deplete district resources; and its impact on the equitable distribution of district resources.

All grants and donations must benefit the district and be congruent with the following principles:

1. The district's mission and vision.
2. The district and school goals that positively impact student performance.
3. The district's instructional priorities and strategies.
4. Conform to district governance and decision-making procedures of the Board, central office and building-level staff.
5. Provide a value or benefit that is greater than the obligation under the grant award.
6. Not violate management and/or bargaining unit rights and responsibilities.
7. Not carry any conditions that would divert school or district efforts away from the district's primary mission.

The Board reserves the right to deny approval of any funding, scholarship or grant application which does not contribute towards the achievement of the district's goals, or which would deplete the resources of the district. Any application for a grant which requires a match of district funds or resources when the initiative has been identified as a priority of the Board and when such funds are planned as part of the district budget process or can be accommodated by the current budget, must be pre-approved by the Board.

All solicited grants, scholarships and donations must be formally accepted by the Board.

**Accounting for, and Oversight of, all Donations, Gifts and Grants**

All gifts, donations, grants, funds, scholarships, property and materials received by the district become the property of the district. All items are subject to the same controls and regulations as other district property, and shall be deposited or inventoried accordingly.

**Cross-ref:** 2160, School Board Officer and Employee Ethics  
**Ref:** Education Law §1709(12) and (12-a) and 1718(2)  
New York State Constitution Article 8, Section 1  
General Municipal Law Section 805-a(1)

Adoption date: 3/22/22

**SUBJECT: SCHOOL TAX ASSESSMENT AND COLLECTION**

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

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

Adopted: 6/29/09

## **SENIOR CITIZENS EXEMPTIONS**

### **Property Tax:**

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 (1) 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 (1) of them is sixty-five (65) years of age or over, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least sixty-two (62) years of age.

The District may permit a property tax exemption to an otherwise eligible senior citizen even if a child who attends a public school resides at that address. The Board must adopt a resolution allowing such an exemption following a public hearing on this specific issue.

### **School Events:**

Senior citizens will be admitted to all school events, except group sponsored events, without charge. (from Policy 5241)

Real Property Tax Law Section 467

Non-Instructional/Business  
Operations**SUBJECT: SALE AND DISPOSAL OF SCHOOL DISTRICT PROPERTY**

Building administrators and support staff supervisors are responsible for identifying obsolete or surplus equipment and supplies within their area(s) of responsibility. Each year, a determination shall be made of which equipment, supplies and/or materials are obsolete and cannot be salvaged or utilized effectively or economically by the school district. Such equipment, supplies, or materials shall be sold through bid procedures, if possible, for the highest possible price.

The School Business Manager shall be authorized to dispose of obsolete or surplus equipment and supplies in the following manner:

1. reassign the items, as needed, to other locations within the school district;
2. centralize the storage of items of potential usefulness; and/or
3. discard or sell as surplus those items determined to be of no further use or worthless.

Prior to reassigning, storing, discarding or selling any equipment or supplies (including computer hardware and software), the district shall ensure that all district-related data and information is permanently and completely removed. If such data or information is of a sensitive, personal or confidential nature, and cannot be permanently and completely removed prior to discarding or selling, the equipment or supplies shall be destroyed, and if reassigned or stored, the district shall note that district data or information has not been permanently and completely removed. The district shall also ensure that all district-related data and information is permanently and completely removed from equipment that is leased from a third party, prior to returning the equipment. The district shall work with the third party provider to ensure that district data and information is able to be permanently and completely removed from the equipment.

Following approval by the Board of Education, items may be sold in the following manner:

1. offer to sell the items to local municipalities or local non-profit organizations;
2. sell items at a public sale or on a Board-approved public online auction site. In the event of a public sale, notice of availability of such equipment, supplies and materials and requests for bids shall be disseminated through announcements in local newspapers and such other appropriate means. The general public, as well as staff members who are not Board members, officers, or involved in the purchasing function, shall be eligible to bid on the equipment, supplies and/or materials; and
3. sell remaining items as scrap for the best obtainable amount or discard in the safest, least expensive manner.

Ref: General Municipal Law §§51; 800 et seq.  
*Ross v. Wilson*, 308 NY 605 (1955)  
*Matter of Baker*, 14 EDR 5 (1974)  
Op. St. Compt. 58-120

Adopted: 6/5/18



**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 internal 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 their 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)

**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. They will make expenditures in accordance with applicable law and in a manner that will achieve the maximum benefit from each dollar expended.

All claims shall be properly confirmed and verified before payment.

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

Education Law Section 1720

Adopted: 6/29/09

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

The Trustees of the Ontario Central School District do recognize the need for a District credit card for District use for miscellaneous expenses, such as conference registration and hotel reservations in the event that a facility does not hold a reservation with a Purchase Order. The District credit card is maintained in Central Administration under the care and control of the Assistant Superintendent for Business. The credit card has a maximum credit limit of \$10,000.

The Trustees of the Ontario Central School District also recognize the need for a gas card for use on long trips to purchase fuel for District vehicles. The Transportation Department maintains an account with Sunoco Suntrak that has five (5) cards associated with the account. Four (4) cards are under the care and control of the Director of Transportation, and one (1) card is under the care and control of the Assistant Superintendent for Business to be used only in the absence of the Director of Transportation. The credit card account has a maximum credit limit of \$500 in total, not per card.

Adopted: 10/9/2018

**SUBJECT: DISTRICT-OWNED CELLULAR TELEPHONES/PERSONAL DATA ASSISTANTS**

The Board of Education recognizes that certain District employees are required to carry District-owned cellular telephones/personal data assistants to meet their job responsibilities. Job titles requiring cellular telephones/personal data assistants, including but not limited to Blackberries, shall be approved by the Board of Education each year at the District's reorganizational meeting in July.

The District-owned cellular telephone/personal data assistant shall only be used by the employee to whom the device is issued and shall be used for business purposes only, except for in the event of an emergency. If an employee is to use the cellular telephone/personal data assistant for other than business purposes, the employee will promptly notify the District and reimburse the District within thirty (30) days of the notice of any charges incurred. Employees authorized to use District cellular telephones/personal data assistants shall agree in writing to accept financial responsibility for any inappropriate usage by said employee.

All District owned cellular telephones/personal data assistants are to remain the property of the District. District-owned cellular telephones/personal data assistants shall be returned immediately upon the employee's termination of employment and/or upon request by the District. Employees who fail to return a District-owned cellular telephone/personal data assistant upon termination of employment and/or at the District's request will be billed for the actual cost of the cellular telephone/personal data assistant and for all charges made after termination of employment and/or the District's request. As with any District-owned equipment, employees must take proper care of cellular telephones/personal data assistants and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Business Office.

At least once a year, the Purchasing Agent shall evaluate the District's cellular telephone/personal data assistant plan and shall recommend any appropriate modification thereto.

Education Law Section 414

Adopted: 6/29/09

Non-Instructional/Business  
Operations**SUBJECT: MEALS AND 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.

Refreshment and/or meal requests may be approved when:

- a) Officers and/or employees of the District will be prevented from taking time off for a meal due to a pressing need to complete the business at hand; or
- b) It is strictly necessary that a meeting be held during a mealtime and then only if and when the dinner is actually held to discuss District business; or
- 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).

Refreshments and/or meal requests may not include the expenditure for alcoholic beverages.

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

Meals served to adults who are directly involved in the operation and maintenance of the school nutrition program may be furnished at no charge. The meal provided must be eaten during the workday. No District food shall be provided to an employee to be taken off District grounds for personal consumption.

Note: Meals incurred as part of travel and conference attendance as approved by the District, are governed by other District policies.

NY Constitution, Article VIII, Section I  
Education Law Section 2118  
Ops. St. Compt. 98-2, 83-57, 82-298, 82-213, 82-66, 79-522, 77-667

Adopted: 10/7/14

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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. Whenever changes are made, they are to be incorporated in the next Board agenda for information only.

8 New York Code of Rules and Regulations  
(NYCRR) Section 170.2(l)  
Education Law Section 1718

Adopted: 6/29/09

2002

5340

Non-Instructional/Business  
Operations

**SUBJECT: BORROWING OF FUNDS**

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

New York State Local Finance Law Section 20

Adopted: 6/29/09

Non-Instructional/Business  
Operations**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.

Purchase contracts and public works contracts subject to competitive bidding will be awarded to the lowest responsible bidder, however, the Board authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law §163.

Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, except as permitted by state law for procurements:

1. under a county contract;
2. under a state contract;
3. under a federal contract;
4. under a contract of another political subdivision;
5. of articles manufactured in state correctional institutions; or
6. from agencies for the blind and severely disabled.

The district will provide justification and documentation of any contract awarded to an offer or other than the lowest responsible dollar offer or, setting forth the reasons why such award is in the best interests of the district and otherwise furthers the purposes of section 104-b of the General Municipal Law.

**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.

(Continued)



Non-Instructional/Business  
Operations**SUBJECT: PURCHASING (Cont'd)****Procurement Of Goods And Services**

The following guidelines shall be adhered to in compliance with General Municipal Law, Section 104-b, whenever the law does not require competitive bidding to assure the prudent and economical use of public moneys:

- a) The Board of Education will formally appoint a Purchasing Agent in accordance with Section 170.2 of the Regulations of the Commissioner of Education. Only the person designated by the Board as Purchasing Agent may commit the District for a purchase. The Purchasing Agent is responsible for developing and administering the purchasing program of the Onteora School District.
- b) The purchasing procedures employed shall comply with all applicable law and regulations of New York State.
- c) The Purchasing Agent shall procure supplies and equipment, as needed, at the best possible prices and maintain adequate records to show that this was done. Commodities will be purchased from preferred vendors whenever possible: Department of Corrections (Sec. 184 Corrections Law), Industries of the Blind and Industries of the Handicapped (Sec. 175 State Finance Law). State contracts of the Division of Standards and Purchase, Office of General Services, available Cooperative BOCES bids, or under county contract pursuant to Section
- d) 409-a of the County Law will be used whenever such purchases are in the best interest of the School District.
- e) Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure of over twenty thousand dollars (\$20,000) and public works contracts involving over thirty five thousand dollars ( \$35,000) shall be awarded only after public advertisement, soliciting formal bids (Section 103, General Municipal Law). The Purchasing Agent shall be authorized to open and record bids.
- f) Opportunity shall be provided to all responsible suppliers to do business with the District. To this end, the Purchasing Agent shall develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such lists shall be used in the development of an mailing list for distribution of specifications and invitations to bid. Any supplier may be included on the list, upon request.
- g) When soliciting bids, a statement of "General Conditions" shall be included with all specifications submitted to suppliers. These conditions shall be incorporated in all contracts awarded for the purchase of materials, equipment and supplies.
- h) All contracts which require public advertising and competitive bidding shall be awarded as provided by law and the rules and regulations of the Board of Education. Recommendations for awarding contracts shall be submitted by the Purchasing Agent.
- i) Identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PURCHASING (Cont'd)**

- j) Where formal bidding procedures are not required by law, the following regulations shall apply for the purchase of:

Materials, Equipment and Supplies

Dollar Limit  
\$5,000 - \$9,999

Procedure  
Documented telephone quotes/catalog prices from at least three (3) separate vendors, if available

\$10,000 - \$19,999

Formal written quotes from at least three (3) separate vendors, if available.

Public Works Projects/Contracts

Dollar Limit  
\$7,000 - \$14,999

Procedure  
Documented telephone quotes from at least three (3) separate vendors, if available.

\$15,000 - \$34,999

Formal written quotes from at least three (3) separate vendors, if available.

Quotes will be awarded to the lowest responsible and responsive bidder (as determined by the Purchasing Agent). Proper written documentation is required when the quote is not awarded to the vendor quoting the lowest price. Proper written documentation will be on file when the required number of quotations are not received. In the event that quotes exceed the bid limit, there will be no award; the District will advertise to solicit sealed bids.

- j) The Purchasing Agent shall insure purchase orders after first determining that unencumbered balances of budgetary appropriations are adequate to cover such obligations.
- k) No official or employee of the Onteora School District shall be interested financially in any contract entered into by the School District. This also precludes acceptance of gratuities, financial or otherwise, by the above persons from any supplier of materials or services.
- l) Emergencies: An exception to this policy will exist in cases of emergencies such as those recognized pursuant to Section 103(5) of the General Municipal Law shall be applied. In all other emergency cases, personnel shall be required to exercise their best judgment to secure the materials and/or services which are necessary.
- m) Instructions to vendors will include a note regarding the district's sustainability policy #5651 requesting an emphasis on the district's desire to reduce, reuse & recycle limiting packaging where possible.

Professional and Consulting Services

Pursuant to the requirements of General Municipal Law Section 104-b, when retaining professional and/or consultant services, the following shall be considered in the decision making:

- a) Special knowledge or expertise
- b) Quality of services
- c) Cost of services

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PURCHASING (Cont'd)**Audit of Claims

- a) A claim to be submitted to the internal claims auditor for approval for payment shall qualify when the following conditions are met:
  1. Bears the description and price of the items specified on the purchase order, less any allowed discounts.
  2. Is accompanied by a copy of the purchase order bearing the signature of the receiving clerk or requisitioner that the item(s) has been received in satisfactory condition and in the quantity indicated.
  3. All extensions and totals have been checked for accuracy.
  4. Has the approval of the Purchasing Agent as officer giving rise to the claim.
- b) The schedule of claims is then audited by the internal claims auditor to determine that:
  1. The Purchasing Agent's signature authorized the release of the purchase order
  2. The receiving copy was signed and dated, indicating that the materials or services were received.
  3. The purchase order or schedule of claims contains the Purchasing Agent's signature as the "officer giving rise to the claim."
  4. The extensions are correct, no taxes are paid, discounts are taken, and transportation charges, where applicable, are accurate.
  5. The charges are not duplicates of an item(s) already paid. Unless extenuating circumstances exist, all invoices submitted for payment should be originals.
  6. The proposed payment is for a valid and legal purpose.
  7. The unit price billed does not exceed the bid or contract authorization.

True Leases

Documentation for True Leases should include written quotes, cost-benefit analysis of leasing versus purchasing, etc.

Second Hand Equipment from Other Governments

Documentation should include market price comparisons including verbal or written quotes, and the name of the government organization.

Certain Food and Milk Purchases

Documentation and purchasing policies should be consistent with the State Education Department Regulations.

Sole Source

Competitive bidding is not required under Section 103 of the General Municipal Law in those situations where there is only one (1) possible source from which to procure goods and services required in the public interest. The School District should document that, as a matter of fact, there is no possibility of competition for the procurement of the goods.

Updating the Policies and Procedures

The Board of Education will annually review and update, if necessary, the procurement policies; and clearly indicate that unintentional failure to comply with these policies is not grounds to void the action taken or take action against the party involved.

The Business Office will annually review and update, if necessary, the procurement procedures and clearly indicate that unintentional failure to comply with these procedures is not grounds to void the action taken or take action against the party involved.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PURCHASING (Cont'd)****Alternative Formats for Instructional Materials**

Preference in the purchase of instructional materials will be given to vendors who agree to provide materials in alternative formats (i.e., any medium or format, other than a traditional print textbook, for presentation of instructional materials that is needed as an accommodation for a disabled student with a disability). Alternative formats include, but are not limited to, Braille, large print, open and closed captioned, audio or an electronic file in an approved format.

District Plan

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>

**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.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: PURCHASING (Cont'd)****Apparel Purchases**

For apparel purchases, the Board has the option and authority to only accept bids from "responsible bidders." A responsible bidder is a vendor that complies with fair and proper labor standards including those related to the use of child labor, employee compensation, employees' rights to form unions, and working conditions. Bidders for apparel must provide sufficient information to the District for the Board to determine the vendor's adherence to these labor standards.

**Contracts for Goods and Services**

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.

20 United States Code (USC) Section 1474(e)(3)(B)

Education Law Sections 305(14), 409-i, 701, 1604, 1709, 1950, 2503, 2554 and 3602

General Municipal Law Articles 5-A, 104-b and 18

State Finance Law Sections 162, 163 and 163-b

8 New York Code of Rules and Regulations (NYCRR) Sections 155, 170.2, 200.2(b)(10), 200.2(c)(2) and 200.2(i)

Adopted 4/24/13

2002

5510

Non-Instructional/Business  
Operations

**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.

Education Law Section 2116-a

Adopted: 6/29/09

Non-Instructional/Business  
Operations

**SUBJECT: COLLECTION OF NON-SUFFICIENT FUNDS CHECK**

All returned checks will be referred to as NSF (non-sufficient funds) for the purpose of this policy. Checks may be returned for a variety of reasons. The District considers NSF checks a bad debt, and bad debt is not an allowable expenditure for the District.

The District will do everything possible to collect on an NSF check and The Business Office will be responsible for contacting the maker of the NSF check in a timely manner and attaining restitution.

The maker will be responsible for covering any costs, if applicable, the district may incur from an NSF check.

Adopted: 4/13/10

Non-Instructional/Business  
Operations**SUBJECT: FUND BALANCE AND RESERVE FUNDS**

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 for both the district and the taxpayer. As part of fund balance, 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 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* and classify and use fund balance as required.

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 professional, 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 fund balance and all reserve funds to the Board of Education. The annual report shall include the following information:

- a) The type and description of the reserve fund;
- b) The date the reserve fund was established and the amount of each sum paid into the fund;
- c) The interest, if any, earned by the reserve fund;
- d) The total amount and date of each withdrawal from the reserve fund;
- e) The total assets of the reserve fund showing cash balance and
- f) An analysis of the projected needs for the reserve fund in the upcoming fiscal year and a recommendation regarding funding those projected needs,

The Board shall utilize the information in the annual report to make necessary decisions to adequately maintain and manage the Districts fund balance and reserve funds while mindful of its role and responsibility as a fiduciary of public funds.

The Superintendent will be responsible for enforcement of this policy and shall develop any necessary and/or appropriate regulations to implement the terms of the Board's policy.

Adopted: 6/21/11



**SUBJECT: EXTRACLASSROOM ACTIVITIES FUND – Grades 6 - 12**

An organization within the Onteora Central School District whose activities are conducted by students and whose financial support is raised other than by taxation or through charges of the Board of Education, shall be known as an Extraclassroom Activity and the moneys received by it as an Extraclassroom Activities Funds.

An individual and impartial audit of the accounts shall be made at least annually in conjunction with the audit of the District records.

Funds left over in defunct organizations shall be assigned to other active organizations at the discretion of the Building Principal.

**Deposit of Funds**

Money turned in to the Activities Fund Treasurer shall be inspected and examined by both the Activities Fund Treasurer and the Faculty Advisor. The funds shall then be turned over to the Central Treasurer for Extraclassroom Activity Funds who will then issue a pre-numbered receipt.

Funds may be submitted to the Central Treasurer in person or by deposit in the Middle School/High School safe slot.

**Expenditures**

Moneys may be spent by student organizations for such purposes, including but not limited to the purchase of materials, supplies, professional services, or transportation, for rent of any materials or supplies, and for such services as printing, advertising, postage and telephone.

\*All funds in the Extra Classroom Activity (ECA) account shall be invested in an interest-bearing account. The interest generated will be accrued and managed by the Student Affairs Council (SAC) group. This will allow all clubs and classes the opportunity to petition the Student Affairs Council for special instances where fiscal help is necessary. The Council with the approval of the Extra Classroom Activity Fund Chief Faculty Advisor (building principals) would approve special use of these funds.

The Board authorizes the Superintendent of Schools to implement rules and regulations for the conduct, operation and maintenance of extraclassroom activities funds and for the safeguarding, accounting and audit of all moneys received.

\*ADDENDUM approved 11/21/88  
8 New York Code of Rules and Regulations (NYCRR) Part 172

Adopted: 2/2/10

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 5520R

Date: 11/7/14 Updated 1/28/21

## THE SAFEGUARDING, ACCOUNTING AND AUDITING OF EXTRA-CLASSROOM ACTIVITIES FUNDS

### Definition

Extra-classroom activity funds are funds raised other than by taxation or through charges of a board of education, for, by or in the name of a school, student body, or any subdivision thereof.

### Financial Procedures

All extra-classroom activity funds shall be handled in accordance with the following procedures for the safeguarding, accounting, and auditing of these funds:

#### General

There shall be only one set of official records kept by the ECA Central Treasurer appointed by the Board of Education. Essential safeguards are established because students and Club Advisors also keep records of receipts and expenditures.

#### Officers

The following positions have responsibilities for the operation of Extra-Classroom Activity Funds in schools or shall be established solely for the purpose of participating in the operation of Extra-Classroom Activity Funds. The appointment authority for each position is listed next to the title.

- 1) Building Principal - appointed by the Board of Education.
- 2) Central Treasurer - appointed by the Board of Education.
- 3) Faculty Advisor - recommended by the Building Principal, appointed by the Board of Education.
- 4) Student Activity Treasurer - a student elected by the membership.

### Function and Duties of Officers

#### Building Principal

The Building Principal shall:

- 1) Be presented with the activity and/or fundraiser that the club wishes to hold. The Building Principal will approve the event before the club proceeds. They will ensure that the activity fund duties (as described herein) assigned to each activity fund position, for which the Building Principal has supervisory responsibility, are carried out accurately and on a timely basis.
- 2) Submit all new activity organizations initiated by the students to the Assistant Superintendent for Business for review. The Board of Education must approve all new activity organizations.
- 3) Investigate all problems and disputes concerning the student organizations and initiate action that will enable these problems and disputes to be resolved.

#### Central Treasurer

It shall be the duty of the Central Treasurer to have custody of all funds. All disbursements of funds shall be by means of prenumbered check forms signed by one (1) Building Administrator upon receipt of a Disbursement Order signed by the Student Activity Treasurer and Faculty Advisor. The Central Treasurer shall have no part in the approval of payments but shall disburse funds only on the presentation of a properly signed Disbursing Order Form (in duplicate) providing, of course, that there are sufficient funds available in the account. The Central Treasurer will sign the Disbursing Order form, note the check number being used for the payment, and will return a copy to the club for their records. The Central Treasurer shall mail the check to the vendor.

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 5520R

Date: 11/7/14 Updated 1/28/21

The Central Treasurer shall sign and number the Deposit Receipt that has been presented for all funds placed in his/her custody, and he/she shall deposit these funds promptly in a checking account authorized by the District.

The Central Treasurer shall keep an account listing the receipts and expenditures of each individual activity and post a register of all the receipts and disbursements of the combined accounts.

The Central Treasurer will receive and reconcile monthly bank statements. The District Treasurer will review and sign off on the monthly reconciliations. The Central Treasurer shall submit a quarterly report to the Board of Education.

This report shall consist of:

- 1) A list of all organizations using the activity fund, which reflects the opening balance, total receipts, total disbursements, and ending balance for each organization.

## Faculty Advisor

It shall be the duty of these officers to guide and advise the pupil officers in planning extra-classroom activities and the planning of financial budgets. The Advisors shall assist the Student Activity Treasurer in the preparation of the clubs Profit and Loss Statement for each fundraiser that is held. He/she shall audit these statements and sign them as acknowledgment of verification of the statement to be attached to deposit slips. The Advisor shall guide the Student Activity Treasurer in posting his/her account ledger and from time to time shall check the balancing of the Student Activity Treasurer's accounts and the completeness of their supporting evidence. The Faculty Advisor shall supervise expenditures by ensuring that funds are available before approving each proposed purchase and by signing all Disbursement Order forms being presented to the Central Treasurer for disbursement of funds. The Faculty Advisor is responsible for determining which of the activities of the organization are subject to sales tax and for taking steps to see that all tax information is accurately recorded and sent to the Central Treasurer. The Faculty Advisor shall constantly work toward the goal of ensuring the largest educational return from the activities participated in by the pupils.

## Student Activity Treasurer

The Student Activity Treasurer shall receive all moneys raised by the activity and shall immediately deposit such funds with the Central Treasurer. A Deposit Receipt (in duplicate) shall be made out and signed by both the Faculty Advisor and the Student Activity Treasurer. The original is signed and retained by the Central Treasurer, and a duplicate copy is returned to the club.

The Student Activity Treasurer shall pay all bills by completing a Disbursing Order form and submitting it to the Central Treasurer. This will be signed by the Student Activity Treasurer and the Faculty Advisor. When signed, this document is an order on the Central Treasurer to issue a check for payment of the invoice which shall be attached to the payment order. The Central Treasurer will note the check number used for payment on the Disbursing Order form, and return the duplicate copy to the club. The Central Treasurer will send the check to the vendor and file the Disbursing Order form and attached invoice. The Student Activity Treasurer will record the check in the activity ledger.

The Student Activity Treasurer shall keep a ledger showing all receipts and expenditures and indicating a daily running balance. All supporting data for the entries made in the ledger shall be filed chronologically. The Student Activity Treasurer will be responsible for acknowledging the Central Treasurer's request for quarterly account balance verification. He/she will have the Faculty Advisor sign the quarterly account balance verification after the Advisor's review.

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 5520R

Date: 11/7/14 Updated 1/28/21

## **Deposit Procedures for Extra-classroom Student Activity Treasurers**

The following tools are to be used by the Student Activity Treasurer and the Faculty Advisor in this regard as dictated by the situation.

### Numbered receipts

Numbered receipts are issued upon collection of individual payments for such things as trip payments, prom tickets, or individual items. Receipts shall be numbered and issued in consecutive order. Numbered receipts upon which mistakes are made shall be voided but not destroyed.

The Activity Treasurer will:

- 1) Count the money and reconcile the amount with the receipts issued.
- 2) Prepare a Deposit Receipt (in duplicate) and have the Faculty Advisor sign the Deposit Receipt after the Advisor's review, and deposit the funds with the Central Treasurer.
- 3) Receive a numbered and signed duplicate of the Deposit Receipt from the Central Treasurer for the money deposited.
- 4) Enter the amount of the deposit in the activity ledger indicating the source from which the funds were received.
- 5) File chronologically the supporting documents consisting of the copies of any applicable receipts issued and the receipt from the Central Treasurer.

### Statements of admissions

Statements of admissions are used in lieu of individual receipts when an organization has a dance, or other activity involving admissions or makes a standard collection from all persons participating in an activity i.e can shake, car wash.

The Student Activity Treasurer will:

- 1) Count the money and reconcile the amount with the statement of admissions and have the Faculty Advisor sign the statement of admissions below the signature of the Student Activity Treasurer.
- 2) Prepare a Deposit Receipt (in duplicate) and have the Faculty Advisor sign the Deposit Receipt after the Advisor's review, and deposit the funds with the Central Treasurer.
- 3) Receive a numbered and signed duplicate of the Deposit Receipt from the Central Treasurer for the money deposited.
- 4) Enter the amount of the deposit in the activity ledger indicating the source from which the funds were received
- 5) File chronologically the supporting documents consisting of the statement of admissions and the receipt from the Central Treasurer.

### Receipts from Donations

In the case where donations are received by a club the Student Activity Treasurer with the assistance of the Faculty Advisor, will create a list showing the donor, the donated amount, and the check number or notation that it was cash received. The accounting is to be submitted with the deposit.

### Receipts from sales and campaigns etc.

In those cases where the issuance of prenumbered duplicate receipts is not practical, the Student Activity Treasurer with the assistance of the Faculty Advisor, should devise a method by which the exact amount of the sale and the name of the student associated with the sale is kept. This accounting is to be submitted with the deposit.

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 5520R

Date: 11/7/14 Updated 1/28/21

## Deposit of Money

The Student Activity Treasurer will:

- 1) Count the money and reconcile the amount with the receipts issued, statements of admissions, sales campaign reports, etc.
- 2) Prepare a Deposit Receipt (in duplicate) and have the Faculty Advisor review and sign the receipt and deposit the funds with the Central Treasurer.
- 3) Receive a numbered and signed duplicate of the Deposit Receipt from the Central Treasurer for the money deposited
- 4) Enter the amount of the deposit in his/her activity ledger indicating the source from which the funds were received
- 5) File chronologically the supporting documents consisting of the original sales documents, campaign documents and statements of admissions and the receipt from the Central Treasurer.

## **Withdrawal Procedure for Extra-classroom Activities**

- 1) When merchandise or services are purchased, the Faculty Advisor is responsible for ensuring that the purchase is proper in all respects including availability of funds to cover the cost of the purchase.
- 2) When the merchandise is received and the invoice arrives, the Student Activity Treasurer, under the Faculty Advisor's supervision, checks the goods and/or services against the invoice. If there are no discrepancies, the Faculty Advisor and Student Activity Treasurer will complete and sign the Disbursing Order form.
- 3) The Student Activity Treasurer will:
  - a. Submit the Disbursing Order form (in duplicate) with the invoice attached to the Central Treasurer.
  - b. Receive from the Central Treasurer, a signed duplicate copy of the Disbursing Order with the check number indicated.
  - c. Make entries in the ledger indicating to whom the check was made out, the reason for the payment, and the check number.
- 4) The Central Treasurer will:
  - a. Record the check number on the Disbursing Order form.
  - b. Sign the Disbursing Order form, and return it to the Faculty Advisor and Student Activity Treasurer with a copy of the check stub.
  - c. Issue the check and send it to the vendor.
  - d. Make entries in the ledger and file the Disbursing Order form and invoice.

## Procedure for Closing Out Inactive Activity Accounts

Prior to the termination of a student organization, all funds remaining in the treasury must be disposed of in one of the following ways:

- 1) Expended by vote of the organization controlling these funds.
- 2) Transferred to another student organization following the standard withdrawal procedure.
- 3) On recommendation from the Central Treasurer and approval from the Building Principal a request to close an Inactive Activity Account will be sent to the Superintendent of Schools for approval by the Board of Education. The remaining funds in the Inactive account will be transferred to the Student Activity account.

**SUBJECT: CASH IN SCHOOL BUILDINGS**

**Cash In School Buildings**

Under no circumstances shall checks or cash be left in classroom areas or desks. All monies shall be locked in the Main Office vault. Only authorized personnel designated by the building administrator shall be allowed in the Main Office vault. The District will not be responsible for funds left unprotected.

All funds, whether District or extraclassroom funds, shall be deposited in a timely manner.

Education Law Section 1709(29)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 170.4

Adopted: 1/7/14

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

In compliance with Education Law, the Board of Education shall direct the District Clerk to publish annually during the month of July or during the month of August a full and detailed account of all moneys received by the Board or the Treasurer of the District for its account and use, and all of the money expended therefore, giving the items of expenditure in full.

The account shall be published in the official District newspaper once each year.

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

Non-Instructional/Business  
Operations**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 School Business Official 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  
Improving America's Schools Act of 1994  
34 Code of Federal Regulations (CFR) Part 200



**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.

Compliance Supplement for Single Audit  
of State and Local Governments (revised  
September 1990) supplementing OMB  
Circular A-128

NOTE: Refer also to Policy #6430 – Employee Activities

Adopted: 6/29/09

**SUBJECT: AUDIT COMMITTEES**

No later than January 1, 2006, an Audit Committee shall be 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) An Advisory Committee that may include, or be composed entirely of persons other than Board members if, in the opinion of the Board, such membership is advisable to provide accounting and auditing expertise.

The Audit Committee shall consist of at least three (3) members who 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. Members of the Audit Committee shall be deemed School District Officers but shall not be required to be residents of the School District.

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 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 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 draft annual audit report and accompanying draft management letter and, working directly with the External (Independent) Auditor, assist the Board of Education in interpreting such documents;
- e) Make a recommendation to the Board on accepting the annual audit report; and

(Continued)

**SUBJECT: AUDIT COMMITTEES (Cont'd.)**

- f) Review every corrective action plan developed by the School District and assist the Board in its implementation.

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; and evaluating 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) Any matter which may disclose the identity of a law enforcement agent or informer;
- b) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; and
- c) Discussions regarding proposed, pending or current litigation.

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

Education Law Sections 2116-c, and 3811-3813  
Public Officers Law Sections 105(b), 105(c) and 105 (d)

**SUBJECT: INTERNAL AUDIT FUNCTION**

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

- a) Development of a risk assessment of District operations including, but not limited to, a review of financial policies and procedures and the testing and evaluation of District internal controls;
- b) A biennial review and update of such risk assessment unless recommended by the Audit Committee to be done more frequently;
- c) Preparation of reports, following the risk assessment update or more frequently as the Board may direct, which analyze significant risk assessment findings; and
- d) Recommendation of changes for strengthening controls and reducing identified risks, and the specification of time frames for implementation of such recommendations.

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

Personnel or entities performing the Internal Audit Function shall report directly to the Board of Education. The Audit 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

Adopted: 12/6/16

**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 to the extent permitted by law. 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 may 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 may also 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 any civil and/or criminal charges as may be warranted or the notification to law authorities as deemed appropriate.*

**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.

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

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

Adopted: 2/8/11

Non-Instructional/Business  
Operations

**SUBJECT: "WHISTLE-BLOWER" PROTECTION POLICY**

Employees, who have a reasonable belief that the conduct which they complain of constitutes a violation of law, rule or regulation by the School District, are protected by New York State Civil Service Law Section 75-b. Accordingly, the District shall take no action to terminate an employee, or take any adverse personnel action affecting an employee's compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance because they disclosed information to a governmental body regarding a violation of law, rule or regulation where the violation; 1) creates and presents a substantial and specific danger to the public health or 2) is one which the employee reasonably believes to be true and reasonably believes constitutes an improper School District action. This includes complaints regarding suspected violations of state testing procedures.

Before reporting any such information to another governmental agency, and in order to obtain the protections of Civil Service Law Section 75-b, an employee must make a good faith effort to provide the Superintendent, or where the allegations involve the Superintendent, the Board of Education, with the information to be disclosed. Neither the School District nor its employees or officers shall retaliate against any employee who makes a good faith report regarding a violation of law, rule or regulation.

**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE**

As New York State has legislated requirements for certain school districts receiving reimbursement or submitting Medicaid claims regarding the detection and prevention of fraud, waste and abuse, the Board of Education of the Onteora Central School District hereby enacts the following policy:

**I. INTRODUCTION**

The Onteora Central School District has developed this Fraud, Waste and Abuse (“FWA”) Compliance Policy as a comprehensive statement of the responsibilities and obligations of all employees and contractors regarding submissions of information on which payment is made or submitted to Medicaid. This policy is intended to apply to business arrangements with physicians, vendors, subcontractors, hospitals, related service providers, agents, and other persons who may be subject to federal or state laws relating to FWA.

Detecting and preventing FWA is the responsibility of everyone, including employees, members, providers and sub-contractors. The District also provides compliance training.

**1. Definitions of FWA**

**Fraud** - An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to themselves or some other person. It includes any act that constitutes fraud under applicable federal or state law.

**Waste and Abuse** - Incidents or practices that are inconsistent with legal, ethical, accepted and sound business, fiscal or medical practices that result in unnecessary cost to health programs, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes Medicaid, School Supportive Health Services Program (“SSHSP”), and commercial plan member practices that result in unnecessary costs to a health program.

Listed below are some examples of potential FWA:

- Falsifying Claims/Encounters
- Alteration of Claim
- Incorrect Coding
- Double Billing
- Billing for services not provided
- Misrepresentation of services/supplies
- Substitution of services

**II. CODE OF ETHICS**

Any employee who in good faith believes they have knowledge of a potential violation of this policy, must report this information to the District directly to the Compliance Officer. Alternatively, an employee may report the violation to the District’s Legal Counsel. Violations of this policy or failure to report a known violation of the policy is considered to be a serious infraction of District procedures, and may result in the imposition of disciplinary action up to and including termination. No employee



**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (cont'd)**

shall be subjected to intimidation or retaliation solely for the good faith reporting of a suspected violation.

**III. EMPLOYEE PARTICIPATION AND REPORTING**

It is the responsibility of every District employee to abide by applicable laws and regulations and support the District's compliance efforts by:

1. being alert to potential compliance issues relevant to their activities;
2. seeking advice from the Compliance Officer or the District's Legal Counsel regarding compliance issues as appropriate;
3. reporting their good faith belief of any suspected, actual or potential compliance violations including FWA;
4. cooperating in the investigation of compliance reports; and
5. being completely honest in all dealings with federal and state agencies and representatives.

The District shall maintain confidentiality and provide anonymity to the employee(s) to the extent possible under the circumstances, and consistent (in the judgment of the District) with its obligations to investigate employee concerns and take necessary corrective action. Any retaliation or intimidation against an employee as a result of such good faith reporting or as a result of an employee's cooperation in the investigation of such a report shall be strictly prohibited.

**IV. COMPLIANCE OFFICER**

The Compliance Officer is the individual within the District responsible for the day to day operation of the compliance program. The Compliance Officer shall be the coordinator for special seminars and education on compliance issues, expectations, and the compliance program operation to ensure that:

1. All employees, including new employees, are receiving adequate education and training and that such education and training is documented;
2. All employee complaints and other concerns regarding compliance are promptly investigated; and
3. Adequate steps are taken to correct any identified problems and prevent the reoccurrence of such problems.

**V. REPORTING SUSPECTED VIOLATIONS**

Employees shall report their good faith belief of suspected, actual, or potential violations of the compliance program, including FWA or applicable laws, either orally or in writing to the Compliance Officer. Alternatively, the employee may report the violation to the District's Legal Counsel. The District shall maintain confidentiality and provide anonymity to the employee(s) making such report to the extent possible under the circumstances.

**VI. DISCIPLINARY POLICIES**

Should an employee intentionally fail to report suspected problems with FWA, participate in FWA under this policy, or encourage, direct, facilitate or permit active or passive non-compliant FWA behavior, such action or inaction may lead to disciplinary action in accordance with provisions of applicable collective bargaining agreements and state and federal law.

**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (cont'd)****VII. MONITORING AND AUDITING****Procedures for Internal Monitoring and Auditing of FWA**

As an integral part of its commitment to prevent FWA, the District has developed, and shall continue to develop and refine procedures for effective internal monitoring and auditing for FWA and shall conduct Risk Assessments to detect and prevent FWA.

**1. Internal Auditing and Monitoring**

In order to detect non-compliance with the Compliance Program and to detect FWA, the District shall periodically monitor, internally audit, and as appropriate, externally audit the business activities of the District including, but not limited to, the auditing of the health and pharmacy claims and other compliance audits. Audits may also consist of evaluation of potential or actual non-compliance as a result of such self-evaluations, credentialing of providers and persons associated with providers, mandatory reporting, governance, and quality of care of medical assistance program beneficiaries.

Auditing and monitoring of FWA may be performed utilizing any of the following:

- a. unannounced internal audits or “spot checks;”
- b. review of areas previously found non-compliant to determine if the corrective actions taken have fully addressed the underlying problem;
- c. use of objective, independent auditors that are knowledgeable of the Medicare, Medicaid program requirements and who are not employed in the area under review; and
- d. access to existing audit resources, relevant personnel, and relevant areas of operation by both internal and independent auditors.

**2. Informal Audits and Monitoring**

Monitoring activities refer to reviews that are repeated on a regular basis during the normal course of operations. Monitoring may occur to ensure corrective actions are undertaken or when no specific problems have been identified to confirm ongoing compliance.

**3. Risk Assessment**

The District shall have a risk assessment system that determines where the District is at risk for FWA, and shall prioritize the risks. The Compliance Officer shall participate in or contribute to the risk assessment process. The District shall have a system of ongoing monitoring and auditing that is coordinated or executed by the Compliance Officer to assess performance in, at a minimum, areas identified as being at risk.

**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION COMPLIANCE (cont'd)****VIII. RESPONDING TO COMPLIANCE ISSUES****1. General**

The District is committed to investigating any incident of noncompliance with the District's Compliance policy, significant failures to comply with applicable federal or state law, and other types of misconduct which threatens or calls into question the District's status as a reliable, honest, and trustworthy entity. Fraudulent or erroneous conduct that has been detected, but not corrected, can seriously endanger the reputation and legal status of the District. In this regard, the District has developed internal and external audit procedures and encourages employees to report FWA on their own initiative.

**2. Investigation of and Correcting Potential Violations**

Upon receipt of reports or reasonable indications of suspected noncompliance or FWA, the Compliance Officer, or their designee, will investigate the allegation(s) to determine whether a material violation of applicable law or requirements of the District's Compliance Program has occurred. Generally, investigation of a violation will be conducted by the Compliance Officer or their designee, and will normally include conferring with the parties involved, any named or apparent witnesses, review of all relevant records and documentation, and analysis of applicable laws and regulations.

In the event any material violation of this Compliance Program, or if any incident of fraud is determined by the Compliance Officer, the Compliance Officer shall immediately take appropriate actions, including:

- a. refer any abusive or potentially fraudulent conduct or inappropriate utilization activities, once identified via proactive data analysis or other processes, for further investigation to the Center for Medicare and Medicaid Services ("CMS"), the Office of Inspector General ("OIG"), the New York State Attorney General, or other state or federal agency as appropriate;
- b. immediately report potential violations of Federal law to the CMS, OIG, or, alternatively, to appropriate law enforcement authorities;
- c. cooperate with the above mentioned agencies;
- d. identify and repay any overpayments to the appropriate party; and
- e. discipline any employees or plan members who engage in fraud or abusive practices in accordance with applicable collective bargaining agreements, up to and including termination.

The results of any investigations shall be thoroughly documented. Investigation records shall include a description of the investigative process, copies of interview notes and key documents, a log of individuals interviewed and documents reviewed, the results of the investigation, and any disciplinary or corrective actions taken. Precautions shall be taken to ensure that critical documents are not destroyed without permission of the Compliance Officer and approval of Legal Counsel, and are retained in accordance with statutory guidelines regarding retention.

**SUBJECT: MEDICAID FRAUD WASTE AND ABUSE DETECTION AND PREVENTION  
COMPLIANCE (Cont'd)****3. Corrective Action**

Corrective Action should be taken promptly following completion of the investigation. If an audit or investigation reveals a material violation of this policy, the Compliance Officer shall draft a corrective plan of action, and establish deadlines by which corrective action must take place. Possible corrective actions include, but are not limited to, refunds of any overpayment received, employee disciplinary action up to and including termination, and reporting to federal or state authorities.

All corrective actions shall be documented, and include progress reports with respect to each error identified. Any decision whether to disclose the results of investigations or audits to federal or state authorities shall be made in consultation with Legal Counsel.

**SUBJECT: INSURANCE**

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

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

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

All insurance policies, along with an inventory of the contents of the building, should be kept in a fireproof depository or with the appropriate insurance agent for 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.

Public Officers Law Section 18  
General Municipal Law Sections 6-n and 52  
Education Law Sections 1709(8) and (26) and  
(34-b), 3023, 3028, and 3811

**SUBJECT: LOSS OF PERSONAL PROPERTY**

The Onteora Central School District shall not be responsible for the loss of personal property by students or employees.

**SUBJECT: INVENTORIES**

The Superintendent or their designee shall be responsible for maintaining a continuous and accurate inventory of equipment owned by the District in accordance with "The Uniform System of Accounts for School Districts."

All supplies and equipment purchased and received by the School District shall be checked, logged, and stored through an established procedure.

Uniform System of Accounts for School  
Districts (Fiscal Section)

**SUBJECT: ACCOUNTING OF FIXED ASSETS**

The School Business Official shall be responsible for accounting for general fixed assets according to the procedures outlined by the Uniform System of Accounts for School Districts. These accounts will serve to:

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

All fixed assets carrying a minimum value established by the Board that have a useful life of one (1) year or more and physical characteristics which are not appreciably affected by use or consumption shall be inventoried and recorded on an annual basis. Fixed assets shall include land, buildings, equipment and materials. Equipment shall be viewed as stand alone items, not components of a larger item, having a purchase price of five thousand dollars (\$5,000) or greater and not considered to be an ordinary contingent expense.

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

- a) Date of acquisition;
- b) Description;
- c) Cost or value;
- d) Location;
- e) Responsible official;
- f) Estimated useful life;
- g) Date and method of disposition.

The School Business Official shall arrange for the periodic 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.

Adopted: 10/13/15



## **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 their staff, has the responsibility of protecting the District facilities through a systematic maintenance program. The program shall include periodic preventive maintenance activities, long-range maintenance schedules and emergency repair procedures. The District will make reasonable attempts to ensure that all maintenance work will be carried out in a manner that will cause the least interference with the educational program.

### **Construction and Remodeling of School Facilities**

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

Plans and specifications submitted to the Commissioner 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 and the State Energy Conservation Construction Code.

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

### **Carbon Monoxide Detection Requirements**

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

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (cont'd)**

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

**Inspections**

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

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

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

**Comprehensive Public School Building Safety Program (Rescue)**

To ensure that all District facilities are properly maintained and preserved and provide suitable educational settings, the Board 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, at minimum, the following:

(Continued)

**SUBJECT: FACILITIES: INSPECTION, OPERATION AND MAINTENANCE (cont'd)**

- a) A five (5) year capital facilities plan which will include a priority listing of current and proposed construction and renovation projects and major repairs and replacement of building systems and their costs.
- b) A District-wide building inventory, which will include information pertaining to each building including, but not limited to:
  - 1. Type of building, age of building, size of building;
  - 2. Rated capacity, current enrollment;
  - 3. List of energy sources and major systems (lighting, plumbing, electrical, heating); and
  - 4. Summary of triennial Asbestos Inspection reports.
- c) A building condition survey 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.
- d) A District-wide monitoring system which includes:
  - 1. Establishing a Health and Safety Committee;
  - 2. Development of detailed plans and a review process of all inspections;
  - 3. Procedures for a response in writing to all inquiries about building health and safety concerns, a copy of which will be sent to the District's Health and Safety Committee for oversight, and a copy kept on permanent file.
- e) Procedures to ensure the safety of the building occupants while a construction/renovation project is taking place. These procedures will include:
  - 1. Notification to parents, staff and the community at least two (2) months in advance, if possible, 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 ID badges;
  - 3. An opportunity for the District's Health and Safety Committee to conduct a walkthrough 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.

Carbon Monoxide Detection: 19 NYCRR § 1228.4; Lead Testing: 10 NYCRR § 67-4.1, et seq.  
Legionella Protection: 10 NYCRR § 4.1, et seq. ; Fire Inspection: 8 NYCRR § 155.4 Education Law  
Section 807-a; Health and Safety Committee: 8 NYCRR § 155. 4(d)(1); Asbestos Inspection: 40 Code  
of Federal Regulations (CFR) Part 763, Subpart E 15 U.S Code (USC) §§ 2641-2656  
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 NYCRR §§ 1221-1240  
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)

## Non-Instructional/Business Operations

**SUBJECT: TOBACCO-FREE, SMOKE-FREE ENVIRONMENT POLICY**

The following tobacco policy was developed in accordance with the Goals 2000 Educate America Act, § 1043 (Non-Smoking Policy for Children Services), the New York State Public Health Law's Expanded Clean Indoor Air Act 2003, § 1399-opt and New York State Education Law - Article 9 Section 409.

**Intent**

All students shall possess the knowledge and skills necessary to avoid all tobacco use, and school leaders shall actively discourage all use of tobacco products by students, staff, and school visitors while on school property, at a school-sponsored event, or in a school-owned or school- contracted vehicle. To achieve these ends, Onteora leaders shall prepare, adopt, and implement a comprehensive plan to prevent tobacco use that includes:

- a) A sequential educational program to prevent tobacco use that is integrated within the school health education curriculum; that is aimed at influencing student' attitudes, skills, and behaviors; and that is taught by well-prepared and well-supported staff;
- b) Establishment and strict enforcement of completely tobacco-free school environments at all times;
- c) Prohibition of tobacco advertising;
- d) Appropriate counseling services and/or referrals for students and staff to help them overcome tobacco addiction;
- e) Cooperation with community-wide efforts to prevent tobacco use; and
- f) Strategies to involve family members in program development and implementation.

**Rationale**

Cigarette smoking is considered the chief preventable cause of premature disease and death in the United States. Schools have a responsibility to help prevent tobacco use for the sake of students' and staff members' health and the well being of their families. Research conclusively proves that:

- a) Regular use of tobacco is ultimately harmful to every user's health, directly causing cancer, respiratory and cardiovascular diseases, adverse pregnancy outcomes, and premature death;
- b) Second-hand smoke is a threat to the personal health of everyone;
  - 1) Nicotine is a powerfully addictive substance;
  - 2) Tobacco use most often begins during childhood or adolescence; and use of tobacco interferes with students' attendance and learning.

(Continued)

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

The Board of Education recognizes the need to protect human health and the environment from damage resulting from the improper handling of hazardous wastes.

The management of hazardous waste from its point of generation to the ultimate disposal is regulated through specific Federal and State laws.

The Board directs the Superintendent to adopt rules to insure District implementation of applicable Federal and State laws pertaining to the identification, transportation, treatment, storage, and disposal of hazardous wastes.

Environmental Protection Agency  
40 Code of Federal Regulations (CFR) 261 and 262  
6 New York Code of Rules and Regulations  
(NYCRR) Part 371

Adopted: 6/29/09

## **GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS**

All single-occupancy bathroom facilities in the district are designated as gender neutral. Signs designating gender neutral single-occupancy bathrooms must be posted on or near the entry door of that bathroom facility.

A “single-occupancy bathroom” is as defined in Public Buildings Law §145(d) as “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.”

The Superintendent of Schools or designee is directed to post appropriate signage to implement this policy consistent with applicable laws. Handbooks, directional signs, memos, safety plans, and maps will also be updated as necessary.

Ref: Education Law §409-m (single-occupancy bathrooms designated gender neutral)  
Public Buildings Law §145(d)

Adoption date: 9/14/21

## Non-Instructional/Business Operations

**SUBJECT: TOBACCO-FREE, SMOKE-FREE ENVIRONMENT POLICY (cont'd)****Tobacco Use Prohibited**

Tobacco sale or distribution shall not be permitted and no person shall use tobacco on school grounds or in any vehicles used to transport children or school personnel at any time. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds contained within the District's legally defined property boundaries as registered in the County Clerk's Office. Smoking or tobacco use is also prohibited within 100 feet of all school entrances, exits and outdoor areas, except where that is a residence or residential property. Furthermore, tobacco use shall not be permitted at any time indoors or on the grounds of any facility owned, operated, leased, or contracted by the District as educational or library service for students pre-k through 12, unless legally excepted.

For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, and any other smoking product and smokeless tobacco, and spit, dip, chew, spitless snuff and/or snuff, smokeless, dip, in any form and electronic cigarettes. "Electronic cigarette" or "e-cigarette" means an electronic device that delivers vapor which is inhaled by an individual user (including vaporizers, vapor pipes, and vape pens), and shall include any refill, cartridge and any other component of such a device.

**Tobacco Promotion**

Tobacco promotional items (i.e., brand names, logos, and other identifiers), including clothing, bags, lighters, and other personal articles, are not permitted on school grounds, in school vehicles, or at school-sponsored events. Tobacco advertising is prohibited in all school-sponsored publications and at all school-sponsored events. Tobacco industry sponsorship and marketing (eg. Gifts, funding, or parent/classroom educational materials from the tobacco industry) is prohibited. When possible, school libraries shall order periodicals with a request for school editions which exclude tobacco advertising.

**Closed Campus**

No student may leave the school campus during breaks in the school day to use a tobacco product. Signs to this effect will be posted at appropriate locations. School authorities shall consult with local law enforcement agencies to enforce laws and District policies that prohibit the sale of tobacco to minors, within the immediate proximity of school grounds.

(Continued)

## Non-Instructional/Business Operations

**SUBJECT: TOBACCO-FREE, SMOKE-FREE ENVIRONMENT POLICY (cont'd)**

The school administrator shall notify students, families, education personnel, and school visitors of the tobacco-free policy in handbooks and newsletters, on posted notices or signs at every school entrance and other appropriate locations, and by other efficient means. Public announcements will be made at District-sponsored events such as public board of education meetings, sporting events, musical concerts, open houses, and parent/family activity events. Outside interest groups who use District facilities will be notified in writing regarding this Tobacco Policy. To the extent possible, schools and districts may use local media to publicize the policies and help influence community norms about tobacco use.

**Enforcement**

The District shall designate school officials to enforce this policy and to address any violations. All staff members are asked to cooperate and to report violations to the designated administrator. Any tobacco product, rolling papers, or other paraphernalia, lighter, matches, or similar incendiary devices found in the possession of a [minor] student shall be confiscated by staff and discarded. Students and employees also may be subject to relevant sanctions as determined by written school policy, including disciplinary action. Student participation in a tobacco cessation program and/or tobacco education class may be allowed. Other individuals in violation of this policy will be asked to refrain or leave the premises. School staff shall be encouraged to participate in training on the correct and fair enforcement of tobacco-free policies.

**Instructional Program Design**

Tobacco use prevention education shall be integrated within the comprehensive health education. The educational program shall be based on theories and methods that have been proven effective by published research and consistent with the New York State health education standards.

**Staff Preparation**

Staff responsible for teaching tobacco use prevention shall have access to adequate pre-service training and participate in ongoing professional development activities to effectively deliver the education program as planned.

**Educational Reinforcement**

Tobacco use prevention education shall be closely coordinated with the other components of the school health program. Tobacco-use prevention concepts shall also be integrated into the instruction of other subject areas to the greatest extent possible.

(Continued)



## Non-Instructional/Business Operations

**SUBJECT: TOBACCO-FREE, SMOKE-FREE ENVIRONMENT POLICY (cont'd)**

School instructional staff shall collaborate with agencies and groups that conduct tobacco-use prevention education in the community. School staff shall also help interested students become involved with agencies and other organizations in the community that are working to prevent tobacco use.

**Program Availability**

The school health program shall include referrals to community resources and programs to help students and staff overcome tobacco addiction. School counselors or community agencies are encouraged to establish voluntary tobacco use cessation programs at school.

**Program Attendance**

Attendance or completion of a tobacco use cessation program shall not be mandatory for anyone or used as a penalty. Attendance or completion of a tobacco use cessation program is allowed as a voluntary substitute to suspension for possession or use of tobacco.

**Cooperation**

The existence of a tobacco-free environment for the benefit of all who occupy School District property will depend upon the thoughtfulness, consideration, and cooperation of all school personnel, students, and other individuals on school property. We invite the cooperation and understanding of all individuals in assuming responsibility for keeping our School District premises tobacco-free.

Safe and Drug-Free Schools and Communities Act, 20 United States Code (USC) Section 7101 et seq.  
Pro-Children Act of 2001, as amended by the No Child Left Behind Act of 2001, 20 United States Code (USC)

Sections 7181-7184

Education Law Sections 409, 2801(1) and 3020-a

Public Health Law Article 13

Adopted: 6/5/18

**SUBJECT: ENERGY/WATER CONSERVATION AND RECYCLING OF SOLID WASTE**

The Board of Education recognizes the importance of energy and water conservation and is committed to the analysis, development, and initiation of conservation measures throughout the District for the purpose of reducing energy consumption.

**Recycling**

The Superintendent will develop a program for the source separation and segregation of recyclable or reusable materials in the District. This District-wide recycling plan shall include:

- a) A conservation education program to teach students about their social responsibility for preserving our resources, and involvement of all students and personnel in a comprehensive effort to reduce, reuse and recycle waste materials;
- b) A concerted effort to purchase recycled items and biodegradable rather than non-biodegradable products;
- c) Separation of waste into appropriate categories for the purpose of recycling;
- d) A cooperative effort with community recycling programs.

General Municipal Law Section 120-aa

**SUBJECT: SUSTAINABILITY POLICY**

The Board of Education believes it is our responsibility to ensure that every effort is made to build a sustainable School District including conservation of energy and natural resources while exercising sound financial management.

The implementation of this policy is the joint responsibility of the Board members, administrators, teachers, students, parents and support personnel and its success is based on cooperation at all levels.

To ensure the overall success of the sustainability management program, every student and employee will be expected to contribute to sustainability efforts in the District.

Every person will be expected to be an "energy saver" as well as an "energy consumer", and put into practice the five (5) Rs.

The five (5) Rs are:

- a) Rethink our practices and how we use and purchase materials, energy and natural resources.
- b) Refuse excess materials and packaging in all purchases, whenever possible.
- c) Reduce the amount of materials and energy used.
- d) Reuse all materials as appropriate instead of discarding them after a single use.
- e) Recycle all remaining materials where feasible, including organic and inorganic materials.

**SUBJECT: SCHOOL MEAL SERVICE PROGRAM (LUNCH AND BREAKFAST)**

The Board of Education recognizes that the nutrition of district students is an important factor in their educational progress. The Board therefore shall participate in federally funded school lunch programs, and shall provide free or reduced price meal services to qualified district students.

**Availability, Application and Notification**

Notice of the availability of the free and reduced price meal programs will be sent to the homes of students, local media, the local unemployment office and large employers experiencing layoffs in the area from which the district draws its attendance. Any child who is a member of a family unit whose income is below the federally established scale shall be eligible to receive such services.

To apply for the free [or reduced price] meal program:

- a. Application forms will be available in the main office of each school building and on the district web site <http://www.onteora.k12.ny.us/domain/20> and can be completed and submitted at any time during the year.
- b. Completed forms must be submitted to the main office of the school which the student attends prior to any determination of eligibility.
- c. The parent or guardian will be informed of the determination within one week of receiving a properly completed application.

Applications will be kept confidential.

Upon written request, the Assistant Superintendent for Business will hear appeals of determinations regarding such services in compliance with federal regulations governing the National School Lunch Program.

In addition, in order to reach students who are categorically eligible for free [and reduced price] meals and to comply with state law, three times per school year the School Lunch Manager will review the list made available by the State Education Department of children ages three to 18 who are in households receiving federal food assistance, Medicaid benefits (for certain recipients), or Temporary Assistance for Needy Families (TANF) to identify students within the district. The district will send a notice to those families apprising them of their student's eligibility to participate in the school meal programs without further application. Parents may decline participation by informing the district in writing. If the service is declined, the student will be removed from the eligibility list.

**Meal Charge Policy**

The goal of the Onteora Central School District is to provide student access to nutritious no- or low-cost meals each school day and to ensure that a pupil whose parent/guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent/guardian does not have unpaid meal fees.

The intent of this policy is to establish procedures to address unpaid meal charges throughout the Onteora Central School District in a way that does not stigmatize, distress or embarrass students. The provisions of this policy pertain to regular priced school breakfast and lunch meals only. The Onteora Central School District provides this policy as a courtesy to those students in the event that they forget or lose their lunch money. Charging of items outside of the reimbursable meals (a la carte items, adult meals, etc.) is expressly prohibited.

(Continued)

**SUBJECT: SCHOOL MEAL SERVICE PROGRAM (LUNCH AND BREAKFAST) (cont'd)**

- Free Meal Benefit - Free eligible students will be allowed to receive a free breakfast and lunch each day. A la carte purchases must be paid/prepaid.

Reduced Meal Benefit - Reduced eligible students will be allowed to receive a breakfast for \$.25 and lunch for \$.25 each day. The charge meals offered to students will be reimbursable meals that are available to all students unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal. A la carte items or other similar items must be paid/prepaid.

- Full Pay Students – Students will pay for meals at the school's published paid meal rate each day. If a student is without meal money on a consistent basis, the administration will investigate the situation more closely and take further action as needed. If financial hardship exists, parents and families are encouraged to apply for free or reduced price lunches for their child if applicable. The charge meals offered to students will be reimbursable meals that are available to all students.
- Parents/Guardians are responsible for meal payment to the food service program. Discreet notices of deficit balances will be sent to parents/guardians at regular intervals during the school year.
- Students/Parents/Guardians may pay for meals in advance via the Parent Portal or with a check payable to Ontario CSD Food Service. Further details are available on our webpage at [Ontario.k12.ny.us](http://Ontario.k12.ny.us). Funds should be maintained in accounts to minimize the possibility that a child may be without meal money on any given day. Any remaining funds for a particular student may/will be carried over to the next school year.
- Refunds for withdrawn, and graduating students; a written or e-mailed request for a refund of any money remaining in their account must be submitted. Students who are graduating at the end of the year will automatically be refunded any balance over \$10.00 unless they have a sibling and then it will automatically be transferred to a sibling's account.
- Unclaimed Funds must be requested within one school year. Unclaimed funds will then become the property of the Ontario Central School District Food Service Program.
- Balances Owed collection will follow the policies and procedures set by the school.

**ONGOING STAFF TRAINING:**

- ☐ Staff will be trained annually and throughout the year as needed on the procedures for managing meal charges using the NYSED Webinar or the school's training program.
- ☐ Staff training includes ongoing eligibility certification for free or reduced price meals.

**PARENT NOTIFICATION:**

- ☐ Parents/guardians will be notified that a student's account balance is exhausted every Wednesday and Sunday by email.
- ☐ Parents/guardians will be notified that a student has accrued meal charges every Wednesday and Sunday by email.

**PARENT OUTREACH:**

- ☐ Staff will communicate with parents/guardians with five or more meal charges to determine eligibility for free or reduced price meals.

(Continued)

**SUBJECT: SCHOOL MEAL SERVICE PROGRAM (LUNCH AND BREAKFAST) (cont'd)**

- ☐ School 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.
- ☐ School 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 child to have insufficient funds, offering any other assistance that is appropriate.

**MINIMIZING STUDENT DISTRESS:**

- ☐ School will not publicly identify or stigmatize any student on the line or discuss any outstanding meal debt in the presence of any other students.
- ☐ Students who incur meal charges will not be required to wear a wristband or handstamp, or to do chores or work to pay for meals.
- ☐ Schools 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 meal charges.
- ☐ Schools will not take any action directed at a pupil to collect unpaid school meal fees.
- ☐ Schools will deal directly with parents/guardians regarding unpaid school meal fees.

**ONGOING ELIGIBILITY CERTIFICATION:**

- ☐ School staff will conduct direct certification with NYSSIS or using NYSED Roster Upload at least monthly to maximize free eligibility.
- ☐ School staff will provide parents/guardians with free and reduced price application and instructions at the beginning of each school year in school enrollment packet.
- ☐ Schools using electronic meal application will provide an explanation of the process in the school enrollment packet and instructions on how to request a paper application at no cost.
- ☐ Schools will provide at least two additional free and reduced price applications throughout the school year to families identified as owing meal charges.
- ☐ Schools will coordinate with the foster, homeless, migrant, runaway coordinators at least monthly to certify eligible students.

National School Lunch Act of 1946, as amended, (42 U.S.C. §§1751-1760)

Child Nutrition Act of 1966, as amended, (42 USC §§1771 et seq.)

7 CFR Part 245 (245.2, Definitions; 245.5, public announcement; 245.6, categorical eligibility and direct certification/verification.)

Social Services Law §95(7)

Education Law Sections 915, 1709(22) and (23)

Policy 5661 District Health and Wellness Policy

Adopted: 8/1/18

**SUBJECT: DISTRICT HEALTH & WELLNESS POLICY**Health & Wellness Committee

The District is committed to creating school environments and experiences that establish healthful eating and daily physical activity opportunities that promote and protect students' mental, emotional and physical health. This commitment fosters an optimal learning and work climate, and takes into account the social and emotional well-being of all those in the school District.

The District established a Health & Wellness Committee (hereafter called the Committee) which will have as one of their tasks to participate in the development, implementation and periodic review and update of the school Health and Wellness Policy (hereafter called the wellness policy). The District will establish and maintain a School Wellness Committee that will have participation from parents/guardians, students, director of school lunch/breakfast programs, school and district administrators, school nurses, medical community members, district health coordinator, health/physical education and/or family and consumer science teachers, social workers/psychologists/guidance counselors and registered dietician, BOE members and the general public.

Local School Wellness Policy Leadership

The District delegates one or more school official(s) to ensure that each school complies with the school wellness policy. The position of the school officials responsible for the oversight of the wellness policy are identified within the policy.

Policy Implementation, Review and Update; Public Notification

The Committee shall conduct an annual assessment that includes the extent to which District schools are in compliance with the Policy and a description of the progress made in attaining the goals of the Policy. This assessment is made available to the public.

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 if done at the school level, to the school principal.

The Wellness Committee serves as a resource to schools for implementing the wellness policy.

Goals to Promote Student Wellness

The District will provide nutrition promotion and education, physical education and other school-based activities to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs. Taking into account the parameters of the School District (academic programs, annual budget, staffing issues, and available facilities) as well as the community in which the District is located (the general economy; socio-economic status; local tax bases; socio-cultural and religious influences; geography; and legal, political and social institutions) the Committee recommends the following District goals:

a. Environmental Health

The goal is to provide a healthy physical environment free of harmful products and materials.

b. Health Education

The District will provide students with instruction in a general Health Education curriculum as mandated by the New York State Department of Education.

(Continued)

**SUBJECT: DISTRICT HEALTH & WELLNESS POLICY (Cont'd.)****c. Mental Health (Education and Services)**

The District provides a school community which values positive mental health and behavioral health, encourages everyone to seek help when they need it, promotes good mental health prevention and responds to mental health needs.

**d. Nutrition (Guidelines)**

1. Guidelines: The goal is to promote student health and reduce childhood obesity by ensuring that all foods and beverages provided to students meet or exceed the USDA Nutrition Standards for School Meals and are consistent with the nutrition standards for competitive foods which meets the Smart Snacks in School nutrition standards for all foods sold in school outside the school meals programs under the Healthy Hunger-Free Act of 2010.

2. (Nutritional) Promotion/ (Nutrition) Education

- a. The District will provide nutrition promotion and education to influence lifelong eating behaviors in a positive manner by encouraging healthy nutrition choices.

Nutrition education teaches behavior-focused skills offered as part of a comprehensive, standards-based program designed to provide students with knowledge and skills necessary to promote their health and make positive food and nutrition choices. Education is integrated into various subject areas and nutrition topics within the comprehensive health education curriculum at every grade level. These concepts will also be reinforced during classroom snack times to encourage adoption of healthy eating habits and other nutrition-related behaviors conducive to health and well-being.

Nutrition promotion encourages students to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and includes marketing and advertising of nutritious foods and beverages through a comprehensive and multi-channel approach by staff and teachers.

- b. Nutritional Values of Foods and Beverages

All foods and beverages sold, served, marketed or advertised at school will meet the nutrition guideline requirements of the USDA Nutrition Standards in the National School Lunch and School Breakfast Programs and the Smart Snacks in Schools Standards.

- c. Physical Education & Activity

The District will provide opportunities, support, and encouragement for every student to: regularly participate in physical activity; develop the knowledge and skills for specific physical activities; maintain physical fitness; reduce sedentary time; learn about cooperation, fair play, responsible and safe participation that meets the needs of all students; and gain an appreciation for lifelong physical activity through a healthy lifestyle.

Opportunities for physical activities are provided outside of physical education for every grade level.

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**SUBJECT: DISTRICT HEALTH & WELLNESS POLICY (Cont'd.)**

A written Physical Education curriculum/program for each grade level has been developed and kept on file with the Director of Physical Education and shall meet National Association of Sport and Physical Education (NASPE) and New York State Learning Standards.

d. Other School-based Activities

The District will establish a school environment that presents consistent messages that are conducive to healthy eating, physical activity, and social and emotional wellness for all.

**NOTE:** The regulation that accompanies this policy outlines the procedures for accomplishing these Wellness Policy goals.

Section 203, 204 and 208 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) including Smart Snacks in Schools Nutrition Standards, <http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks>

Child Nutrition and WIC Reauthorization Act of 2004 Public Law Section 108-265 Section 204 Richard B. Russell National School Lunch Act 42 United States Code (USC) Section 1751 et seq.

Child Nutrition Act of 1966

42 United States Code (USC) Section 1771 et seq.

7 Code of Federal Regulations (CFR) Section 210.10

[http://www.access.gpo.gov/nara/cfr/waisidx/05/7cfr210\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx/05/7cfr210_05.html)

District Policy 5660

Administrative Regulation 5661-R

Adopted: 2/24/15

**SUBJECT: COMPUTER RESOURCES , DATA MANAGEMENT AND CLOUD BASED COMPUTING**

The Board of Education recognizes that computers are a powerful and valuable education and research tool and as such are an important part of the instructional program. In addition, the district depends upon computers as an integral part of administering and managing the schools' resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the Boards expectations in regard to these different aspects of the district's computer resources.

**General Provisions**

The Director of Technology will oversee the use of district computer resources.

The Assistant Superintendent for Curriculum & Instruction will prepare in-service programs for the training and development of district staff in computer skills, appropriate use of computers and for the incorporation of computer use in subject areas.

The Superintendent, working in conjunction with the Assistant Superintendent for Business, Assistant Superintendent for Curriculum & Instruction, and the Director of Technology will be responsible for the approval of purchases and the distribution of computer software and hardware throughout the schools. They shall prepare and submit for the Board's approval a comprehensive multi-year technology plan which shall be revised as necessary to reflect changing technology and/or district needs.

The Superintendent, working with the Director of Technology, shall establish a regulation (6470R) governing the use and security of the district's computer resources (computer resources include all devices that process data, including but not limited to, desktops, laptops, Chromebooks, tablets, copiers and scanners). The security and integrity of the district computer network and data is a serious concern to the Board and the district will make every reasonable effort to maintain the security of the system. All users of the district's computer resources shall comply with this policy, as well as the district's policies 6470, Employee Acceptable Use of District Technology, 8271 Children's Internet Protection and 7314 Student Use of Computerized Information Resources. Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

All users of the district's computer resources must understand that use is a privilege, not a right, and that use entails responsibility. Users of the district's computer network must not expect, nor does the district guarantee, privacy for electronic mail (e-mail) or any use of the district's computer network. The district reserves the right to access and view any material stored on district equipment or any material used in conjunction with the district's computer network.

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**SUBJECT: COMPUTER RESOURCES , DATA MANAGEMENT AND CLOUD BASED  
COMPUTING (Cont'd)**

**Management of Computer Records**

The Board recognizes that since district data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information. The Superintendent, working with the Director of Technology and the district's Assistant Superintendent for Business, shall establish procedures governing management of computer records taking into account whether the records are stored onsite on district servers or on remote servers in the "cloud". The procedures will address:

- passwords,
- system administration,
- separation of duties,
- remote access,
- encryption,
- user access and permissions appropriate to job titles and duties,
- disposal of computer equipment and resources (including deleting district data or destroying the equipment),
- inventory of computer resources (including hardware and software),
- data back-up (including archiving of e-mail),
- record retention, and
- disaster recovery plans and notification plans
- Downloading software/data
- Appropriate use of personal devices

If the district contracts with a third-party vendor for computing services, the Superintendent, in consultation with the Director of Technology, Assistant Superintendent for Business, Assistant Superintendent for Curriculum & Instruction and the School Attorney, will ensure that all agreements address the procedures listed above, as applicable.

**Review and Dissemination**

Since computer technology is a rapidly changing area, it is important that this policy be reviewed periodically by the Board and the district's internal and external auditors. The regulation governing appropriate computer use will be distributed annually to staff and students and will be included in both employee and student handbooks.

Cross-ref: 5670, School District Records; 6470, Employee Acceptable Use of District Technology  
8271, Internet Safety; 7240, Student Records; 7242 Directory Information; 5510,  
Accounting of Funds; 5410 , Purchasing; 5250 , Sale and Disposal of District Property

Adoption date: 8/14/18

## **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.
- 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).

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**PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL  
DATA (cont'd)**

- 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 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:

(Continued)

**PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL  
DATA (cont'd)**

- 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.

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

(Continued)

## **PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (cont'd)**

- 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: Director of Technology.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the District.

The District will ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities. Additionally, some aspects of this role may be outsourced to a provider such as a BOCES, to the extent available.

### **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

Communicate among internal and external stakeholders about cybersecurity risk. The District will protect the privacy of PII by:

- a) Ensuring that every use and disclosure of PII by the District benefits students and the District by considering, among other criteria, whether the use and/or disclosure will:

- 1. Improve academic achievement;

(Continued)

## **PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (cont'd)**

2. Empower parents and students with information; and/or
3. Advance efficient and effective school operations.
4. 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;
- 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

(Continued)



## **PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (cont'd)**

- 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.

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

(Continued)

**PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL  
DATA (cont'd)**

- b) That BOCES has entered into a contract or data sharing and confidentiality agreement with the third-party contractor, pursuant to Education Law Section 2-d and its implementing regulations, that is applicable to the District's use of the product or service under that CoSer.

To meet its obligations whenever student data or teacher or principal data from the District is received by a third-party contractor pursuant to a CoSer, the District will consult with the BOCES to, among other things:

- a) Ensure there is a contract or data sharing and confidentiality agreement pursuant to Education Law Section 2-d and its implementing regulations in place that would specifically govern the District's use of a third-party contractor's product or service under a particular CoSer;
- b) Determine procedures for including supplemental information about any applicable contracts or data sharing and confidentiality agreements that a BOCES has entered into with a third-party contractor in its Parents' Bill of Rights for Data Privacy and Security;
- c) Ensure appropriate notification is provided to affected parents, eligible students, teachers, and/or principals about any breach or unauthorized release of PII that a third-party contractor has received from the District pursuant to a BOCES contract; and
- d) Coordinate reporting to the Chief Privacy Officer to avoid duplication in the event the District receives information directly from a third-party contractor about a breach or unauthorized release of PII that the third-party contractor received from the District pursuant to a BOCES contract.

Click-Wrap Agreements

Periodically, District staff may wish to use software, applications, or other technologies in which the user must "click" a button or box to agree to certain online terms of service prior to using the software, application, or other technology. These are known as "click-wrap agreements" and are considered legally binding "contracts or other written agreements" under Education Law Section 2-d and its implementing regulations.

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.

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## **PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (cont'd)**

### **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>.

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);

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## **PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (cont'd)**

- 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.

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.

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## **PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (cont'd)**

### **Complaints of Breach or Unauthorized Release of Student Data and/or Teacher or Principal Data**

The District will inform parents, through its Parents' Bill of Rights for Data Privacy and Security, that they have the right to submit complaints about possible breaches of student data to the Chief Privacy Officer at NYSED. In addition, the District has established the following procedures for parents, eligible students, teachers, principals, and other District staff to file complaints with the District about breaches or unauthorized releases of student data and/or teacher or principal data:

- a) All complaints must be submitted to the District's Data Protection Officer in writing.
- b) Upon receipt of a complaint, the District will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect PII.
- c) Following the investigation of a submitted complaint, the District will provide the individual who filed the complaint with its findings. This will be completed within a reasonable period of time, but no more than 60 calendar days from the receipt of the complaint by the District.
- d) If the District requires additional time, or where the response may compromise security or impede a law enforcement investigation, the District will provide the individual who filed the complaint with a written explanation that includes the approximate date when the District anticipates that it will respond to the complaint.

These procedures will be disseminated to parents, eligible students, teachers, principals, and other District staff.

The District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1 (1988; rev. 2004).

### **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.

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## **PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (cont'd)**

In the event of notification from a third-party contractor, the District will in turn notify the Chief Privacy Officer of the breach or unauthorized release of student data or teacher or principal data no more than ten calendar days after it receives the third-party contractor's notification using a form or format prescribed by NYSED.

### **Investigation of Reports of Breach or Unauthorized Release by the Chief Privacy Officer**

The Chief Privacy Officer is required to investigate reports of breaches or unauthorized releases of student data or teacher or principal data by third-party contractors. As part of an investigation, the Chief Privacy Officer may require that the parties submit documentation, provide testimony, and may visit, examine, and/or inspect the third-party contractor's facilities and records.

Upon the belief that a breach or unauthorized release constitutes criminal conduct, the Chief Privacy Officer is required to report the breach and unauthorized release to law enforcement in the most expedient way possible and without unreasonable delay.

Third-party contractors are required to cooperate with the District and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.

Upon conclusion of an investigation, if the Chief Privacy Officer determines that a third-party contractor has through its actions or omissions caused student data or teacher or principal data to be breached or released to any person or entity not authorized by law to receive this data in violation of applicable laws and regulations, District policy, and/or any binding contractual obligations, the Chief Privacy Officer is required to notify the third-party contractor of the finding and give the third-party contractor no more than 30 days to submit a written response.

If after reviewing the third-party contractor's written response, the Chief Privacy Officer determines the incident to be a violation of Education Law Section 2-d, the Chief Privacy Officer will be authorized to:

- a) Order the third-party contractor be precluded from accessing PII from the affected educational agency for a fixed period of up to five years;
- b) Order that a third-party contractor or assignee who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data be precluded from accessing student data or teacher or principal data from any educational agency in the state for a fixed period of up to five years;
- c) Order that a third-party contractor who knowingly or recklessly allowed for the breach or unauthorized release of student data or teacher or principal data will not be deemed a responsible bidder or offeror on any contract with an educational agency that involves the sharing of student data or teacher or principal data, as applicable for purposes of General Municipal Law Section 103 or State Finance Law Section 163(10)(c), as applicable, for a fixed period of up to five years; and/or

(Continued)

**PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL  
DATA (cont'd)**

- d) Require the third-party contractor to provide additional training governing confidentiality of student data and/or teacher or principal data to all its officers and employees with reasonable access to this data and certify that the training has been performed at the contractor's expense. This additional training is required to be performed immediately and include a review of laws, rules, and regulations, including Education Law Section 2-d and its implementing regulations.

If the Chief Privacy Officer determines that the breach or unauthorized release of student data or teacher or principal data on the part of the third-party contractor or assignee was inadvertent and done without intent, knowledge, recklessness, or gross negligence, the Chief Privacy Officer may make a recommendation to the Commissioner that no penalty be issued to the third-party contractor.

The Commissioner would then make a final determination as to whether the breach or unauthorized release was inadvertent and done without intent, knowledge, recklessness or gross negligence and whether or not a penalty should be issued.

**Notification of a Breach or Unauthorized Release**

The District will notify affected parents, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than 60 calendar days after the discovery of a breach or unauthorized release of PII by the District or the receipt of a notification of a breach or unauthorized release of PII from a third-party contractor unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of PII by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, the District will notify parents, eligible students, teachers, and/or principals within seven calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

Notifications will be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a) A brief description of the breach or unauthorized release, the dates of the incident and the date of discovery, if known;
- b) A description of the types of PII affected;
- c) An estimate of the number of records affected;
- d) A brief description of the District's investigation or plan to investigate; and
- e) Contact information for representatives who can assist parents or eligible students that have additional questions.

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.

(Continued)

## **PRIVACY AND SECURITY FOR STUDENT DATA AND TEACHER AND PRINCIPAL DATA (cont'd)**

Where a breach or unauthorized release is attributed to a third-party contractor, the third-party contractor is required to pay for or promptly reimburse the District for the full cost of this notification.

### **Annual Data Privacy and Security Training**

The District will annually provide data privacy and security awareness training to its officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. The District may deliver this training using online training tools. Additionally, this training may be included as part of the training that the District already offers to its workforce.

### **Notification of Policy**

The District will publish this policy on its website and provide notice of the policy to all its officers and staff.

Education Law § 2-d 8 NYCRR Part 121

Adopted: 6/16/20



**SUBJECT: SAFETY AND SECURITY**

The Board of Education of the Onteora Central School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations 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 insure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a

**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.

(Continued)

**SUBJECT: SAFETY AND SECURITY (Cont'd.)**

The Superintendent/designee shall maintain a current record of the social security numbers of every employee who handles toxic substances.

Rules and regulations will be developed to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

New York State Labor Law Section 27-a  
12 New York Code of Rules and Regulations  
(NYCRR) Part 820 Article 28  
Occupational Safety and Health  
Administration (OSHA)  
29 Code of Federal Regulations (CFR) 1910.1200

NOTE: Refer also to Policy #5681 -- School Safety Plans

Adopted: 6/29/09

## **SCHOOL SAFETY PLANS AND TEAMS**

Emergencies and violent incidents in schools are critical issues that must be addressed in an expeditious and effective manner. The Board of Education recognizes its responsibility to adopt and keep current a comprehensive district wide school safety plan and building-level emergency response plan(s) which address violence prevention, crisis intervention, emergency response and management.

Taken together, the district-wide and building level plans provide a comprehensive approach to addressing school safety and violence prevention, and provide the structure where all individuals can fully understand their roles and responsibilities for promoting the safety of the entire school community. The plans will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the district's coordination with local and county resources. The plans will also address risk reduction/prevention, response and recovery with respect to a variety of types of emergencies and violent incidents in district schools, and will address school closures and continuity of operations in the context of epidemics/pandemics, in either the plans themselves or in addenda to the plans.

In accordance with state law and regulation, the district will have the following safety teams and plans to deal with violence prevention, crisis intervention and emergency response and management:

### **Comprehensive District-Wide School Safety Team and Plan**

The Board will annually appoint a district-wide school safety team that includes, but is not be limited to, a representative from the following constituencies: the Board, teachers, administrators, and parent organizations, school safety personnel and other school personnel (including bus drivers and monitors). This team is responsible for the development and annual review of the comprehensive district-wide school safety plan. The plan will cover all district school buildings and will address violence prevention (taking into consideration a range of programs and approaches that are designed to create a positive school climate and culture), crisis intervention, emergency response and management including communication protocols, at the district level. It will include all those elements required by law and regulation.

The district-wide safety plan will include contracts or memoranda of understanding that define the relationship between the district, personnel, students, visitors, law enforcement, and public or private security personnel. These contracts or memoranda will be consistent with the Code of Conduct, and will define the roles, responsibilities, and involvement in the schools of law enforcement or security personnel. The role of school discipline will be clearly delegated to school administration.

Continued

## **SCHOOL SAFETY PLANS AND TEAMS (CONT'D)**

The Board may also appoint a student representative to the district-wide school safety team. However, no confidential building-level emergency response plans will be shared with the student member, nor will the student member be present during discussion of any confidential building-level emergency response plans, or confidential portions of the district-wide emergency response strategy.

The Superintendent of Schools or designee will be the district's chief emergency officer, and will coordinate communication between school staff and law enforcement and first responders. The chief emergency officer will ensure that all staff understand the district-wide school safety plan and receive training on the building-level emergency response plan, violence prevention and mental health, and will also ensure that district-wide and building-level plans are completed, reviewed annually, and updated as needed by the designated dates. The chief emergency officer will ensure that the district-wide plan is coordinated with the building-level plans, and will ensure that required evacuation and lock-down drills are conducted.

### **Building-Level Emergency Response Plans and Teams**

Each Building Principal is responsible for annually appointing a building-level emergency response team that includes representation from teachers, administrators, parent organizations, school safety personnel, other school personnel (including bus drivers and monitors), law enforcement officials, fire officials and other emergency response agencies. The emergency response team is responsible for the development and review of a building-level emergency response plan for each district building. The plan(s) will address response to emergency situations, such as those requiring evacuation, sheltering and lock-down at the building level and will include all components required by law and regulation. These confidential plans will include evacuation routes, shelter sites, medical needs, transportation and emergency notification of parents and guardians.

Building-level emergency response plans will include protocols in response to carbon monoxide alarms or detection. Alarm or detection of carbon monoxide will result in the appropriate actions as described by the emergency response plan.

Building-level emergency response plans must designate:

- an emergency response team for incidents that includes appropriate school personnel, law enforcement officials, fire officials, and representatives from local, regional and/or state emergency response agencies to assist the school community in responding to a violent incident or emergency; and
- a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and other related personnel to assist the community in coping with the aftermath of a serious violent incident or emergency.

Continued

**SCHOOL SAFETY PLANS AND TEAMS (CONT'D)**

During emergencies, staff are authorized to temporarily cover classroom door vision panels when it is likely to protect staff and students. For example, covering vision panels may prevent an intruder from determining if a classroom is occupied, thereby discouraging attempts to gain access. During emergencies, staff are also authorized to temporarily block doors to slow the access of intruders. Building-level emergency response plans must address the temporary covering of door vision panels and the temporary blocking of doors during emergencies.

The Building Principal is responsible for conducting at least one test every school year of the emergency response procedures under this plan including procedures for sheltering and early dismissal.

To maintain security and in accordance with law, the building-level emergency response plan(s) are confidential and not subject to disclosure under the Freedom of Information Law or any other law.

**Threat Assessment Teams**

The Building Principal, in consultation with the Superintendent, will annually designate a threat assessment team to provide ongoing support and information in order to identify, and assess individuals who may be potential threats to safety, with the intent of minimizing acts of violence in the school community. The threat assessment team will be composed of, but not limited to, the following personnel from both within the school and the larger community, as appropriate: building administrators, legal counsel, the medical director and/or school nurse, school counselors, local mental health and social service providers, law enforcement, school resource officers, security personnel, and facilities and maintenance personnel. The team will meet regularly. The team will be mindful of the need for discretion and observance of confidentiality requirements.

Students will be encouraged to bring their concerns to any district employee. If a district employee becomes aware of a threat to the school community, they must inform the Building Principal, who will convene the threat assessment team. The Building Principal may request the participation of the following additional individuals who may have specific knowledge of the potential perpetrator: supervisors, teachers, students and parents. The Building Principal is responsible for keeping the Superintendent informed about the activities of the threat assessment team. Threat assessment team members will receive appropriate training.

Continued

## **SCHOOL SAFETY PLANS AND TEAMS (CONT'D)**

### **Annual Review and Reporting**

All plans will be annually reviewed and updated, if necessary, by the appropriate team by August 15. In conducting the review, the teams will consider any changes in organization, local conditions and other factors including an evaluation of the results of the annual test of the emergency response procedures which may necessitate updating of plans. If the plan requires no changes, then it will remain in effect. If the district-wide plan requires change, then the updated plan will be submitted to the Board of Education in time to allow 30-days of public comment and to hold a public hearing which provides for the participation of school personnel, students and other interested parties prior to Board adoption. All plans must be adopted by the Board of Education by September 1.

The Superintendent of Schools is responsible for submitting the district-level school safety plan and any amendments to the plan to the Commissioner within 30 days after its adoption, no later than October 1 of each year. The district-wide plan will be posted on the district's website. Each Building Principal is responsible for submitting the building-level emergency response plan for the building, and any amendments to the plan, to the appropriate local law enforcement agency and the state police within 30 days after its adoption, but no later than October 15 of each year until the 2020-2021 school year, when it must be submitted by October 1 of each year.

Cross-ref: 7380 Bullying; 3410 Code of Conduct; 6160 Professional Growth/Staff Development

Ref: Education Law §2801-a (school safety plans)

Executive Law §2B (state and local natural and manmade disaster preparedness)

8 NYCRR Part 155 (Educational Facilities)

*School Safety Plans Guidance*, New York State Education Department, June 2010

Adoption date: 4/22/20

**SUBJECT: CRISIS RESPONSE (POST INCIDENT RESPONSE)**

When a crisis arises no school system is immune to the negative, physical or mental effect on its students, staff and the local community. Immediate, effective and responsible management and communication can address the crisis and maintain a District's integrity and credibility. Therefore, the District shall develop and maintain a unified position by:

- a) Identifying a crisis response team to develop a plan and maintain a strong, ongoing communications program in each school. This is the foundation for long range success.
- b) Identifying a media spokesperson who will be briefed on all details. This spokesperson shall be the Superintendent or their designee. Only this spokesperson shall talk to and maintain a timely flow of information to the media.

The Superintendent/designee shall be responsible for informing staff of the crisis plan that is to be developed by both administration and the crisis response team.

NOTE: Refer also to Policy #5681 -- School Safety Plans

**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 drills shall be held at least twelve (12) times in each school year; eight (8) of these shall be held between September 1 and December 1. At least one (1) of the twelve (12) drills shall be held during each of the regular lunch periods, or shall include special instruction on the procedures to be followed if a fire occurs during a student's lunch period.

At least two (2) additional drills shall be held during summer school in buildings where summer school is conducted and one (1) of these drills shall be held during the first week of summer school.

**After-School Programs**

The Building Principal or their designee shall require those in charge of after-school programs, attended by any individuals unfamiliar with the school building, to announce at the beginning of such programs the procedures to be followed in the event of an emergency.

**Bomb Threats****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. If the bomb threat indicates that a bomb is in the school, then building evacuation is necessary unless the building has been previously inspected and secured in accordance with State Education Department Guidelines. Specific procedures can be found in the building level school plan, as required by Project SAVE.

The decision to evacuate a building or to take shelter is dependent upon information about where the bomb is placed and how much time there is to reach a place of safety. Prudent action dictates that students and other occupants be moved from a place of danger to a place of safety. Routes of egress and evacuation or sheltering are as must be thoroughly searched for suspicious objects before ordering

(Continued)



**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)**

an evacuation. Failure to properly search evacuation routes before an evacuation takes place can expose students and staff to more danger than remaining in place until the search has taken place. Assistance is available from local police agencies and the New York State Police to train staff to check evacuation routes.

**Police Notification and Investigation**

A bomb threat to a school is a criminal act, which is within the domain and responsibility of law enforcement officials. Appropriate State, county, and/or local law enforcement agencies must be notified of any bomb threat as soon as possible after the receipt of the threat. Law enforcement officials will contact, as the situation requires, fire and/or county emergency coordinators according to the county emergency plan.

Therefore, the building administrator or designee is to notify local law enforcement officials and follow established procedures to move all occupants out of harm's way.

**Implementation**

The Board of Education directs the Superintendent or their designee to develop administrative regulations to implement the terms of this policy. Additionally, such regulations are to be incorporated in the District-wide School Safety Plan and the building level school safety plan, with provisions for written notification by July 1 of each school year to all, about emergency procedures, an annual drill to test the emergency response procedures under each of its building level school safety plans, and the annual update of the District-wide and building level school safety plans, by July 1, as mandated pursuant to law and/or regulation.

**Bus Emergency Drills**

The Board of Education directs the administration to conduct a minimum of three (3) emergency drills to be held on each school bus during the school year. The first drill is to be conducted during the first week of the fall term, the second drill between November 1 and December 31, and the third drill between March 1 and April 30.

Each drill shall include instruction in all topics mandated by the Education Law and the Commissioner's Regulations and shall include, but will not be limited to, the following:

- a) Safe boarding and exiting procedures;
- b) The location, use and operation of the emergency door, fire extinguishers, first aid equipment and windows as a means of escape in case of fire or accident;

(Continued)

**SUBJECT: FIRE DRILLS, BOMB THREATS AND BUS EMERGENCY DRILLS (Cont'd.)**

- c) Orderly conduct as bus passengers.

Students who ordinarily walk to school shall also be included in the drills.

8 New York Code of Rules and Regulations (NYCRR) Sections 155.13 and 156.3(h)(2)  
Penal Law Sections 240.55, 240.60 and 240.61  
Education Law Sections 807 and 3623

**SUBJECT: ANTHRAX AND OTHER BIOLOGICAL TERRORISM: PREVENTION  
PROTOCOLS/PROTOCOLS FOR MAIL HANDLING**

The School District shall assess and review their protocols for handling mail or packages. Common sense and care should be used in inspecting and opening mail or packages. Whenever feasible, the opening of mail should be limited to one (1) individual staff member in an area that is separate from other accessible areas within the school building, including the Main Office.

Additionally, precautions will be taken for those staff members responsible for handling letters or packages such as making available protective gloves to be worn when handling mail and providing appropriate training and protocols for the handling of mail and identifying suspicious envelopes or packages.

The building administrator should limit the area and persons exposed to the threat. Immediately after identifying the threat, the building administrator/designee shall notify the Superintendent/designee, dial 911 and/or the local law enforcement authorities according to the procedures identified in the applicable School Safety Plan (whether District-wide or Building-level plans). The local FBI field office and the county health department will also be notified, if not otherwise provided for in the applicable School Safety Plan.

As far as possible, the school will attempt to limit the area and the persons exposed to the threat and will not allow anyone other than qualified emergency personnel to enter. Custodial and maintenance personnel will follow established procedures for quickly shutting down the building(s) heating/air conditioning/and ventilation systems if possible and as may be deemed necessary.

Furthermore, the building administrator/designee shall, as soon as possible, make a list of all persons who have been identified as having actual contact with the powder or other suspicious element, such as anthrax, for investigating authorities.

Administration shall review and revise, as appropriate, their school safety plans; and provide information regarding applicable safety prevention and response procedures to all staff.

All threats to school buildings and/or its occupants shall be treated seriously. All threats shall be treated as criminal actions and measures shall be taken to preserve the evidence.

Under no circumstances, shall students be permitted to organize and/or handle School District mail; nor shall students be present in the room/area during the time that District mail is being opened by school staff.

**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 (1) 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 (1) 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

Adopted: 6/29/09

Non-Instructional/Business  
Operations**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. Upon the recommendation of the Superintendent of Schools and 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 video surveillance cameras in its school buildings and surrounding school grounds. District video surveillance cameras will only be utilized in areas where there is no "reasonable expectation of privacy." Video surveillance does not include audio surveillance; we are not conducting audio surveillance.

To further the Board's objective, the School District's District-wide Safety Team shall meet as appropriate and/or deemed necessary to review District and building level safety practices, including the use of video surveillance cameras. The Team may also make recommendations to the Superintendent regarding the use of video surveillance cameras. The Superintendent shall retain final decision-making authority regarding the recommendations of the Safety Team; and they shall notify the Board as to the procedures to be implemented with regard to the use of video surveillance cameras by the School District.

The Superintendent will be responsible for appropriate use of video surveillance. The Superintendent or their designee will determine the need to view and/or review video surveillance recordings. Designees will be limited to the following individual administrators in the following order: the High School Principal and/or the Middle School Principal, Elementary Principals, the Assistant Superintendent for Business, the Director of Buildings and Grounds, the Director of Transportation, the Director of Physical Education, Health, and Athletics and/or the High School Assistant Principal.

The Superintendent and/or their designee may view live video-streaming in order to assist in the event of an emergency in progress that threatens safety and security of students/building occupants or in order to maintain the system; these events will be specifically authorized. The Superintendent and/or their designee may specifically authorize an individual with technology expertise to view live videostreaming, only as necessary, in order to determine repairs to the system.

The Superintendent and/or their designee will grant viewing of live video-streaming to law enforcement only when there is a crime or emergency in progress that threatens safety and security of students/building occupants. The District shall enact a Memorandum of Understanding with law enforcement agencies regarding the use of the video surveillance system prior to providing them with access to the system.

Any video recording used for video surveillance purposes in school buildings and/or on school property, shall be the sole property of the District; and the Superintendent or their designee will be the custodian of such recordings. All video recordings shall be retained for a period of 15 days from the date of its creation. When a recording may be used as evidence in a student disciplinary matter or hearing pursuant to Education Law § 3214 or an employee disciplinary proceeding initiated pursuant to procedures set forth in a collective bargaining agreement, Education Law § 3020-a or Civil Service Law § 75, it shall be retained in a secured location by the District in its original format for the period provided for in the Records Retention and Disposition Schedule ED-1 or until the conclusion of any such disciplinary or legal proceeding, whichever is longer.

(Continued)

Non-Instructional/Business  
Operations**SUBJECT: USE OF SURVEILLANCE CAMERAS IN THE SCHOOL DISTRICT (cont'd)****Disciplinary Hearings**

In the event a student is brought up on disciplinary charges pursuant to Education Law §3214 or an employee is subjected to a disciplinary proceeding relative to alleged misconduct that has been recorded on a District-owned video recording, the charged student, student's parent/guardian or employee may request to view such video recording. Requests for viewing such video recording must be made in writing to the Superintendent or their designee. The Request for Viewing Form will require a statement detailing the reason for the request. Requests for viewing a video recording must be made in writing to the Superintendent or their designee and, if the request is granted, such viewing must occur in the presence of the District's designated custodian of the recording. Under no circumstances will the District's video recording be duplicated and/or removed from District premises unless in accordance with a court order and/or subpoena or at the discretion of the Superintendent.

A student who is disciplined as a result of the contents of the video recording, as well as their parents and legal guardian, or an employee who is disciplined as a result of the contents of the video recording shall have an opportunity to view the tape which is the basis for the disciplinary action. However, should the results of a formal investigation that is conducted by the District, (relative to a student or employee's misconduct) be unfounded, the student, parent/guardian and/or employee to which the video recording allegedly pertains, shall not be entitled to view such video recording.

**Signage/Notification Regarding Use of Video 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 video surveillance cameras.

Students and staff will receive additional notification, as appropriate, regarding the use of video surveillance cameras in the schools and 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 video surveillance cameras with staff and students to heighten awareness and help foster a sense of security.

Refer to: Policy 5751

Adopted: 09/27/22

**SUBJECT: EXPOSURE CONTROL PROGRAM**

The District shall establish an exposure control program designed to prevent and control exposure to bloodborne pathogens. According to the New York State Department of Labor's Division of Safety and Health and OSHA standards, the program shall consist of:

- a) Guidelines for maintaining a safe, healthy school environment to be followed by staff and students alike.
- b) Written standard operating procedures for blood/body fluid clean-up.
- c) Appropriate staff education/training.
- d) Evaluation of training objectives.
- e) Documentation of training and any incident of exposure to blood/body fluids.
- f) A program of medical management to prevent or reduce the risk of pathogens, specifically hepatitis B and HIV.
- g) Written procedures for the disposal of medical waste.
- h) Provision of protective materials and equipment for all employees who perform job-related tasks involving exposure or potential exposure to blood, body fluids or tissues.

Occupational Safety and Health Administration (OSHA)  
29 Code of Federal Regulations (CFR) 1910.10:30



**SUBJECT: COMMUNICABLE DISEASES**

Regulations and procedures will be developed for dealing with communicable diseases in ways that protect the health of both students and staff while minimizing the disruption of the education process.

**SUBJECT: 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 their education nor shall an employee be denied the right to continue their 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.

Confidentiality: 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.

**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 their designee.

The responsibility for administering the transportation program rests with the Superintendent and administrative designee. The administration of the program will comply with all applicable laws, regulations, and policies established by federal, state and local authorities.

**Mileage Limitations**

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.

The District will provide transportation only for those students in grades 7 through 12 living a distance greater than one (1) mile from the school they attend or greater than one (1) mile from the nearest school bus stop on a main or feeder run, and one-half mile for elementary students. A Child Safety Zone has been established surrounding the Middle/High School and Bennett and transportation is provided within this Child Safety Zone.

Education Law Sections 3621 and 3635

**SUBJECT: LATE BUS RUNS**

In order to encourage student participation in extracurricular activities, the Board of Education authorizes daily late bus runs at the middle-senior high school. Double late bus runs may be provided at the discretion of the Superintendent of Schools, when there are at least fifteen (15) students or more for the 4:20 p.m. late run, and when there are at least fifteen (15) students or more for the 5:15 p.m. late run and when the cost for such runs may be absorbed in the transportation budget.

Late bus schedules will be developed by the Director of Transportation and announced to the student body by the school administration. Any change in the bus schedule will be announced over the public address system as early as possible. There will be no late runs on the following days: when school is cancelled because of inclement weather, when school is on half-day session, or when a 15 minute Early Evacuation is scheduled.

**SUBJECT: TRANSPORTATION OF STUDENTS****Requests For Transportation to and From Nonpublic Schools**

The parent or guardian of a parochial or private school child residing in the School District who desires that the child be transported to a parochial or private school outside of the School District during the next school year should submit a written request to the Board of Education no later than April 1 of the preceding year, or within thirty (30) days of moving into the District. No late request of a parent or guardian shall be denied where a reasonable explanation is provided for the delay. Students must live within a 15 mile radius of chosen private school. If student does not, they must meet the bus at an existing bus stop within the 15 mile radius.

**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.

**Transportation of Non-Resident Students**

The District shall not extend its bus routes outside of the District to pick up non-resident students.

**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 the student has provided the District with written notice. Written notice must be consistent with District policy, authorizing an alternative form of return transportation for such student unless intervening circumstances make such transportation impractical. In cases where transportation of a student back to the point of departure or to the appropriate school is impractical, a representative of the School District shall remain with the student until the student's parent or legal guardian has been informed of the circumstances and the student has been delivered to their parent or legal guardian.

Education Law Sections 1604, 1709, 1804, 1903, 1950,  
2503, 2554, 2590-e, 3635, 4401(4), 4404, and 4405

**SUBJECT: USE OF BUSES BY COMMUNITY GROUPS**

Upon formal application to, and approval by, the Board of Education buses may be rented to a municipal corporation, to any senior citizen center recognized and funded by the Office for the Aging, to any not-for-profit organization serving those with disabilities, to any not-for-profit organization which provides recreational youth services or neighborhood recreation centers. Such rentals can be made only when vehicles are not needed for student transport and must be made for a consideration acceptable to the Board.

Education Law Section 1501-b

Adopted: 12/19/17

**SUBJECT: SCHOOL BUS SAFETY PROGRAM**

The safe transportation of students to and from school is the 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 Director of Transportation, 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.

All buses and other vehicles owned and operated by the School District will have frequent safety inspections, and will be serviced regularly. The Director of Transportation 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 Director of Transportation. Every bus driver is required to report promptly any suspicious activity at or near a bus stop to the Director of Transportation.

Education Law Section 3623  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3  
Vehicle and Traffic Law  
Section 1174, subdivisions a and b

NOTE: Refer also to Policy #5761 -- Drug and Alcohol Testing for School Bus Drivers and Other Safety-Sensitive Employees

Adopted: 12/19/17



**SUBJECT: VIDEO CAMERAS ON SCHOOL BUSES**

The Board authorizes the use of video cameras on District-operated school buses for the purpose of encouraging appropriate behavior and providing a safe environment for the transportation of students. The reason for recording the transportation environment is to provide school officials, drivers, and parents/guardians/custodians with documentation when dealing with inappropriate student behavior. Disciplinary action will be in accordance with the District's Code of Conduct.

The District recognizes that any videotapes related to or maintained for a particular student are student records and subject to the protections of the State and Federal student records laws. As student records, any videotapes related to a particular student are confidential and disclosure or review is limited to those persons authorized by law to inspect student records. The student's parents/guardians/custodians must give written approval for these individuals to view segments of a specific videotape when such viewing is not intended to document disciplinary problems or vandalism. A log will be kept of the date and names of all individuals viewing the videotape.

All video recordings shall be maintained for a period of 15 days from the date of its creation.

Refer to policy 5686

Adopted: 12/19/17

Non-Instructional/Business  
Operations**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 driver's license or permit 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 period;
- d) Is not disqualified to drive a motor vehicle under Sections 509-c and 509-cc and any other provisions of Article 19-A of the Vehicle and Traffic Law;
- 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 their scheduled work duties;
- i) Is in compliance with all other laws and regulations for operating a school bus, including licensing and training requirements.

**Special Requirements For New Bus Drivers**

Before employing a new bus driver, the Superintendent or their designee shall:

- 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;
- e) Request the Department of Motor Vehicles to initiate a criminal history check;
- f) Require that newly hired bus drivers take and pass the physical performance test, as mandated by Commissioner's Regulations, before they transport students.

Sections 509-c, 509-cc, and Article 19-A of the  
Vehicle and Traffic Law  
Education Law Section 3624  
15 New York Code of Rules and Regulations  
(NYCRR) Part 6  
8 New York Code of Rules and Regulations  
(NYCRR) Section 156.3  
Omnibus Transportation Employee Testing Act of 1991  
(P.L. 102-143)  
49 United States Code (USC) Section 521(b)  
49 Code of Federal Regulations (CFR)  
Parts 40, 382, 391, 392, and 395

NOTE: Refer also to Policy #5761 – Drug and Alcohol Testing For School Bus Drivers and Other Safety-Sensitive Employees

Non-Instructional/Business Operations

## **ALCOHOL AND DRUG TESTING OF DRIVERS**

The Board of Education recognizes the dangers inherent in alcohol and controlled substance use by employees, especially those in safety-sensitive positions. To ensure the safety of its students, the Board requires alcohol and controlled substance testing of certain district employees, mainly “drivers,” operators of “other school buses,” and any other employee who is subject to such testing, in accordance with and as set forth in the applicable federal and state requirements as well as relevant collective bargaining agreements.

### **Definitions**

1. “Driver” ~~is defined as~~ includes any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.
2. “Other school buses” include those covered by applicable federal regulations (see list below) and any other motor vehicle either owned by the district or by a private company, operated to transport students, children of students, teachers, and other supervisory persons to or from school or school activities.

### **Testing Responsibilities**

The district shall directly, by contract, or through a consortium, implement and conduct a program to provide alcohol and controlled substance testing of employees who are drivers, or who operate a commercial motor vehicle, perform in a safety-sensitive position, and are required to hold a commercial driver’s license. ~~Such~~ Employees holding such positions include:

1. drivers of vehicles designed to transport 16 or more passengers, including the driver;
2. drivers of commercial motor vehicles whose manufacturer’s rating is 26,001 lbs. or more; or
3. any other employee who may drive or service a listed vehicle (e.g. a mechanic who performs test drives, repairs, inspects, or loads or unloads a ~~listed~~ vehicle listed in 1 or 2 above).

Controlled substance and alcohol tests will be conducted “”at or prior to the time of employment and randomly throughout the school year in accordance with any relevant collective bargaining agreements. In addition, testing will be conducted when a supervisor has a reasonable suspicion that an employee has engaged in prohibited alcohol or controlled substance use; after certain accidents; prior to return to duty when the employee has been found to violate district policy and federal regulations; and after the employee’s return to duty.

### **Driving Prohibition**

In accordance with federal and state law, a driver may not drive if he or she:

1. possesses, consumes or is reasonably believed to possess or have consumed alcohol or a controlled substance, while on duty;

(Continued)

## **ALCOHOL AND DRUG TESTING OF DRIVERS**

2. uses or is under the influence of alcohol or a controlled substance that is not lawfully prescribed within six hours or less before duty;
3. has an alcohol concentration of 0.02 or higher, or tests positive for a controlled substance; or
4. refuses to take a required alcohol or controlled substance test.

Also, no driver shall use alcohol after being involved in an accident in which there was a fatality or in which the driver was cited for a moving violation and a vehicle was towed from the scene or an injury was treated away from the scene until he/she has been tested or 8 hours have passed, whichever occurs first.

### **Enforcement of Driving Prohibitions**

The school district will not require or permit employees to be on duty or operate a listed vehicle or other school bus, if it appears that they have consumed a drug/controlled substance (except those lawfully prescribed) or alcohol within the preceding eight hours. This shall be based on the person's general appearance, conduct, or other substantiating evidence.

### **Response to Positive Testing Results**

Any employee who is tested and found to have an alcohol concentration of at least 0.02, but less than 0.04, shall be removed from the position until his or her next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have violated this requirement may be disciplined in accordance with the provisions of the applicable collective bargaining agreement, district policy, and/or law. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of at least 0.02 but less than 0.04 as drivers listed above.

If a driver has an alcohol concentration of 0.04 or greater, or has engaged in prohibited alcohol or controlled substance use, he or she will be removed from driving duties, and referred to a substance abuse professional. The employee may be required to complete a treatment program and/or be disciplined pursuant to district policy and/or collective bargaining agreement. No driver who has abused controlled substances and/or alcohol may return to duty unless he/she has successfully passed a required return to duty test. Thereafter, the driver will be subject to follow-up testing. Operators of "other school buses" subject to random testing pursuant to New York Law will be subject to the same consequences based upon an alcohol concentration of 0.04 or greater or a positive drug test as drivers listed above.

(Continued)

Non-Instructional/Business Operations

## **ALCOHOL AND DRUG TESTING OF DRIVERS**

### **Re-Testing**

Should the district receive a dilute test result in which the creatinine concentration is greater than 5mg/dL in the case of any pre-employment, return-to-duty, follow-up, reasonable suspicion, or random test, it is the policy of the district that the individual shall be re-tested and that re-test will become the test of record.

If, however, the district wishes to retest, then you must specify the circumstances under which you wish to retest (i.e., pre-employment, follow-up testing, etc.). Please note that the regulations require that you treat all individuals the same for this purpose and that you must inform individuals in advance of your decision on these matters. The BOCES Health and Safety Services group has recommended that districts retest in three areas: pre-employment, return-to-duty and follow-up testing. The sample paragraph above has been drafted to require retesting for all individuals in all five areas. Please modify to reflect your district's intended practice.

Districts should also note that there is a charge for the re-tests and decide who will bear the additional expense.

### **Policy Distribution**

The Superintendent of Schools shall ensure that a copy of this policy, the district's policy on misuse of alcohol and use of controlled substances, information on alcohol and drug abuse and treatment resources and any other information prescribed by federal regulations is provided to all drivers and operators of "other school buses" prior to the initiation of the testing program and to each driver or operator of "other school buses" subsequently hired or transferred to a position subject to testing.

#### **Cross-ref:**

9320, Drug-Free Workplace  
9610, Staff Substance Abuse

#### **Ref:**

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§31136; 31306  
49 U.S.C. §521(b)  
49 CFR Part 391 (Qualifications/Disqualifications)  
49 CFR Part 382 (Drug and Alcohol Testing Requirements)  
49 CFR Part 40 (Testing Procedures)  
49 CFR §395.2 (On-duty time defined)  
Vehicle and Traffic Law §§509-g; 509-l; 1192; 1193  
*Will v. Frontier CSD Bd. of Educ.*, 97 N.Y.2d 690 (2002)

Adoption date: 3/8/22

## Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL****General Provisions**

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education 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 resolution 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 resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of General Municipal Law Article Eighteen 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 School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to General Municipal Law Section 805-a, they 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 them in the performance of official duties or was intended as a reward for any official action on their part.

Confidential Information

They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.

**Disclosure of Interest in Contracts**

Any District officer or employee, as well as their 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 their immediate supervisor and to the Board of Education as soon as They have 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 ALL DISTRICT PERSONNEL (Cont'd.)**Representation before one's own agency

They 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 they are an officer, member or employee or of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.

Representation before any agency for a contingent fee

They 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 their municipality, whereby their 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 they know thereof, a member of the Board of Education or employee of the 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 they have in such resolution.

Investments in conflict with official duties

They shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with their official duties.

Private employment

They 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 their official duties.

Future employment

They shall not, after the termination of service or employment with the School District, appear before any board or agency of the School District in relation to any case, proceeding, or application in which they personally participated during the period of their service or employment or which was under their active consideration.

(Continued)



## Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)****Legal Remedies**District Officers

In accordance with the Penal Law 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 School District, or any agency thereof on behalf of themselves or any member of their 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 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 resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of their office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law 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, Article 18, shall have no effect on the duty of compliance with such code or Article 18, 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.

(Continued)

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4 of 4

Personnel

**SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)**

Education Law Section 410  
General Municipal Law Article 18 and Section 803  
Labor Law 201-d  
Penal Law Article 155 and Section 60.27(5)

Adopted: 6/29/09

## Personnel

**SUBJECT: JOINT CODE OF ETHICS FOR SCHOOL BOARDS AND SUPERINTENDENTS**

Assure the opportunity for high quality education for every student and make the well-being of students the fundamental principle in all decisions and actions.

Obey all national, state, and local laws and regulations pertaining to education and public agencies.

Represent the entire community without fear or favor, while not using these positions for personal gain and accepting all responsibilities as a means of unselfish service.

Uphold the principle of due process and individual dignity, and protect the civil and human rights of all.

Adhere to the principle that the Board shall confine its role to policy-making, planning, and appraisal while the Superintendent shall implement the Board's policies.

Act as part of an educational team with mutual respect and regard for each other's respective responsibilities and duties, recognizing that the strength of a School Board is in acting as a Board, not as individuals; and that the strength of the Superintendent is in being the educational leader of the School District.

Maintain high standards and the effectiveness of education through research and continuing professional development.

Preserve the obligations of having all issues considered fairly and without bias.

Instill respect for community, state, and nation.

Honor the spirit and letter of all contracts until fulfillment or modification by mutual agreement.

## **NON-DISCRIMINATION AND EQUAL OPPORTUNITY**

The Board of Education, its officers and employees, will not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e., actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Specific protections for students under the Dignity for All Students Act are addressed in policy 7380, Dignity for All Students Act and Policy 3421 Sexual Harassment of Students

Additionally, to promote the district website's accessibility to staff, students, and members of the community with disabilities, the district will maintain a website that is accessible (or contains accessible alternatives) on perceivability, operability and understandability principles. The district's Superintendent is responsible for considering the following when developing or updating the district website:

- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the district's website.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

(Continued)

**NON-DISCRIMINATION AND EQUAL OPPORTUNITY (cont'd)**

Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

**Annual Notification**

At the beginning of each school year, the district will publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice will:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);
2. provide the name, email, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Superintendent has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the Superintendent is available on the district's website. Complaints of sexual harassment or discrimination are covered by policies 3421 and 3422.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 3421 Sexual Harassment of Students  
3422 Sexual Harassment of Employees  
7380 Dignity for All Students Act  
7550 Complaints and Grievances by Students  
3410 Code of Conduct  
6122 Complaints and Grievances by Employees

(Continued)

**NON-DISCRIMINATION AND EQUAL OPPORTUNITY (cont'd)**

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*

Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*

Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)

Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)

Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*

Genetic Information Nondiscrimination Act of 2008 P.L.

110-233 34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25

Executive Law §§290 *et seq.* (New York State Human

Rights Law) Education Law §§10-18 (The Dignity for All

Students Act) Education Law §§313(3); 3201; 3201-a

ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist),

[www.ada.gov/pcatoolkit/toolkitmain.htm](http://www.ada.gov/pcatoolkit/toolkitmain.htm)

Adopted: 4/20/22

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 6120R

Date: 3/17/22

## NON-DISCRIMINATION AND EQUAL OPPORTUNITY REGULATION

Discrimination is not permitted in programs and activities on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e., actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, or use of a guide dog, hearing dog, or service dog, as applicable.

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

### *Definitions*

1. *Complainant* means an applicant, employee, student or vendor who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
2. *Complaint* means any alleged act of discrimination which may be a violation of this policy, which may also violate federal and state civil rights laws or associated regulations.
3. *Compliance Officer* means the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the ADA. The district's compliance officer is: *(insert name and contact information)*.

### *Board of Education appointed Compliance Officers*

The District's current Title VI/VII/IX Compliance Officer is:

Stephanie Laffin  
Assistant Superintendent for Curriculum & Instruction  
Onteora Central School District  
4166 Route 28  
Boiceville, NY 12412  
845-657-6383 x1023  
slaffin@onteora.k12.ny.us

The District's current Section 504/ADA Compliance Officer is:

Amanda Allison  
Director of Pupil Personnel Services  
Phone: 845-657-3320 x 1020  
AAllison@onteora.k12.NY.US

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 6120R

Date: 3/17/22

## NON-DISCRIMINATION AND EQUAL OPPORTUNITY REGULATION

The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act or the ADA will be dealt with in the following prompt, equitable and impartial manner:

### *A. Stage I--Compliance Officer*

1. As soon as practicable, if possible within 30 days after the events giving rise to the allegation, complainants must file a complaint, preferably in writing using the district's complaint form, with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant, and will promptly and thoroughly investigate the matter. All employees and students of the school district must cooperate with the Compliance Officer in such investigation.
2. Within 15 days of receipt of the complaint, the Compliance Officer will make a finding in writing that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, they will propose a resolution of the complaint.
3. If the complainant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the complainant may, within 15 days after receiving the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

### *B. Stage II--Superintendent of Schools*

1. The Superintendent may request that the complainant, the Compliance Officer, student, or any member of the school district staff present a written statement setting forth any information that such person has relative to the complaint and the facts surrounding it.
2. The Superintendent will notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing will be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent will render a determination in writing. Such determination will include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA, and if applicable, a proposal for equitably resolving the complaint.
4. If the complainant is not satisfied with the determination of the Superintendent or the proposed resolution, the complainant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

### *C. Stage III--Board of Education*

1. When a request for review by the Board has been made, the Superintendent will



## **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 recommend and the Board shall appoint specific District employees to serve as the Title IX/Title VI/Title VII and Section 504/ADA Coordinators and regulations and procedures shall be implemented to resolve complaints of discrimination and harassment 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 and harassment 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 and harassment based on race, color, creed, religion, national origin, political affiliation, age, military status, veteran status, marital status, predisposing genetic characteristics, ~~or~~ use of a recognized guide dog, hearing dog, or service dog or other protected classes under federal or state law.

Complaints or grievances regarding discrimination and/or harassment, including sexual harassment, shall be handled in accordance with District Regulation 1400P.

(Continued)

**COMPLAINTS AND GRIEVANCES BY EMPLOYEES (cont'd)**

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621 Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq. Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq. 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 and Regulation 1400P – Title IX and Section 504 of the Rehabilitation Act Of 1973 Discrimination Grievance Procedure

Adopted: 4/20/22

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 6122R

Date: 3/17/22

## COMPLAINTS AND GRIEVANCES BY EMPLOYEES

### Definitions:

**Grievance:** An issue that reaches Level One Procedure. This issue involves the violation, interpretation, or application of any article of Title VI or Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, the Americans with Disabilities Act of 1990 and/or Section 504 of the Rehabilitation Act of 1973. Complaints involving discrimination on the basis of sex, including sexual harassment, which may involve violation of Title IX, Title VII, or the New York State Human Rights Law, are covered by a separate grievance procedure (3421/3421-R or 3422/3422-R). Complaints by Students in violation of the Dignity for All Students Act are covered by Policy 7380/7380-R.

**Student:** Any person enrolled as a student in any school and/or educational or recreational program authorized by the School District.

**Employee:** Any full time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered to the School District.

**Compliance Officer:** The person designated by the School District Board of Education to coordinate efforts to comply with federal and state discrimination and harassment laws.

The District's current Title VI/VII/IX Compliance Officer is:

Stephanie Laffin  
Assistant Superintendent for Curriculum & Instruction  
Onteora Central School District  
4166 Route 28  
Boiceville, NY 12412  
845-657-6383 x1023  
slaffin@onteora.k12.ny.us

The District's current Section 504/ADA Compliance Officer is:

Amanda Allison  
Director of Pupil Personnel Services  
Phone: 845-657-3320 x 1020  
AAllison@onteora.k12.NY.US

**Superintendent:** The Superintendent of Schools or his/her designated representative.

**Discrimination:** Discrimination includes the use of race, color, weight, creed, national origin, religion, religious practice, ethnic group, political affiliation, gender (including gender identity or expression and nonconformity to gender stereotypes), sex, sexual orientation, age, disability or other legally protected category as a basis for treating another in a negative manner.

Discrimination also encompasses harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 6122R

Date: 3/17/22

## COMPLAINTS AND GRIEVANCES BY EMPLOYEES

### Level One (1) Procedure:

#### 1. Student, Employee, and/or Third Party

a. Any student or employee in the School District, as well as any third party, who wishes to file a grievance (complaint) regarding discrimination is encouraged to make such a request in writing on forms available in any of the school offices. Such forms must be forwarded to the appropriate Compliance Officer. However, nothing herein shall prevent an individual from making a verbal complaint of discrimination.

#### 2. Compliance Officer

a. The Compliance Officer shall initiate and coordinate a thorough and impartial investigation and shall review any evidence that has been presented, and attempt to meet with the student or employee and any named witnesses. The Compliance Officer will also attempt to meet with any individual that the Compliance Officer believes will aid in the investigation.

b. Within sixty (60) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that discrimination based on the grievant's membership in a protected category has or has not occurred and shall inform the grievant and the alleged offender in writing of the outcome of the investigation. (Should the Compliance Officer be unable to render his/her decision in the specified amount of time, the Compliance Officer shall notify the grievant and the alleged offender of such delay). In the event the Compliance Officer finds that there has been a violation, s/he shall propose a resolution of the complaint.

### Level Two (2) Procedure:

If the grievant or alleged offender is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant or alleged offender may, within thirty (30) days after s/he has been notified of the Compliance Officer's findings and/or proposed resolution, file a written request for review by the Superintendent of Schools

The Superintendent of Schools may request that the grievant, alleged offender, the Compliance Officer, student, third party or any member of Onteora's staff present a written statement setting forth any information that such person has relative to the grievance and the facts surrounding it.

Within thirty (30) days from the date a review was requested, the Superintendent shall render his/her determination in writing. (Should the Superintendent be unable to render his/her decision in the specified amount of time, the Superintendent shall notify the grievant or alleged offender of such delay). Such determination shall include a finding that there has or has not been discrimination based on the grievant's membership in a protected category, and/or a proposal for equitably resolving the grievance. The grievant and the alleged offender shall be informed of the outcome of the Superintendent's determination.

The District acknowledges that while it would like students and employees to raise issues of discrimination pursuant to this Regulation so that they can be addressed by it, any employee or student has the legal right to immediately make a complaint to the appropriate governmental entity.

An employee may file a complaint with the following agencies:

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 6122R

Date: 3/17/22

## COMPLAINTS AND GRIEVANCES BY EMPLOYEES

Street, 5th Floor, New York, New York 10004; the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210; or the United States Department of Education, Office for Civil Rights at 32 Old Slip, 26<sup>th</sup> Floor, New York, New York 10005.

A student may file a complaint with the following agencies:

United States Department of Education, Office for Civil Rights at 32 Old Slip, 26<sup>th</sup> Floor, New York, New York 10005; and the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210.

Please take notice that the failure to file a complaint with these agencies within the statutory period may result in the loss of your legal rights.

### Prevention and Correction

The District will take all necessary steps to prevent discrimination and harassment in all forms. If the grievance process concludes in a finding of discrimination or harassment, the District will take all necessary steps to correct any discriminatory effects and prevent the reoccurrence of any discrimination or harassment.

### Non-Retaliation

The District prohibits any retaliatory behavior, including, but not limited to intimidation, reprisal, and harassment, directed against grievants and/or witnesses in an investigation pursuant to this grievance procedure. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that the grievant and/or witnesses have not suffered retaliation.

### Confidentiality

The confidentiality of investigations cannot be guaranteed, but a good faith effort shall be made to maintain confidentiality.

## Personnel

**SUBJECT: EVALUATION OF PERSONNEL: PURPOSES**

The Board believes that a determination of the efficiency and effectiveness of its teaching and administrative staffs is an important activity in the overall operation of the School District.

An ongoing evaluation program will be implemented to provide a record of the service of each professional staff member, to provide objective evidence for employment and personnel decisions, and to promote the improvement of instruction as part of the goals of the School District.

The Superintendent will develop and implement a program for the annual evaluation of such personnel directed toward the above ends consistent with the terms and conditions of any negotiated agreements between the District and employees or employee groups.

The Superintendent will annually review the results of professional staff evaluations with the Board of Education.

Evening school teachers of adults enrolled in nonacademic, vocational subjects; and supplementary school personnel, as defined in Commissioner's Regulations are exempt from annual performance review per this Regulation, but may be evaluated in accordance with District and/or contractual procedures.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 80-1.1 and 100.2(o)(2)

Adopted: 6/29/09

**SUBJECT: HEALTH EXAMINATIONS**

The Board reserves the right to request a health examination at any time during employment, at School District expense, in order to determine whether the employee can perform the essential functions of the position with or without reasonable accommodation.

All bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the School District shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen month period.

Examinations of any employee may be required, when, in the judgment of the school physician and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

Education Law Section 913  
Bus Drivers: 8 New York Code of Rules and  
Regulations Section 156.3(2)  
Rules and Regulations of the Commissioner of  
Motor Vehicles Section 5.09-b  
Cafeteria Workers: State Sanitary Code

Adopted: 11/10/15

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)**

**Philosophy**

The Onteora 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 of Education also recognizes that illicit drug and alcohol use exists in our community. We acknowledge our responsibility for the education of all students and must stand accountable for that education. The District will continue to assume a significant role in initiating and maintaining effective alcohol and other drug prevention, intervention and treatment programs. This goal can be accomplished only through coordinated collaborative efforts utilizing the resources of the school and the community. With this philosophy in mind, this policy will describe the program elements the District will use to promote healthy lifestyles for staff and to inhibit the illicit use of alcohol and other drugs.

**Policy**

This policy for handling illicit drug and alcohol use has been developed for the protection of the total school community. This policy shall not limit the School District from other additional or legal action which may be deemed necessary and appropriate to protect the integrity of the School System. The Onteora Central School District:

- a) Strongly disapproves of any illicit drug and alcohol use;
- b) Maintains safe and reasonable facilities for learning and teaching free from substance use. Provides staff development on alcohol, tobacco, and illicit drug use and related issues to support the application of prevention concepts in the home, school and community;
- c) Offers community education about the issues of alcohol, tobacco, and other illicit drug use as a basis for providing a consistent message to District youth;
- d) Provides for alternatives to alcohol, tobacco, and illicit drug use. These activities are planned collaboratively by students, school staff, parents/guardian, community members, and agencies;
- e) Recommends intervention referral for any employee on a per need basis. Maintains facilities to provide employees with assistance and after care information from our Employee Assistance Program (EAP) and Personnel Departments. The confidential nature of the medical records of employees with alcohol/chemical dependency shall be preserved in the same manner as all other medical records;

(Continued)



**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCE (SCHOOL PERSONNEL)  
(cont'd.)**

- f) Prohibits the unlawful use, possession, sale, manufacturing or distribution of alcohol and/or illicit drugs in school, on school property, at any school sanctioned event, or in a School District-owned or contracted vehicle;
- g) Requires the designated administrator/supervisor call the police and institute disciplinary action for any employee in possession of, using, selling, manufacturing, or distributing an illicit drug or alcohol or drug paraphernalia in school, on school property, at any school sanctioned event, or in a School District-owned or contracted vehicle;
- h) Recommends that violations of this policy will subject the employee to appropriate disciplinary action, up to and including termination of employment, pursuant to any applicable state or federal laws or regulations, and formal agreements between the Board and respective unions;
- i) Distributes this policy and any future revisions to all District staff;
- j) Evaluates effectiveness of the established policy and procedures and will review it as necessary.

Education Law Sections 913, 1711(5)(e), and 3020-a  
Civil Service Law Section 75  
Drug-Free Schools and Communities Act  
Amendment of 1989  
(Public Law 101-226)  
20 United States Code (USC) Section 3171 et seq.

Adopted: 10/13/15

**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) 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that, to the best of their knowledge, 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  
(Public Law 100-690)  
34 Code of Federal Regulations (CFR) Part 85

Adopted: 4/4/17

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT**

The Board of Education believes that staff training and development help ensure the success of educational programs and improve the efficiency of the district. Therefore, the district will provide development opportunities to staff to increase their effectiveness and job performance. The Superintendent of Schools shall be responsible for implementing and administering staff development programs for the district's employees.

Administrators

All administrators in the school district will receive appropriate training and professional development in accordance with law, regulation or any applicable collective bargaining agreement. The Superintendent will be responsible for providing such training and development.

Teachers

All teachers will be provided with substantial professional development opportunities directly related to their current teaching assignment and to student learning in accordance with any applicable collective bargaining agreement, the district's Professional Development Plan. The plan shall include:

- A needs analysis, goals, objectives, strategies, activities and evaluation standards for professional development in the district and a description of how the district will provide all teachers substantial professional development activities directly related to student learning needs identified in school report cards and other sources.
- A description of how the professional development provided will align with New York standards and assessments, teacher capacities and student needs, including linguistic, cultural diversity and special needs. Activities must be articulated across grade levels and subject areas and show how they will be provided and measured in a continuous manner.
- A description of how it will provide teachers holding a professional certificate with opportunities to maintain their certificate in good standing by successfully completing 100 hours of professional development every five years.
- A mentoring program to provide support for new teachers in order to ease the transition from teacher preparation to practice, thereby increasing retention of teachers in the public schools, and to increase the skills of new teachers in order to improve student achievement.
- Unless granted an exemption by the Commissioner of Education a description of how the district will provide professional development to teachers and Level III teaching assistants to address the needs English Language Learners.

The Board shall establish a Professional Development Plan Committee to review and revise the district's Professional Development Plan annually. The Board shall appoint members to the team who have been selected by the respective constituent groups, at the first regular Board meeting in July.

The Professional Development Plan Committee shall meet on or before October 1. The Superintendent or their designee will serve as the chair of the team and will be responsible for ensuring the timely review and revision of the district's Professional Development Plan.

(Continued)

**SUBJECT: PROFESSIONAL GROWTH/STAFF DEVELOPMENT (Cont'd)**

The Professional Development Plan Committee will submit any recommended revisions to the Board Policy Committee and then to the Board by May 1. The Board will consider the recommendations at its first regular meeting thereafter. The Board may accept or reject the recommendations of the team in whole or in part. The Board may also request any additional information or data needed to evaluate the success of the program in achieving its objectives.

Any further changes in the plan must be submitted to the Board by June 1. The Board will consider and act on the revised plan by June 30. The Board reserves the right to make changes to the revised plan.

The Board acknowledges that the Appendix to the approved plan may be modified throughout the school year as the approved vendors listed in the Appendix may change. Based on this, the Board, therefore, authorizes the Superintendent to make any revisions to the approved vendor list as they deem necessary.

Teaching Assistants

All teaching assistants will be provided with the opportunity to participate in professional development directly related to their position, and in support of student learning, which will enable them to meet the hundred hour requirement over five (5) years.

Other Professional Staff and Support Staff

The district will provide staff development activities for other professional staff and support staff within the financial constraints of the district budget and in accordance with applicable collective bargaining agreements.

Other Staff Development Opportunities

The Board recognizes that many staff development opportunities are provided through non-school district sources. Within budgetary restraints, district employees may attend conferences, workshops, study councils, in-service courses, summer study grants, school visitations, and other relevant staff development opportunities.

Released time and reimbursement for such activities will be available upon approval of the Superintendent and in accordance with applicable collective bargaining agreements. The Superintendent may establish regulations pursuant to this policy to establish the circumstances under which such released time and reimbursement may be available. Staff members who attend such activities will be required to prepare a report or summary of the activity attended.

Adopted 5/1/18

## **EXPENSE REIMBURSEMENT**

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

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

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

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

To obtain reimbursement, the claimant must complete and sign an expense voucher, attach all receipts or other expense documentation, and submit the same to the appropriate administrator. Reimbursement shall only be made after such claim has been audited and allowed.

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

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

## Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES**

Unless otherwise authorized in accordance with law and regulation, the District shall not employ or utilize a prospective school employee, as defined below, unless such prospective school employee has been granted a "full" clearance for employment by the State Education Department (SED). The School District shall require a prospective school employee who is not in the SED criminal history file to be fingerprinted for purposes of a criminal history record check by authorized personnel of the designated fingerprinting entity. For purposes of this provision of law, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI).

Prior to initiating the fingerprinting process, the District shall furnish the applicant with written notice on a form prepared by the Commissioner of Education addressing the fingerprinting requirements and the applicant's right to obtain, review and seek correction of their 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 their family. If the Board decides to waive payment of the fees for the prospective employee, payment of the fees becomes the District's responsibility.

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)****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 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 Article 5 of the Social Services Law, directly or through contract.

**Individuals Who Are Specifically Excluded**

Individuals excluded from a criminal history record check/fingerprinting pursuant to this provision of law and regulation are those individuals who:

- a) Are seeking a position as a school bus driver or school bus attendant and are cleared for employment pursuant to the Vehicle and Traffic Law; or
- b) Have provided services to the District in the previous school year either in a compensated position, or as an employee of a provider of contracted services to the District, or as a worker placed within the School District under a public assistance employment program pursuant to Title 9-B of Article 5 of the Social Services Law directly or through contract; or
- c) Will reasonably be expected by the School District to provide services for the District on no more than five (5) days in the school year in which services are to be performed, provided that the District provides in-person supervision of such individual by one (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.

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**

Any prospective employee who previously has been fingerprinted in order to obtain certification, and whose fingerprints remain on file with the Division of Criminal Justice Services (DCJS), will not be required to be fingerprinted again for purposes of a criminal history record check.

**Removal from the SED Criminal History File**

Where individuals have been separated from employment at the School District and have not become employed in this District or another School District, BOCES or charter school within twelve (12) months of such separation, SED shall notify DCJS of such separation for the purpose of destroying the fingerprints of that individual. Further, upon request of such individual, SED shall notify DCJS prior to the expiration of such twelve-month period for the purpose of destroying their fingerprints. Such individuals shall be removed from the SED criminal history file.

**Conditional Appointments/Emergency Conditional Appointments**Conditional Appointments

Upon the recommendation of the Superintendent of Schools, the Board of Education may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the Commissioner of Education along with the prospective employee's fingerprints as mandated pursuant to law. Such conditional appointment shall not commence until notification by the Commissioner that the prospective employee has been conditionally cleared for employment, and such conditional employment shall terminate when the School District is notified of the determination by the Commissioner to grant or deny full clearance; however, if full clearance is granted, the appointment shall continue and the conditional status shall be removed.

Prior to commencement of such conditional appointment, the District must obtain a signed statement for conditional employment from the prospective employee indicating whether, to the best of their 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.

(Continued)



## Personnel

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)**

Emergency conditional appointment may commence prior to notification from the Commissioner of Education on conditional clearance but shall terminate twenty (20) business days from the date such appointment commences or when the District is notified by the Commissioner that conditional clearance is either granted or denied, whichever occurs earlier; however, if conditional clearance is granted, the appointment shall continue as a conditional appointment.

Prior to the commencement of such appointment, the District must obtain a signed statement for emergency conditional appointment from the prospective employee indicating whether, to the best of their 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.

(Continued)

**SUBJECT: FINGERPRINTING OF PROSPECTIVE SCHOOL EMPLOYEES (Cont'd.)****"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, 2009; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Education Law Sections 305(30), 1604, 1709, 1804,  
1950, 2503, 2554, 2854, 3004-b and -c, and 3035  
Correction Law Article 23-A  
Executive Law Section 296(16)  
Social Services Law Article 5, Title 9-B  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 80-1.11 and Part 87

## Personnel

**SUBJECT: SAFE MENTORING ACT**

In accordance with the Safe Mentoring Act, to ensure the safety of students involved in the District's mentoring program, the District will obtain a criminal history record check from the Division of Criminal Justice Services (DCJS) for each prospective employee as well as prospective volunteer mentors who are involved in any District mentoring program and who may engage in unsupervised activities with youth or in activities with youth in a setting without constant District or parental/guardian oversight.

**Definitions**

- a) "Prospective employee" shall mean a person being considered for employment by a mentoring program.
- b) "Prospective mentor" shall mean an individual who is currently applying to volunteer to help a child or a group of children in a mentoring program for a period of time. Such help shall include, but not be limited to, being a positive role model for youth, building relationships with youth, and providing youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of children to become responsible adults.
- c) A "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the DCJS and the Federal Bureau of Investigation (FBI).
- d) "Mentoring program" shall mean a formalized program operated by an educational institution or School District that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development.

**Prospective School Employees**

All prospective school employees (as enumerated pursuant to Commissioner's Regulations, 8 New York Code of Rules and Regulations Section 80-1.11 and Part 87) must already receive clearance from the State Education Department (SED) in accordance with existing procedures. However, all other requirements of the Safe Mentoring Act apply to prospective school employees who are being considered for employment by a mentoring program.

The District shall require that a criminal history record check be conducted for any "prospective employee" not otherwise defined as a "prospective school employee" per Commissioner's Regulations in accordance with Social Services Law Section 390-e and District procedures.

(Continued)

**SUBJECT: SAFE MENTORING ACT (Cont'd.)****Prospective Volunteer Mentors**

Volunteers, however, are not "covered" by such regulations, and "prospective mentors" (i.e., defined as applicants for volunteer work in a mentoring role/program) will be subject to the requirements of Social Services Law Section 390-e and District procedures.

**Fees for Fingerprinting**

Both the DCJS and the FBI impose a processing fee. The fees for the criminal history record search shall be an amount equal to the fees established by DCJS and the FBI for processing the criminal history information request. In addition, the entity that actually takes the fingerprints may impose a fee. The fees shall be payable to Office of Children and Family Services (OCFS) and paid by money order, check or certified check by the District.

Unless otherwise authorized by the Board of Education, the prospective employee and/or prospective volunteer mentor shall pay such fees.

**Waiver by Custodial Parent/Guardian**

A custodial parent/guardian may sign a waiver authorizing a mentor to work with their child regardless of a criminal charge or crime related to a mentor, unless the crime is a sex offense or a crime against a child. No waiver is permitted in the case of a sex offense or a crime against a child. This waiver process may only be initiated upon the consent of the prospective mentor, and be on a form developed by the OCFS. Where applicable, the District may notify a custodial parent/guardian of their waiver right, but a waiver shall only be authorized by a custodial parent or guardian.

**Confidentiality**

The criminal history record shall be confidential pursuant to applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law.

**Parental Disclosure**

The District will provide each custodial parent/guardian of every child participating in its mentoring program a description of the kind of criminal background checks conducted on prospective employees and prospective volunteer mentors in accordance with law.

(Continued)

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Personnel

**SUBJECT: SAFE MENTORING ACT (Cont'd.)**

Social Services Law Section 390-e

Correction Law Sections 752 and 755

Executive Law Section 837(8-a)

8 New York Code of Rules and Regulations (NYCRR) Section 80-1.11 and Part 87

Adopted: 6/29/09

## 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.

8 New York Code of Rules and Regulations  
(NYCRR), Part 30  
Education Law Sections 2510 and 3013

Adopted: 6/29/09

## 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.

Education Law Section 3012

Adopted: 6/29/09

## Personnel

**SUBJECT: CERTIFICATION**

- a) In accordance with applicable statutes, Rules of the Board of Regents, and Regulations of the Commissioner of Education, each employee whose employment requires certification or other licensure shall inform the Superintendent of Schools immediately of any change in the status of their certification or licensure. The changes shall include, but not be limited to, the granting, revocation, upgrading, expiration, conversion and/or extension of these documents as to their periods of validity or their titles.
- b) The failure of any such employee to possess the required certification or other licensure may result in the discharge of that employee.
- c) Whether or not the District verifies an individual's certification or licensure does not waive the responsibility of the employee to maintain what is required for their assignment.

Education Law Sections 3001, 3001-a,  
3004, 3006, and 3008  
8 New York Code of Rules and Regulations  
(NYCRR) Subparts 80-1, 80-2 and 80-3

Adopted: 1/9/18



## 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.

(Continued)

**SUBJECT: INCIDENTAL TEACHING (Cont'd.)**

The Superintendent may renew an incidental teaching assignment, in accordance with the requirements of Commissioner's Regulations, for any subsequent school year. 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**

Certified staff members shall be appointed to a probationary period by a majority vote of the Board of Education upon recommendation of the Superintendent of Schools.

Full-time certified staff members shall be appointed to a probationary period of three (3) years. However, the probationary period shall not exceed two (2) years for teachers previously appointed to tenure in this or another school district or BOCES within the state, provided the teacher was not dismissed from the former district. 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 member shall be given assistance in adjusting to the new position, but the essential qualifications for acceptable performance shall be assumed because of the possession by the member of the required certification or license.

**Tenure**

Certified staff members successfully completing a probationary period in the Onteora Central School District may be recommended (by the Superintendent of Schools) to the Board of Education for tenure appointment.

The Board will follow all applicable statutes regarding tenure.

Education Law Sections 3012 and 3031

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Personnel

**SUBJECT: DISCIPLINING OF A TENURED TEACHER OR CERTIFIED PERSONNEL**

Tenured teachers and certain certified personnel may be subject to disciplinary charges that are set forth in Section 3012 of the Education Law.

Procedures for a hearing regarding these disciplinary measures will be in accordance with Section 3020-a of the Education Law and/or in accordance with applicable contractual provisions.

8 New York Code of Rules and Regulations  
(NYCRR) Subpart 82-1

Adopted: 6/29/09

## Personnel

**SUBJECT: PROFESSIONAL STAFF: SEPARATION**

A professional staff member may be dismissed upon provision of at least sixty (60) days notice and pay during the probationary period only upon the recommendation of the Superintendent and majority vote of the Board in accordance with the Education Law.

The Board shall expect any professional staff member desiring to terminate their 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 3012, 3019-a, and 3031

Adopted: 6/29/09

## Personnel

**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 stance in the hiring of professional staff other than teachers.

Education Law Section 3016  
General Municipal Law Sections 800-809

Adopted: 6/29/09

## Personnel

**SUBJECT: TEMPORARY PERSONNEL**

The Onteora Central School District's needs may sometimes require temporary appointments. The Superintendent will recruit Substitutes for board approval. The Superintendent may then draw upon the list of Substitutes for short-term, long-term, and per diem appointments. The Superintendent shall also make an advisory notification on the Board Agenda at the time of such appointments.

Administrators may also draw upon current teachers that are less than a 1.0 FTE to be substitutes as needed

**Student Teachers**

The Onteora Central 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.

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 Teaching Staff**

A substitute teacher qualified to teach in the Onteora Central School District shall be employed, whenever possible, by the Superintendent of Schools in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.

The Board of Education shall annually establish the ordinary rate for per diem, short term, and long term basis substitute teaching staff.

**Substitute Non-Teaching Staff**

The Board of Education shall annually establish the ordinary rate for per diem, short term, and long term basis substitute non-teaching staff.

8 New York Code of Rules and Regulations  
(NYCRR) Section 80-5.4  
Education Law Section 3023

Adopted: 4/4/17

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

## Regulation 6220R This replaces Regulation 6300.2R

Subject: OTA Substitute Positions

### Short-Term Substitute:

#### Less than three months:

Works consistently\* in the same position for more than 15 days. The first 15 days are to be paid at the rate established by the Board of Education, subsequent days to be paid on Step 1 of the OTA salary schedule.

#### Over three months:

Works consistently\* in the same position for three to six months. This individual qualifies to be paid on Step 1 of the OTA salary schedule with pro-rated sick and personal days effective on the 1<sup>st</sup> day in the position.

### Long-Term/Regular Substitute:

#### More than six months:

Works consistently\*, on an appointed basis, in the same position for over six months. This individual is to be paid on Step 1 of the OTA salary schedule with pro-rated sick and personal days effective on the 1<sup>st</sup> day in the position. Health insurance at the District contribution rate in effect shall also be available.

\*Consistently shall be deemed to mean no more than one absence per pay period.



# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

## Regulation 6220R This replaces Regulation 6300.2R

Subject: ONTEA Substitute Positions

### Substitute:

Works consistently\* in the same position for more than 15 days. The first 15 days are to be paid at the rate established by the Board of Education, subsequent days to be paid on Step 1 of the ONTEA salary schedule for the position.

\*Consistently shall be deemed to mean no more than one absence per pay period.

## Personnel

**SUBJECT: APPOINTMENT - SUPPORT STAFF**

The probationary period for all new civil service employees shall be for the maximum period established by the local Civil Service Commission.

The time, place and conditions of employment shall be assigned by the Superintendent of Schools. The duties for each Civil Service employee shall be clearly defined.

Civil Service Law Section 63

Adopted: 6/29/09

## Personnel

**SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT**

All personnel employed by the District are responsible for maintaining student discipline and appropriate conduct during school hours or at extracurricular events on and off school property.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot and 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)

Adopted: 6/29/09

## 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.

8 New York Code of Rules and Regulations  
(NYCRR), Part 84  
Public Officers Law Section 87

Adopted: 6/29/09

## Personnel

**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), Article 14 of the Civil Service Law.

Organizations recognized for the purposes of collective bargaining include:

- a) Ontario Teachers Association;
- b) Ontario Non-Teaching Employees Association;
- c) Ontario Administrators Association;
- d) Ontario Non-Teaching Supervisors Association.

Adopted: 2/4/14

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.

Personnel

**SUBJECT: JURY DUTY**

A District employee called for jury duty shall receive their full day's pay from the School District plus mileage from the State, if so awarded by the State. No employee shall be entitled to receive the per diem allowance for any regularly scheduled workday on which jury duty is rendered if on such a day their wages are not withheld on account of such service.

Judiciary Law Section 521(b)



**SUBJECT: EMPLOYEE ACCEPTABLE USE OF DISTRICT TECHNOLOGY**

Purpose

Onteora Central School District (OCSD) encourages use of the District Computing Systems (DCS) to explore educational topics, conduct research and engage in work-related professional communication to further the mission of OCSD. It is anticipated that access to various electronic information resources will expedite and enhance the performance of work-related tasks and assignments.

Use of the DCS shall cease and the equipment returned to OCSD or the user's access revoked under any of the following circumstances:

1. A user separates from service as an employee of OCSD.
2. Status as a person authorized to access the DCS or use OCSD equipment terminates.
3. A user is assigned a new position and/or responsibilities pursuant to which use of the DCS, or a portion thereof, has not been authorized.
4. User violated this policy.

Anyone who is aware of any misuse or abuse of any software or electronic communication system owned or leased by OCSD shall notify their immediate supervisor or building principal.

An administrator who is aware of any misuse or abuse shall notify the Superintendent, Assistant Superintendent, or designee, and appropriate disciplinary action may occur based on the circumstances and in accordance with all applicable laws, bargaining agreements, Board policies, and administrative regulations.

User Responsibilities

Each user of the OCSD systems and/or services shall submit a signed Technology Acceptable Use Agreement Form to acknowledge the receipt of this policy and its accompanying regulation

With increased concern about identity theft, unwarranted invasion of privacy and the need to protect personally identifiable information, prior to students being directed by staff to use any cloud-based educational software/application, staff must get approval from the Building Principal and Director of Technology. The Building Principal and Director of Technology will determine if a formal contract is required or if the terms of service are sufficient to address privacy and security requirements, and if parental permission is needed.

See Regulation 6470R

Adopted: 8/14/18

Onteora Central School District  
Regulation Number: 6470R  
Technology Acceptable Use Employee Agreement  
Onteora Central School District  
Date: June 19, 2018

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## 1. SCOPE AND DEFINITIONS

The intent of this policy is to make clear the responsible use of the Onteora Central School District network and technology systems, not to exhaustively enumerate all possible violations. For purposes of this policy, the district shall consider any of the following subject to the use provisions and limitations defined in this policy:

- file servers, network connections, data lines, infrared nodes.
- desktop computers, printers, laptops, tablets, docking stations, desk or wall data jacks.
- district owned software.
- projection units, smart boards, video cameras, Apple TVs, televisions, monitors, projection screens, speaker systems and microphones.
- phone I voice systems, including voice mail, wall and desktop handset equipment.
- library or other security devices including scan devices, cameras, access control modules, keypads, monitors.
- any other technology equipment available to employees.

## 2. PROFESSIONAL I EMPLOYEE RESPONSIBILITY

Data, Video and Voice networks have been provided by the "District" as a valuable tool and a necessary component of an employee's work. In addition, varying work responsibilities result in access to information sources such as software, programs, Internet, district data networks etc. Although employees may have access to these information sources, their use may be restricted. Therefore access and authorization to network or web based district information and technology equipment shall carry a corresponding responsibility within the scope of each employee's responsibilities to their appropriate use as defined within this policy. District equipment and access is intended for use solely to conduct educational and professional I career development activities. It is the employee's responsibility to restrict their use of said technologies and information resources to these purposes.

## 3. PRIVILEGES:

The use of the electronic information systems is a privilege, not a right. Inappropriate use may result in cancellation of an employee account, and I or other disciplinary actions tailored to meet the specific concerns related to the violation.

## 4. ACCEPTABLE/ UNACCEPTABLE USE:

- A. Access rights, employee accounts, and passwords are assigned to individuals. Employees are advised not to provide others with their access privileges for use of district systems. Please be aware that any employee may be held responsible for the actions conducted from or data generated/saved/manipulated within their user account.
- B. Any use that is illegal or in violation of Board policy, including, but not limited to, harassment, discriminatory or threatening communication and behavior; violations of copyright or other laws is prohibited.
- C. Engaging in commercial activities including but not limited to the promotion of a personal business, financial gain, advertising or solicitation purposes shall be considered a direct violation of this policy.

- D. All users are expected to take reasonable precaution to secure district information stored on devices they use, including maintaining responsible custody over computer resources, ensuring no unauthorized use of district devices, and exercising prudent judgement when browsing the internet and opening emails.
- E. Any use as a forum for communicating by e-mail or any other medium with other school users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school sponsored organization; or to raise funds for any non-school sponsored purposes, whether for profit or not-for-profit, is prohibited. This list is provided for illustrative purposes only and is not intended to be all-inclusive.
- F. Any use involving materials that are defamatory or sexually explicit are prohibited
- G. Any communication with students or minors that is not age appropriate or appropriate for a student-teacher relationship is prohibited
- H. Knowingly providing school e-mail addresses to outside parties whose intent it is to communicate with school employees, students and /or their families for non-school purposes is prohibited.
- I. Intentionally opening or forwarding any e-mail, attachments or other files from any source that is known to contain a virus or viruses is prohibited.
- J. It is prohibited to access, send or download any of the following: pornographic, obscene, profane, lewd, vulgar, rude, inflammatory, threatening materials.
- K. Technology resources are expensive to maintain and operate. It shall be each employee's responsibility to use district systems and supplies judiciously and at all times in accordance with this policy. Spilling food and/or drinks on District equipment or other actions which compromise the District's equipment should be avoided.
- L. Modifications to hardware, networks or software is prohibited. Additionally, employees and or students do not have a right to load software on any district system. Any new software should be requested through the Building Principal and purchased through the Technology Department. Software will then be loaded by the Network Technology staff.

#### 5. COPYRIGHT:

It is the employee's responsibility to adhere to all copyright laws related to print, data or video use.

#### 6. STUDENT PERSONAL SAFETY:

- A. Employees who supervise students with use and access to "Technology Systems" shall be familiar with the Ontario Central School District Student Use Policy Agreement and enforce all of its provisions.
- B. Employees with access to student records may not use, release, or share these records with any third party, including but not limited to individuals, third party vendors or cloud based platforms without the authorization of the Ontario Central School District.
- C. All Student "technology systems" use will be supervised by a responsible staff member. It is the responsibility of the staff member supervising students to report any resulting misuse by their students to the building administrator.

#### 7. SYSTEMS SECURITY:

- A. Employees are responsible to insure the security of any district technology equipment, files, information, data, passwords assigned to or created by them
- B. Employees with access to student records may not use, release, or share these records except as authorized by the Ontario Central School District, and /or Federal or State Law.
- C. Once an employee has "signed on" and accessed a district network, they shall not leave the room with the workstation unattended at any time without utilizing a password protected screen saver. The passwords must be registered with the technology department so that they are able to access computer

if needed.

- D. Employees should shut down and power off equipment at the end of the work day.

#### 8. EMPLOYEE LIABILITY:

- A. Employees may not move any equipment from the room where it is assigned or reconfigure any of the technology/network resources, which may result in damage or unnecessary "downtime" to any district data, video or voice system and/or component. It shall be the employee's responsibility to secure appropriate permission to move, adjust, or reconfigure such resources and arrange for assistance from the Network Technology Staff.
- B. Employees assigned "technology equipment" are responsible for its basic care and safety. Any damage to equipment or other issues with equipment must be reported immediately.
- C. It shall be each employee's responsibility to report any attempts or actions of a person to vandalize, degrade or disrupt technology equipment or system performance.
- D. All employees who utilize school computers for instructional purposes with students have a duty to supervise and monitor online activities of students while in school, including but not limited to use of e-mail, chat rooms and other forms of direct electronic communication, "hacking" and other unlawful activities of minors, and access to materials harmful to minors. Such employees must be familiar with the school district's policies and rules concerning student computer and Internet use and enforce them. When, in the course of their duties, employees become aware of student violations, they shall stop the activity and inform the building principal (or other appropriate administrator) immediately.

#### 9. EXPECTATION OF PRIVACY:

- A. Employees shall have no expectation of privacy in files, disks, drives, documents, electronic mail, which has been created in, entered in, stored in, downloaded from, or used on district equipment and systems, and is subject to Freedom of Information Law (FOIL).
- B. Electronic mail has been provided for correspondence and communication as related to your employment in an educational environment and not for personal business use. The district understands that occasional personal communication may occur. However, the district reserves the right to determine when such use is excessive and in violation of this policy.

#### 10. SERVICES AND ASSUMPTION OF RISKS:

- A. The district makes no warranties of any kind, whether express or implied, for services provided and is not responsible for any damages suffered while on the systems, to include loss of data, inaccurate or poor quality information, and missed-deliveries, or service interruptions caused by the system or by your own errors or omissions.
- B. The district reserves the right to remove files, limit or deny access, and refer staff for other disciplinary actions in accordance with this policy.
- C. The district reserves all rights to any material (voice, data, and video) stored in files, drives or other storage means owned by the Ontario Central School District.
- D. The district and/or network resources are intended for the exclusive use by their registered users. Staff is responsible for the use of their account/password and/or access privilege. Any problems which arise from the use of a staff account are the responsibility of the account holder.

#### Best Practices for Wi-Fi Devices

1. Turn off the device when not in use and at the end of each day.
2. If device is to stay on, turn Wi-Fi off when not in use.
3. Always place the device on a solid surface.
4. Viewing distance should be a minimum of 12 inches from the screen.

I hereby acknowledge my responsibilities to act in accordance with this Employee Acceptable Use Agreement. I understand that if I am found to be in violation of any provisions in this Regulation/Agreement or in Policy 6470, it may result in my being subject to disciplinary action, the revoking of my account(s), the collection of equipment I software assigned to me, personal financial liability and I or appropriate legal action.

Your signature on the sign-in sheet titled "Attendance of Mandatory Training & Acknowledgment of Policies" on September 4, 2018 includes this regulation

## Personnel

**SUBJECT: HEALTH INSURANCE**

Health insurance for certified and support staffs shall be in accordance with their respective negotiated agreements.

**Continuation of Medical Insurance Coverage at Termination of Employment**

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are eligible to continue their insurance coverage for up to eighteen (18) months when termination of their insurance is due to a reduction in their hours worked, or upon termination of their employment.

Dependents of employees are eligible to continue their insurance for up to thirty-six (36) months upon occurrence of one (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. They must pay the full cost of their premium plus administrative costs incurred by the District.

Consolidated Omnibus Budget  
Reconciliation Act of 1985

Adopted: 6/29/09

Personnel

**SUBJECT: WORKERS' COMPENSATION**

Employees injured in the performance of their duties are covered by Workers' Compensation Insurance. Employees shall report work-related injuries immediately to their immediate supervisor. Delay in reporting, if necessary, must be justified to the satisfaction of the Board of Education and/or the insurance agency.

Reimbursement for Workers' Compensation Insurance benefits shall be in accordance with their respective negotiated agreements.

Education Law Sections 1604(31),  
1709(34) and 2503(10)

2016 6530

Personnel

**SUBJECT: PAYROLL DEDUCTIONS**

Payroll deductions may be made when authorized by employees or when required by law or negotiated agreements.

Education Law Section 1709

Adopted: 6/29/09 Reviewed 4/13/16



**SUBJECT: DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS AND EMPLOYEES**

**Liability Protection Pursuant to Education Law**

The Board of Education recognizes its statutory obligation to indemnify School District employees (and in certain circumstances, Board of Education members and volunteers) pursuant to the provisions of Sections 3023, 3028 and 3811 of the Education Law. For the purposes of this policy, the term "employee" shall be as defined in the applicable statute(s).

The District shall not be subject to the duty to defend unless the employee, within the time prescribed by statute, delivers appropriate notice of the claim to the Board of Education.

- a) For purposes of Education Law Section 3811, the employee must give written notice within five (5) days after service of process upon them. 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 them.

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 their duties within the scope of their employment or authorized volunteer duties and/or under the direction of the Board of Education.

**Public Officers Law Section 18**

The Board of Education hereby also confers the benefits of Section 18 of the New York State Public Officers Law upon the "employees" of the District, as defined in Section 18 of the Public Officers Law; and the District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactment or provisions of law.

(Continued)

**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, their estate or judicially appointed representative.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of their 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 their public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Education.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the School District attorney or to the Superintendent a written request to provide for their defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after they are served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the District's duty to defend and/or indemnify and save harmless to exist.

**Exceptions to Liability Coverage**

Indemnification coverage and/or provision of legal defense by the District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the School District.

Public Officers Law Section 18  
Education Law Sections 1709(26) and (34-b),  
2560, 3023, 3028, and 3811  
General Municipal Law Sections 6-n and 52

Adopted: 6/29/09

Personnel

## LEAVES OF ABSENCE

In general, leaves of absence shall be administered by the Superintendent of Schools or his or her designee. The Board of Education reserves the right to grant leaves of absence for purposes or under conditions not contemplated or considered in this policy statement. 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. Except by permission of the Superintendent, as expressed in writing, the purpose or conditions of a leave of absence may not be altered.

Contractual leaves of absence shall be granted to employees who are members of a negotiating unit. In such cases, authorization to approve requests for leaves of absence submitted shall be pursuant to provisions of contracts in effect between the district and each bargaining unit.

- In the case of employees who are not members of a negotiating unit, authorization is granted to approve requests for leaves of absence submitted by such employees where the requests are consistent with provisions of contracts in effect between the district and the bargaining unit most compatible with the employment status of the employee.
- In the case of employees who are under contract to the district, authorization is granted to implement provisions for leaves of absence contained in each such contract.

Unpaid leaves of absence not covered above shall be subject to limitations enumerated in this policy statement. Such authorization is granted for the following unpaid leaves of absence:

- For a period of time not to exceed one school year for approved graduate study, such leave to include any required internship experience.
- 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.

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.

Unpaid leaves of absence shall not be granted unless the services of a substitute employee, satisfactory in the discretion of the Superintendent, are able to be secured.

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.

The district will notify employees of their right to leaves as indicated by federal law, state law or regulation.

(Continued)

Personnel

**LEAVES OF ABSENCE (cont'd)**

**Other Leaves:**

Blood Donation

In accordance with state law, employees desiring to make blood donations shall be granted three (3) hours of leave in any twelve (12) month period. The leave may not exceed three (3) hours unless agreed to by the Superintendent or his or her designee. Additional leaves for the purpose of blood donation under any other provision of law shall not be prevented.

Leave granted to employees for off premises blood donation is not required to be paid leave. Leave taken by employees for “donation leave alternatives” (which is what the law terms on-site blood donation) shall be paid leave given without requiring the employee to use accumulated vacation, personal, sick or other existing leave time.

Employees wishing to utilize the leave time for offsite blood donation shall give a minimum of three (3) working days notice to the Superintendent or his or her designee. Employees wishing to utilize the leave time for alternate donations shall give a minimum of two (2) working days notice.

The district will provide reasonable accommodations in emergency situations where an employee needs to donate blood for his own surgery or that of a family member.

Cancer Screening:

Employees shall be granted up to four (4) hours of leave on an annual basis to undertake a screening for cancer. This leave shall be paid leave and shall not be charged against any other leave to which the employee is entitled.

Certification of testing may be requested from the employee of the district. Verification shall be produced in a timely fashion.

Ref: Civil Service Law §159-b  
Labor Law § 202-j

*Matter of Cruz et al v Wappingers CSD*, slip opinion (Supreme Court, Dutchess County, July 14, 2008)

*Matter of Fringuello v Wappingers CSD.*, slip opinion (Supreme Court, Dutchess County, July 15, 2008)

Adoption date: 1/25/22

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT**

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (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.

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. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of the date of the onset of disability) and has a "serious health condition" as defined by FMLA;
- f) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing their job; and/or
- g) Because of "any qualifying exigency" (such term to be defined by regulations issued by the Secretary of Labor) or to care for a covered servicemember, as is more fully described below.

**Military Caregiver Leave**

The FMLA provides an employee who is the spouse, child, parent or next of kin of a covered servicemember up to twenty-six weeks of unpaid leave to care for the covered servicemember who is undergoing medical treatment, recuperation or therapy for a serious illness or injury. This includes caring for a covered veteran who is receiving medical treatment for a serious injury or illness that they either incurred, or that was aggravated, in the line of duty, whether it manifested before or after the veteran ceased their active duty. A covered veteran is defined as any veteran who was discharged for any reason other than dishonorably in the last five years.

**Qualifying Exigency Leave**

Up to twelve weeks of qualifying exigency leave will be provided to eligible employees whose spouse, child or parent serves in the Regular Armed Forces and is deployed to a foreign country, so that the employee can take care of various issues which may arise as a result of the deployment, such as making child care arrangements, or attending deployment ceremonies. In addition, an eligible employee can take leave to care for the servicemember's parent who is

(Continued)

**SUBJECT: FAMILY AND MEDICAL LEAVE ACT (cont'd)**

incapable of self-care where those activities arise from the servicemember's deployment or impending deployment, such as transferring the parent to a care facility.

An eligible employee can also take up to fifteen days of unpaid leave while their family member is on Rest and Recuperation leave from the military.

**Implementation/Benefits**

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 their share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. 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.

**Notice for Leave Due to Active Duty of Family Member**

In any case in which the necessity for leave due to any qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

**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.

## Personnel

**SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee. Information on this confidential program is available in school offices, central administration and/or through Principals or Supervisors.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, or personal problems such as those of a marital, family, or financial nature.

Adopted: 5/3/16

## Personnel

**SUBJECT: ELECTION TO RECEIVE COMPENSATION ON A TWELVE (12) MONTH BASIS RATHER THAN A TEN (10) MONTH**

In conformity with the U.S. Treasury Regulation Section 1.409A-2 (a)(14), the District hereby permits ten (10) month salaried employees to elect to be paid over a twelve (12) month period. Employees who elect the twelve (12) month payment option will receive reduced amounts each pay period but the same annual salary.

Any employee electing this option must do so in writing, on a form developed and distributed by the Assistant Superintendent, no later than September 1 of the school year for which the school employee is paid. For this purpose, per diem work performed in July and August is excluded since payment for such work is not subject to deferral.

Once an employee elects the twelve (12) month option, it is irrevocable and may not be changed after the work period begins. If no election is made by an employee, the employee will be paid as employees who do not take the election.

The election of the twelve (12) month period will remain in place until the employee elects to change it. If the employee wants to change their election and begin to receive compensation on a ten (10) month (school year) basis, the employee must notify the District in writing of that change no later than September 1 of the school year to which the change applies.



**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY****Statement of Overall Objectives**

School attendance is both a right and a responsibility. The School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards, and state aid is affected by average daily attendance. Because the School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, the School District will develop, review and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) To increase school completion for all students;
- b) To raise student achievement and close gaps in student performance;
- c) To identify attendance patterns in order to design attendance improvement efforts;
- d) To know the whereabouts of every student for safety and other reasons;
- e) To verify that individual students are complying with education laws relating to compulsory attendance;
- f) To determine the District's average daily attendance for State aid purposes.

**Description of Strategies to Meet Objectives**

The School District will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Maintain accurate recordkeeping to record attendance, absence, tardiness or early departure of each student.
- c) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- d) Develop early intervention strategies to improve school attendance for all students.
- e) Provide attendance procedures to parents and students: A plain language summary of this attendance policy will be included in student handbooks and will be reviewed with students at the start of the school year.

**Excused and Unexcused Absences, Tardiness and Early Departures**

All absences must be accounted for. It is the parent's responsibility to notify the school office within 24 hours of the Absences, Tardy or Early Departure and to provide a written excuse upon the student's return to school.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (cont'd)**

- a) **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, school-sponsored events, field trips, or other such reasons as may be approved by the appropriate building administrator.
- b) **Unexcused:** Any absence, tardiness, or early departure will be considered unexcused unless valid written documentation is provided within three (3) days. Any absence in excess of three (3) consecutive days without documentation will result in a phone call to the child's family and potential conference with the principal.

All other (Absence, Tardy, Early Departures) are considered unexcused absences.

**Student Attendance Recordkeeping/Data Collection**

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance within the district's student management system in a manner consistent with Commissioner's Regulations. An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

**Student Attendance/Course Credit**

The District believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period a certain percentage of a student's final grade will be based on classroom participation by attendance as well as the student's performance on homework, tests, papers, projects, etc. as determined by the building administrator and/or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation by attendance, unexcused student absences, tardiness, and early departures may impact a student's grade, including credit for classroom participation, for the marking period.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (cont'd)**

At the middle school/high school level, any student with more than twenty (20) unexcused absences in a course in a semester may not receive credit for the course. However, it is District policy that students with properly excused absences, tardiness and early departures for which the student has performed any assigned make-up work, assignments and/or tests may be awarded course credit.

For courses meeting one-half (1/2) year or one quarter (1/4) year, the same policy will apply and a calculation of the absences will be prorated accordingly.

Transfer students and students re-enrolling after having dropped out will be expected to attend a prorated minimum number of the scheduled class meetings during their time of enrollment.

Students will be considered in attendance if the student is:

- a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or
- b) Working pursuant to an approved independent study program; or
- c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school-sponsored activity are to arrange with their teachers to make up any missed work deemed necessary in a timely manner.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with their teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

**Attendance Incentives at the Elementary Schools**

In order to encourage student attendance, the Building Principal and teachers will develop and implement a variety of grade-appropriate/building-level strategies and programs that may include, but are not limited to assigning special responsibilities (distribute and collect materials, lead groups, assist the teacher, etc.) to students who may need extra motivation to come to school.

**Notice of Minimum Attendance Standard/Intervention Strategies Prior to the Denial of Course Credit At the Secondary Level**

In order to ensure that parents/persons in parental relation and students are informed of the District's policy regarding minimum attendance and course credit, and the implementation of specific intervention strategies to be employed prior to the denial of course credit to the student for insufficient attendance, the following guidelines shall be followed:

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (cont'd)**

- a) Copies of the District's Comprehensive Student Attendance Policy will be provided to parents/persons in parental relation and provided to students by the registrar at the time of enrollment in the District.
- b) School newsletters and publications will include periodic reminders of the components of the District's Comprehensive Student Attendance Policy. A summary of the Attendance Policy will also be included in parent/student handbooks.
- c) The middle and high school utilize an automated notification system to alert parents when a student's daily attendance record is in question.
- d) The Principal, school counselor or teacher will review the District's Attendance Policy with parents and students who have excessive and/or unexcused absences, tardiness or early departures. Further, appropriate student support services/personnel within the District, as well as the possible collaboration/referral to community support services and agencies, will be implemented prior to the denial of course credit for insufficient attendance by the student.

**Disciplinary Consequences and Appeal Process**

- 1. Unexcused absences, tardiness and early departures may result in consequences including, but not limited to, denial of participation in interscholastic and extracurricular activities, etc. Parents/persons in parental relation will be notified by designated District personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/person in parental relation.
- 2. All appeals related to unexcused absences and/or denial of course credit will be made directly to the principal on the following basis:
  - a. Regarding the accuracy of a student's attendance record;
  - b. To ascertain whether it appears that students with disabilities are treated consistently with IDEA or Section 504 Plans;
  - c. To consider "extenuating circumstances" including, but not limited to absences due to circumstances related to insecure housing and education neglect.
- 3. Parent/Guardian will have twenty (20) calendar days from the issue of the written notification of unexcused absences to appeal the building principal's decision to the Assistant Superintendent for Curriculum & Instruction, who shall make the final decision regarding all appeals.

**Intervention Strategy Process**

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, the teacher, Principal, Assistant Principal, or School Counselor may implement a variety of strategies and interventions to address the issue including but not limited to the following:

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (cont'd)**

- a) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);
- b) Notify the student and parent/person in parental relation;
- c) Discuss strategies to directly intervene with specific element;
- d) Recommend intervention to Superintendent or their designee if it relates to change in District policy or procedure;
- e) Implement changes, as approved by appropriate administration;
- f) Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness or early departures;
- g) Monitor and report short and long term effects of intervention.

**Building Review of Attendance Records**

The Building Principal will work with designated staff in reviewing attendance records during and at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

**Review by the Board of Education**

The Board of Education must at least annually review the building level student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy deemed necessary to improve student attendance.

**Community Awareness**

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of the each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;
- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
- c) Providing copies of the policy to any other member of the community upon request.

Education Law Sections 3024, 3025, 3202, 3205, 3206, 3210, 3211, and 3213  
8 New York Code of Rules and Regulations (NYCRR)  
Sections 104.1, 109.2 and 175.6

Adopted: 11/8/16

## 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 of Rules and Regulations  
(NYCRR) Section 109.2

Adopted: 6/29/09

**SUBJECT: LEAVING SCHOOL GROUNDS**

- a) All students must remain on the school grounds through the school day. No student will receive permission to leave the school for any reason during the day unless called for by parent or legal guardian.
- b) Students leaving school grounds during the school day without permission will be subject to appropriate disciplinary action.

Adopted: 12/5/17

## 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 the same calendar year 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 their parents were legal residents.

**Other Grades**

Admission of children shall involve a consideration of chronological age, their current transcript, and the readiness of the student to do the work.

**Proof of Age**

Education Law 3218 states that a student's age shall be proven by:

- a) a duly certified transcript of a birth certificate, or a certified record of baptism giving the date of birth; or, if not available,
- b) a passport including foreign passport) showing the date of birth of the minor; or, if not available,
- c) other documentary evidence or other recorded evidence in existence two years or more, and satisfactory to the certifying officer such as:
- d) Official driver's license
- e) State- or other government-issued ID
- f) School photo ID with date of birth
- g) Consulate identification card
- h) Hospital or health records (in New York City, Hospital Birthing Records)
- i) Military dependent ID card
- j) Native American tribal document
- k) Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs)
- l) The child shall be entered under their legal name.

Education Law Sections 1712, 3202 and 3212

Adopted: 6/17/14



**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS**

The Board of Education shall provide for the screening of every new entrant to school to determine which students may have disabilities, may be gifted or may be of limited English proficiency. Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) 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 who score below the state reference point on New York State assessment tests, within thirty (30) days of the availability of the test scores.

Such screening shall include, but not be limited to the following:

- a) A physical examination by a physician or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law;
- b) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

If such screening indicates a possible disability, a referral shall be made to the Committee on Special Education (CSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/guardians no later than fifteen (15) calendar days after completion of such screening.

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be provided appropriate transitional bilingual or free-standing ESL programs.

(Continued)

**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS (Cont'd.)****Reporting to Parents**

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

**Confidentiality of Information**

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 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, 914 and  
3208(5)  
Public Health Law Section 2164  
8 New York Code of Rules and Regulations  
(NYCRR), Part 117 and 154

**SUBJECT: SCHOOL ADMISSIONS -- AGE AND RESIDENCY**

**Ages of Attendance/Compulsory Attendance Age**

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age.

However, in accordance with Education Law Section 3205(3), the Board of Education in **any** school district shall have the power to require minors from sixteen (16) to seventeen (17) years of age who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

Undocumented children, like U.S. citizen children, have the right to attend school full-time as long as they meet the age and residency requirements established by state law.

**Proof of Age**

The State Education Department does not require districts to collect students' social security numbers for any purpose. While school districts may need to collect certain data pursuant to State and/or federal laws, they should do so after a student has enrolled in school so as not to inadvertently give the impression that information related to immigration status will be used in making registration/enrollment determinations.

Education Law 3218 states that a student's age shall be proven by:

- a) a duly certified transcript of a birth certificate, or a certified record of baptism giving the date of birth; or, if not available,
- b) a passport (including foreign passport) showing the date of birth of the minor; or, if not available,
- c) other documentary evidence or other recorded evidence in existence two years or more, and satisfactory to the certifying officer such as:

Official driver's license

State- or other government-issued ID

School photo ID with date of birth

Consulate identification card

Hospital or health records (in New York City, Hospital Birthing Records)

Military dependent ID card

Native American tribal document

Record(s) from non-profit international aid agencies and voluntary agencies (VOLAGs)

(Continued)

Students

**SUBJECT: SCHOOL ADMISSTIONS -- AGE AND RESIDENCY (cont'd)**

**Determination of Student Residency**

The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner. The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/person in parental relation of the procedures for obtaining review of the decision within the District.

A child's residence is presumed to be that of their parents or legal guardians. However, the District may encounter students, particularly from other countries, who reside with persons other than their parents or legal guardians. In order to determine residency in these cases, the District may request information regarding such student's custody to establish residency and to ensure the health, safety and welfare of the child.

**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 their child in a District school if they share the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

**Children Experiencing Housing Insecurity**

The parent/person in parental relation to a child experiencing insecure housing; or the child experiencing insecure housing, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Executive Law Article 19-H, in consultation with the child experiencing housing insecurity, where such child experiencing housing insecurity 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 child experiencing housing insecurity shall attend.

**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relation, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

**Emancipated Minors**

A determination of whether a student is to be designated as an emancipated minor in the Ontario School District will be based on evidence that the student is no longer under custody, control and support of their parents/persons in parental relation. To establish emancipation, a minor may submit documentation of their means of support, proof of residency and an

Students

**SUBJECT: SCHOOL ADMISSTIONS -- AGE AND RESIDENCY (cont'd)**

explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with their parents/persons in parental relation.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/person in parental relation and/or student may be subject to legal action.

**Children Living With Persons Not Their Parents -- Guardianship or Custody**

In accordance with the Family Court Act and Domestic Relations Law, a person possessing a lawful order of guardianship or custody of a minor child who is not the parent of such child may enroll the child in public school in the school district where they and the child reside.

Therefore, upon application for enrollment by the guardian or custodian, the District shall enroll such a child for such time as the child resides with the guardian or custodian in the District upon verification that the guardian or custodian possess a lawful order of guardianship or custody for the child and that the guardian or custodian and the child properly reside in the same household within the District.

McKinney-Vento Homeless Education Assistance Act, Section 722, as reauthorized by the No Child Left Behind Act of 2001

Domestic Relations Law Section 74

Education Law Sections 2045, 3202, 3205, 3209, 3212(4, and 3218(1(b, 3218(1(d

Family Court Act Section 657

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7132 -- Education of Children and Youth Experiencing Housing Insecurity

Adoption: 6/17/14

## **SUBJECT: ADMISSION OF FOREIGN EXCHANGE STUDENTS**

The Board of Education recognizes that foreign exchange students can add to the cultural diversity and enrichment of the School District and, therefore, enhance the school environment and the school community. As a general rule, foreign exchange students shall not be admitted to the District's schools for longer than one (1) school year.

The District shall retain the sole discretion to deny admission to any student who does not meet the requirements set forth in this policy. The District may also terminate any approval of a foreign student program when the Board believes that it would be in the best interest of the District.

- a) All foreign exchange students seeking admission into the District must participate through a recognized accredited foreign exchange program through J-1 Visas, approved by the Superintendent of Schools. Foreign exchange students must be of school age and must be currently enrolled as a student in their home country.
- b) All foreign exchange students must be formally accepted into the District, in writing, by the Superintendent of Schools or designees. The Superintendent shall consult with the Building Principal prior to acceptance or rejection of an application.
- c) Foreign exchange students must:
  - 1. Have demonstrated sufficient scholastic achievement in their home school to indicate the possibility of success in the District school they will attend.
  - 2. Ensure that their academic records and credentials are available to school officials in advance of the student's admission.
  - 3. Be in good health and provide an immunization record demonstrating that the student complies with current student immunization requirements.
  - 4. Have health and accident insurance in acceptable form to the District.
  - 5. Enroll in the District on a full-time basis for one (1) semester or one (1) school year.
  - 6. Agree to conform to district's code of conduct and building's student handbook.
- d) A foreign exchange student's enrollment in the School District may be terminated at any time by school officials for failure to abide by the established guidelines, including:
  - e) Failing grades in two or more courses of study;
  - f) Failure to conform to established rules and regulations;
  - g) Failure to conform to the regulations established by the sponsoring organization; and/or
  - h) Excessive absences.

Foreign exchange students will be treated as nearly as possible like any other student in the school, including grading, and will be encouraged to participate in all eligible school activities and special events.

Foreign students shall be subject to the District's Code of Conduct and all applicable policies and regulations. The District reserves the right to remove a non-resident student from the District without the need for a hearing under Education Law §3214.

Adopted: 8/16/16

## **CHILDREN EXPERIENCING INSECURE HOUSING**

The Board of Education recognizes its responsibility under federal (McKinney-Vento) and state laws and regulations to identify children experiencing insecure housing within the district, encourage their enrollment and eliminate existing barriers to their identification, enrollment, attendance, or success in school which may exist in district practices. The Board will provide children experiencing insecure housing attending the district's schools with access to the same free and appropriate public education and other school programs and activities, including publicly-funded preschool education, as other children.

A child experiencing insecure housing is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital; or is a migratory child who qualifies as experiencing insecure housing. An unaccompanied youth is a child experiencing insecure housing not in the physical custody of a parent or guardian.

To assist in determining eligibility for services under the McKinney-Vento Act, the district will use a housing questionnaire for all enrolling students, and those reporting a change of address, which asks for a description of the student's current living arrangements.

A child experiencing insecure housing or youth has the right to attend their school of origin, or any school that permanently houses students who live in the attendance area in which the student experiencing insecure housing is actually living. For students experiencing insecure housing, a school of origin can be:

1. the public school they attended when permanently housed (i.e., before becoming insecure in housing); or
2. the public school where they were last enrolled, or
3. the public school they were entitled or eligible to enroll in when the child became insecure in housing, if that child became insecure in housing after such child was eligible to apply, register, or enroll in a public preschool or kindergarten, or he/she is living with a school-age sibling who attends school in the district; or
4. the designated receiving school at the next grade level for any feeder school, where the child has completed the final grade in the feeder school.

Such schools include publicly-funded preschools administered by the district or the State Education Department (SED).

The child experiencing insecure housing is entitled to attend the designated school on a tuition-free basis for the duration of their housing insecurity. If the child becomes permanently housed, the child is entitled to continue attendance in the same school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building. If a child experiencing insecure housing completes the final grade level their school of origin, the child may also attend the designated receiving school at the next grade level for all feeder schools.

The Superintendent of Schools shall develop procedures necessary to expedite the child experiencing insecure housing's access to the designated school. Such procedures shall include:

1. Admission and Participation: Upon designation, the district will immediately admit the child experiencing insecure housing to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical or immunization records  
(however, the district may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that pose a significant risk of transmission to others), proof of age or residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. During a dispute, the student may continue attending the school until final resolution of the dispute, including all available appeals. Children experiencing insecure housing will have the same opportunity as other children to enroll in and succeed in the district's schools, including extracurricular activities and summer school programs available to district students. They will not be placed in separate schools or programs based on their status as having housing insecurity. The district will eliminate barriers to identification, enrollment and retention of children experiencing housing insecurity, including barriers to enrollment and retention due to outstanding fees, fines or absences.
2. Transportation: The district will promptly provide transportation for students experiencing insecure housing currently attending district schools as required by applicable law, as described in the accompanying regulation. In general, the district will ensure that transportation is provided to students experiencing insecure housing enrolled in the district who attend a school of origin, including a publicly-funded preschool administered by the district or SED, even if the student lives outside the district's boundaries. Transportation will be provided for the duration of housing insecurity, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that is the student's final year in the school.
3. School Records: For students experiencing insecure housing attending school out of the district, the district will, within five days of receipt of a request for records, forward a complete copy of the child experiencing insecure housing's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable. For students experiencing insecure housing attending school in the district, the district will request the student's records (academic, medical, etc.) from the school the student last attended.
4. Coordination: The district will coordinate with local social services agencies and other entities providing services to children experiencing insecure housing and their families for the provision of services to children experiencing insecure housing, and will coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities.



This will include ensuring the provision of appropriate services to students experiencing insecure housing with disabilities who are eligible for services under either Section 504 or IDEA.

A portion of the district's Title I, Part A funds will be set aside for children and youth experiencing insecure housing to provide educationally related support services and services not ordinarily provided to other students.

Information about a child experiencing insecure housing's living situation will be treated as a student education record, and will not be considered directory information under FERPA. See policy 7240, Student Records for more information.

The Superintendent will also designate a McKinney-Vento liaison for children experiencing insecure housing and ensure that this person is aware of and able to carry out their responsibilities under the law. The Superintendent will ensure that the liaison receives appropriate professional development on identifying and meeting the needs of students experiencing insecure housing, including the definitions of terms related to insecure housing. The liaison's responsibilities will include, but not be limited to, ensuring that:

1. parents or guardians of children experiencing insecure 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;
2. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
3. enrollment disputes involving children experiencing insecure housing are promptly mediated and resolved;
4. school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities, identify children experiencing insecure housing, including preschoolers experiencing insecure housing;
5. children experiencing insecure housing receive educational services, including but not limited to Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for children experiencing insecure housing and their families;
6. public notice of the educational rights of children experiencing insecure housing is disseminated in locations frequented by unaccompanied youth experiencing insecure housing and parents/guardians of children experiencing insecure housing, in a manner and form understandable to them;
7. staff who provide services to students experiencing insecure housing receive required professional development and support on identifying and meeting the needs of students experiencing insecure housing;
8. unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations.

In accordance with law and regulation, the district will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation). A student shall be entitled to continued enrollment in the district's schools, and transportation, pending resolution of the dispute and all available appeals.

In accordance with Commissioner's regulations, the district will collect and transmit to the Commissioner information necessary to assess the educational needs of children experiencing insecure housing within the State.

Cross-ref:     7130, School Admissions  
                  7510, Student Health Services  
                  7240, Student Records

Ref:     42 USC §§11431 et seq.  
          School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701  
          (March 8, 2002)  
          Education Law §§207; 305; 3202; 3205; 3209  
          Executive Law §§532-b; 532-e  
          Social Services Law §§17; 62; 397  
          8 NYCRR §§100.2(x); 175.6

Adoption date: 9/14/21

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7132R

Date: October 14, 2021

## CHILDREN EXPERIENCING INSECURE HOUSING

Each school in the district will maintain forms provided by the Commissioner of Education for designating a child experiencing insecure housing's district of attendance. These forms must be provided to any child experiencing insecure housing or parent or guardian who seeks to enroll a child in school. The district's McKinney-Vento liaison for students experiencing insecure housing will assist the child experiencing insecure housing and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for children experiencing insecure housing will be based on the "best interest of the child" and 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 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 unaccompanied youth.

If the district determines that it is in the best interest of the student to attend a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee will provide the parent or guardian or unaccompanied youth with a written explanation of its decision, together with a statement regarding the right to appeal the placement, which will be in a manner and form understandable to them. The Superintendent or designee will refer any such dispute to the district's McKinney-Vento liaison for resolution. The student must be enrolled in the school sought by the parent or guardian or unaccompanied youth and provided with requested transportation pending final resolution of the dispute, including all available appeals.

### Admission Procedures

Upon identifying a student experiencing housing insecurity, the Superintendent of Schools or designee will immediately:

1. ensure that a designation form is given to the parent or guardian or unaccompanied youth and review the designation form to ensure that it is complete;
2. admit the child experiencing insecure housing even if the child or parent or guardian is unable to produce records normally required for enrollment, or the student has missed application or enrollment deadlines, or there is an unresolved dispute regarding eligibility, school selection or enrollment;
3. notify the McKenney-Vento liaison of the child's admission. The liaison must:
  - a. notify the child and/or the parent or guardian of the educational and related opportunities available to children experiencing insecure housing including transportation to the school of origin, and help arrange for transportation and other services such as those under Title I, Section 504, IDEA, and federal school meals;

# ONTEORA CENTRAL SCHOOL DISTRICT

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Date: October 14, 2021

- b. ensure that the child receives the educational services for which they are eligible, including Head Start and Early Head Start, early intervention services, and preschool programs administered by the district;
- c. make necessary referrals for the children experiencing insecure housing or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;
- d. ensure that any enrollment disputes are mediated promptly and in accordance with the law;
- e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, and inform them of their status as “independent students” for purposes of applying for federal financial aid for college and assist with that process; and
- f. assist in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent or designee will forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

## Unaccompanied Youth and Parent/Guardian Signatures

To the extent that district policies and practices require parent/guardian permission or consent, the district will remove barriers to admission and participation for unaccompanied youth due to lack of parent/guardian signatures. This includes, but is not limited to, enrollment, providing medical care and excuses for absences, participating in field trips and extracurricular activities, and accessing or releasing records. Where parent/guardian consent, permission or signatures cannot be obtained for unaccompanied youth, the district will accept signatures from the following:

- 1. Persons designated by the parent/guardian as a “person in parental relation” under state General Obligations Law Title 15-A;
- 2. Authorized caregivers age 18 or older so identified by the unaccompanied youth;
- 3. The unaccompanied youth themselves; or
- 4. The McKinney-Vento liaison.

Parental rights under FERPA pertaining to student records extend to a person acting as a parent in the absence of a parent/guardian. The district grants unaccompanied youth under age 18 the rights under FERPA for eligible students and parents/guardians.

## Transportation

Unless the child experiencing insecure housing is receiving transportation provided by the Department of Social Services or Office of Children and Family Services, the district will provide transportation services to the child in accordance with applicable law. Where the district is designated by the parent/guardian or unaccompanied youth, and the student attends the school of origin as defined in law described in the accompanying policy (including a publicly funded preschool administered by the district or the State Education Department), the district will provide transportation, even if transportation is not generally provided to permanently housed students and the student is residing outside the district’s boundaries. A designated school district

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that must provide transportation to a child experiencing insecure housing is not required to provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child.

Transportation must be provided to the school of origin when the district receives notice of a child experiencing insecure housing's status, for the duration of the student's housing insecurity, as well as during the pendency of any disputes. Transportation must be provided receiving school as defined in Education Law §3209(1)(h) if the student is experiencing insecure housing over multiple school years. If a child becomes permanently housed during the school year, the student has the right to transportation services to the school of origin until the end of the academic year, as well as one additional year if it is the student's final grade level or terminal year in the building.

If the district recommends that a child experiencing insecure housing attend a summer educational program, and lack of transportation is a barrier to participation, the district shall will provide transportation. The district will provide transportation to extracurricular or school activities for students experiencing insecure housing eligible for such activities where lack of transportation is a barrier to participation.

## Dispute Resolution Process

If, after the Superintendent reviews the designation form, they find that the student is either not experiencing insecure housing, not entitled to attend the district's school, or not entitled to transportation (if requested) the Superintendent or designee will do the following:

1. Contact the district's McKinney-Vento liaison to assist in dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the district making a final determination.

If, after consideration of any additional information and input from the McKinney-Vento liaison, the Superintendent makes a final determination that a student is not experiencing insecure housing, or not entitled to enrollment or transportation, they must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. state the rationale/basis for the district's determination;
2. state the date as of which the student will be excluded from the district's schools (or transportation) which must be at least 30 days from receipt of the written notice;
3. advise that the district's final determination may be appealed to the Commissioner of Education (Commissioner);
4. provide the name and contact information for the district's McKinney-Vento liaison;
5. inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the district's homeless liaison is required to assist in filing such an appeal; and
6. include, as an attachment, the form needed to file an appeal to the Commissioner.

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The Superintendent must ensure that the district's final decision is delivered to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the district makes a final determination and for a minimum of 30 days after the receipt of the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

If the parent/guardian or student commences an appeal to the Commissioner within 30 days of the final determination, the child or youth experiencing insecure housing will be permitted to continue to attend the school enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision.

## **ADMISSION OF NON-RESIDENT STUDENTS**

The Board of Education affirms that its primary responsibility is to provide the best possible educational opportunities for the children who are legal district residents and who are of legal age to attend school.

This policy is not applicable to students experiencing housing insecurity, entitled to attend district schools under federal and state law and regulations, who may not be currently residing in the district (see policy 5151, Children Experiencing Housing Insecurity). Students experiencing housing insecurity who are not entitled to attend district schools under federal and state laws may be considered for non-resident enrollment under this policy. This policy is also not intended to cover students who are placed in district programs by agreement with, and paid for by, another school district.

### Future Residents

The children of families who have signed a contract to buy or build a residence in the school district may be enrolled during the semester in which they expect to become residents.

### Former Residents

Students whose families have moved out of the district may continue to attend districts schools under the following circumstances:

Former residents enrolled in grade 12 at the time of departure from the district may be permitted to finish high school and graduate with their class provided the former resident meets the criteria of this policy and are resident through the first semester of his/her anticipated graduation year. In this instance, the District will not provide transportation.

However, students experiencing housing insecurity who are no longer district residents due to their housing insecurity are addressed in policy 7132, Children Experiencing Housing Insecurity.

Cross-ref: 5151, Children Experiencing Housing Insecurity.

Ref: Education Law §3202(2)  
8 NYCRR Part 174  
Appeal of Akiwowo, 48 Ed Dept Rep 34 (2008)

Adoption date: 2/10/22

**SUBJECT: STUDENT ASSIGNMENT TO SCHOOLS AND CLASSES**

The Board of Education directs that assignment of students to schools and classes be consistent with the best interests of students and the best use of the resources of the district.

Generally, students shall attend the school dictated by their attendance zone which has been based on current district population patterns, enrollment projections, building capacity, educational programs, students' educational needs, transportation requirements and demographic factors. Where necessary, students' educational needs or access to specific educational programs will be considered.

When necessary, the Board will review the status of enrollment in the district's schools to ensure that the goals of this policy are being met.

Assignment to Classes/Teachers

In assigning students to classes/teachers, the following criteria shall be considered: age, social and emotional maturity and academic achievement in relation to individual ability, in order to assure appropriate assignments. It is the goal of administration to create classes that can productively learn together.

Parent/Guardian Requests

Transfers may be requested to meet the educational or other special needs of students and their families. The school district shall be responsible for determining the location and extent of available space in its schools for the purpose of inter-school transfers. Priority for available space must go first to the neighborhood schools students and mandated programs.

Transfers will need to be requested annually and upon request, will be reviewed. Transfers will occur during the summer of the school year and are otherwise at the discretion of building and district administration.

The Superintendent or their designee must approve all inter-school transfers. Transfers require Board of Education approval.

Ref: Regulation 7141; Education Law §§1709(3); 2503(4); *Fisher v. University of Texas at Austin*, 570 U.S. \_\_\_, 133 S. Ct. 2411 (2013); *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007); *Gutter v. Bollinger*, 539 U.S. 306 (2003); *Gratz v. Bollinger*, 539 U.S. 244 (2003); *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978); *Matter of Addabbo v. Donovan*, 22 A.D.2d 383 (1965), aff'd, 16 N.Y.2d 619, cert denied, 382 U.S. 905 (1965); *Matter of Older v. Board of Education of the Union Free School District No. 1, Town of Mamaroneck*, 27 N.Y.2d 333 (1971); *Appeal of Jones*, 52 EDR Dec. No. 16,456 (2013); *Appeal of Roy*, 51 EDR Dec. No. 16,279 (2011); *Appeal of Strade*, 48 EDR 73 (2008); *Appeal of Knoer*, 47 EDR 102 (2007); *Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools* (2011), U.S. Department of Education and Department of Justice ([www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.html](http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.html)); Coleman, A., Negron, F., and Lipper, K. *Achieving Educational Excellence for All: A Guide to Diversity-Related Policy Strategies for School Districts* (2011). The National School Boards Association, The College Board, and Education Counsel, LLC ([www.nsba.org/SchoolLaw/Publications/Education-Excellence-for-All.html](http://www.nsba.org/SchoolLaw/Publications/Education-Excellence-for-All.html)).

Adopted: 2/18/16



## Students

**SUBJECT: INTER-SCHOOL TRANSFERS/("VARIANCES")**

This policy governs the transfer of students from one school to another to meet the needs of parents and students. Transfers may be requested to meet the educational or other special needs of students and their families. The school district shall be responsible for determining the location and extent of available space in its schools for the purpose of inter-school transfers. Priority for available space must go first to the neighborhood schools students and mandated programs. The Superintendent or their designee must approve all inter-school transfers.

Transfers will need to be renewed and will be reviewed annually. Transfers will occur during the summer of the school year and are otherwise at the discretion of building and district administration.

Regulation 7141

Adopted: 11/8/16

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7141R

## Inter-School Transfers

Inter-School Transfers may be denied or rescinded by the district should class sizes rise beyond the district Class Size Regulations 8760 or any of the conditions in Class Size Policy 8480:

- a) The type of student load that will assist in helping each teacher to be most effective;
- b) The desires of the total District with respect to class size;
- c) The particular requirements of the subject being taught;
- d) Necessary preparation and correction time for the teacher;
- e) Presence of children with special needs in the class;
- f) The financial state of the School District and fiscal constraints imposed in budget development.

The District has until August 15th of the current school year to determine whether an Inter-School Transfer Request is approved.

## 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**

According to New York State 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. The Education Law further 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 their 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

Adopted: 6/29/09

## Students

**SUBJECT: SCHOOL CENSUS**

With the exception of the cities of New York, Buffalo and Rochester, as well as small city school districts, all other school districts are authorized, rather than obligated, to take a census of all children from birth to eighteen (18) years of age.

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 persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two (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 their control or charge a child between birth and eighteen (18) years of age who withholds or refuses to give information in their possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

Census data shall be reported as required by law.

Education Law Sections 3240-3243 and 4402(1)(a)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities (Child Find)

Adopted: 6/29/09

**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 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.

**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 in the light of School District policy. Building Principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

**Testing Program**

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

**Alternative Testing Procedures**

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English, except as mandated pursuant to law and/or regulation.

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/Legal 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 conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(g)  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.  
Onteora Policy 7212

## Students

**SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED**

The Board of Education assures parents or persons in parental relationship 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 relationship 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 relationship 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 relationship. 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)

Adopted: 6/29/09

**SUBJECT: PROMOTION, RETENTION, and ACCELERATION OF STUDENTS**

The Onteora CSD will ensure that each child experiences both challenge and success from school activities. To this end, the District will make every effort to place each student in the most appropriate learning level for a successful educational experience. The concept of grade placement is based upon the premise that each teacher will provide appropriate opportunities for students at all stages of physical, emotional and academic growth. Academic growth does not take place at the same pace, and promotion, retention and acceleration are added methods to meet the needs of individual students.

Promotion, retention, and acceleration of a student will be based on the following general considerations:

1. Academic achievement;
2. Age of the student;
3. Teacher and principal recommendations in consultation with the parents/guardians; and
4. Where the decision for retention is in question, the Principal will have the final authority;

The Administration will develop regulations to establish guidelines and procedures for decisions regarding promotion, retention and acceleration.

In order to inform parents/guardians about the District's approach to promotion and retention, this policy will be posted on the district website and included in student and/or parent handbooks.

Ref: Education Law §§ 305(47); 1709; 2503(4); 3202  
8 NYCRR §100.4  
*Isqwith v. Levitt*, 285 App. Div. 833; 137 N.Y.S.2d 497 (1955)  
*Matter of Eckert*, 13 EDR 270 (1979)  
Op. Counsel, 1 EDR 775 (1952)  
OCSD Regulation 7212R

Adopted: 10/13/15



# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7212R

Date: 7/1/16

## ADMINISTRATIVE REGULATIONS

### PROMOTION, RETENTION, and ACCELERATION OF STUDENTS

The following guidelines shall govern student promotion, retention, and acceleration:

#### Retention

A decision to retain shall be arrived at by the building principal, appropriate staff, and parent/guardian, as appropriate. Factors to be considered include, but are not limited to, teacher recommendation; classroom achievement; standardized test scores; social and emotional development; and results of the family conference. The decision of the building principal shall be final.

No student will be retained without an appropriate plan for improvement. Once the educational plan has been implemented, the student will be monitored regularly. The educational plan will be revised until the student demonstrates acceptable performance.

Elementary Level: K-6

Classroom teachers are expected to make every effort, consistent with the District's implementation of Response to Intervention (RTI), to identify early those students at risk of failing. The Building Principal and the parents/guardian must be notified promptly if retention is anticipated, and a plan for improvement shall be designed for each child identified as in danger of failing. Such support services may include, but are not limited to, individualized assistance before, during or after the school day; a change in instructional approach, Academic Intervention Services (AIS); and, where appropriate, referral to the Response to Intervention Team or ultimately the Committee on Special Education for evaluation.

At the elementary level, students who make satisfactory progress in all subjects will be promoted. Students who do not make satisfactory progress in one or more basic subjects – English-Language Arts Mathematics, Social Studies and Science -- shall have their cases considered on an individual basis and may be retained. Retention shall be limited to those situations where the best interest of the child is reasonably assured. Diligent effort shall be made to use all available resources to determine the child's appropriate placement.

1. All recommendations for retention will be based on multiple sources of data. All students being considered for retention must be administered the Light's Retention Scale.
2. All students being considered for retention must be referred to and recommended by the appropriate building level Response to Intervention (RTI) team.

3. Parents/Guardians will be notified as soon as their student is being considered for retention. The first and primary mode of communication with the parents/guardians shall be verbal communication (phone call or conference). Consideration of retention must also be documented on student records, including report cards and progress reports.
4. The decision of the building principal shall be final.

#### Middle School: Grades 7-8

The passing grade for any academic course is 65. Students who pass all subjects but one shall have the failure evaluated and a determination made as to the reason for the failure. The student may be required to repeat the subject, but in typical cases shall be promoted. Students who fail two core academic courses must attend summer school. Failure to do so will result in retention. A student will be retained with a failure of three or more academic courses. A decision to retain shall be arrived at by the building principal, appropriate staff, and parent/guardian, as appropriate. The decision of the building principal shall be final.

#### Senior High School: Grades 9 – 12

In general, promotion from one grade level to the next shall be contingent upon the accumulation 5 units of credit at each level, as follows:

- 5 Credits for Grade 10
- 10 Credits for Grade 11
- 15 Credits for Grade 12

A passing final average is required for a student to be given credit for successfully completing a course. The passing grade for any academic course is 65. Any failure of a required course must be repeated in summer school or the next school year. The decision of the building principal shall be final.

#### Acceleration

Occasionally it might be in the best interest of a student to be accelerated. As soon as a teacher recognizes such a potential student, the parents will be notified and the principal will make a request for a case study of the student with appropriate staff, followed by a final recommendation.

**SUBJECT: GRADUATION REQUIREMENTS**

In order to graduate from Onteora Central School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations.

Participation in the graduation exercises will be predicated on satisfactory completion of all graduation requirements, except as permitted by policy 7222.

Cross-ref:     7222, Diploma and Credential Options for Students with Disabilities

Ref:     8 NYCRR §§100.5; 100.6

Adoption date: 8/1/18

## Students

**SUBJECT: EARLY GRADUATION**

A student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, may choose to grant the student a high school diploma prior to their completion of the eighth semester.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.5(3)

Adopted: 6/29/09

**SUBJECT: DIPLOMA and CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The Board of Education is committed to supporting all students so they are college- and career-ready upon graduation. The Committee on Special Education (CSE), which includes parents/guardians, will work with students with disabilities to attain the appropriate diploma or credential based on their Individualized Education Plan (IEP).

Regents Diploma or Regents Diploma with Advanced Designation

Students with disabilities are encouraged to work toward the completion of requirements for a Regents diploma or Regents diploma with an advanced designation, as established by New York State and the Board.

Local Diploma

Students with disabilities may work toward completion of the requirements of a local diploma. The local diploma may be earned by meeting the standards set forth in state regulations, including by Superintendent's determination.

Career Development and Occupational Studies Commencement Credential

Students with disabilities, who are not students with severe disabilities under Commissioner's Regulations, may be issued a New York State Career Development and Occupational Studies Commencement Credential (CDOS), pursuant to the requirements of those regulations. The student may pursue a CDOS either in addition to or instead of a high school diploma. The district shall ensure that such students have been provided with appropriate opportunities to earn a high school diploma.

Skills and Achievement Commencement Credential

A student who meets the state definition of a student with severe disabilities, who has taken the State assessment for students with severe disabilities, may be issued a skills and achievement commencement credential pursuant to the requirements of Commissioner's Regulations 8 NYCRR §100.6.

Continued Right to Educational Services

If a student receiving a Career Development and Occupational Studies Commencement Credential or a Skills and Achievement Commencement Credential is less than twenty-one years of age, the credential shall be accompanied by a written assurance of the student's continued right to attend public school until the end of the school year in which the student reaches the age of twenty-one or until the student has earned a high school diploma, whichever is earlier.

Graduation Ceremonies

Students with disabilities may participate in graduation ceremonies as permitted under state law.

Cross-ref: 7220, Graduation Requirements

Ref: 8 NYCRR §§100.1; 100.5; 100.6; 100.9

Adopted: 8/1/18

## Students

**SUBJECT: DUAL CREDIT FOR COLLEGE COURSES**

All students who have successfully fulfilled the requirements to enter into their senior year and have demonstrated intellectual and social maturity may choose to matriculate at any one (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. Students who wish to enroll in college level coursework shall meet all academic, grade level and coursework requirements as set forth by administrative guidelines.

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE****Student Records**

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 educational records maintained by the School District" and files on students, and to insure the confidentiality of such records with respect to third parties.

**Access to Student Records**

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release personally identifiable information contained in student records only if it has received a "signed and dated written consent" from a parent 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.

**Health and Safety Emergency Exception**

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency.

School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

(Continued)

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

**Disclosures to Parents of Eligible Students**

Even after a student has become an "eligible student" under FERPA (which is defined as a student who is eighteen [18] years of age or older or who is attending an institution of post-secondary education) an educational agency or institution may disclose education records to an eligible student's parents without the student's consent:

- a) If the student is claimed as a dependent for Federal income tax purposes by either parent;
- b) In connection with a health or safety emergency;
- c) If the 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.

**Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or an eligible student shall have an opportunity for a hearing to challenge the content of the school records, which they believe to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of students. However, parents/guardians or an eligible student do not have the right to correct, delete or expunge grades, an individual's opinion or other substantive decisions of the District that appear in a student's record.

After the hearing, the District shall determine whether correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data is necessary.

**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.

(Continued)



**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE (Cont'd.)**

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) Use only as a memory aid.

Records created and maintained by a law enforcement unit for law enforcement purposes are also excluded.

**Release of Information**

Among other exemptions in accordance with law and regulation, the District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll. Parental consent is not required for transferring education records; however, the student's annual FERPA notification indicates that such disclosures have been made, unless expressly prohibited by law or regulation. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

The District may also disclose any and all educational records to other school officials within the district who have been determined to have legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility. A school official is a person who has a legitimate education interest in a student record who is employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a member of the Board of Education; a person or company with whom the district has contracted to perform a special task (such as attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official performing their tasks.

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 Policy #7643 -- Transfer Students with Disabilities

Adopted: 10/7/14

**SUBJECT: STUDENT DIRECTORY INFORMATION**

The District shall inform parents/guardians or eligible students (i.e., a student eighteen [18] years of age or older or who is attending an institution of post-secondary education) with a letter of the District's definition of directory information, the parent/eligible student's right to refuse the release of student directory information and indicate a time period for their response. (Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.) Following such public notice and a reasonable response period, the District may release such information to an outside group without individual consent.

The Family Education Rights and Privacy Act (FERPA) defines student directory information as any of the following: name; address; telephone listing; date and place of birth, major field of study; grade level; student identification number; participation in officially recognized activities and sports; weight and height (if members of athletic teams); dates of attendance; honors, degrees and awards received; electronic mail address; photograph; and the name of the educational agency or institution most recently previously attended by the student. The District will not release the following:

- a) A student's social security number

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/guardians with a letter that by law it routinely releases this information to Military Recruiters upon request subject to a parent's/eligible student's request not to disclose such information with written parental verification of such request.

20 United States Code (USC) 1232(g)

Family Educational Rights and Privacy Act of 1974

34 Code of Federal Regulations (CFR) Part 99

NOTE: Refer also to Policy #7413 -- Distribution of Materials and Information by Students and Recruitment of Students

Adopted: 10/7/14

**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 (1) or more of the following **eight (8) 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.

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND  
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS (Cont'd.)**

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.

**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 (1) or more of the **eight (8) 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 their 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).

**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 their child out of participation in accordance with law and the surveys conducted.

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND  
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS (Cont'd.)**

**U.S. Department of Education-Funded Surveys**

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 (8) 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 \*at least ten (10) 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 (1) or more of the **eight (8) protected areas**, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one (1) or more of the **eight (8) protected areas**. Such requests must be submitted by the parent/guardian, in writing, to the Building Principal at least ten (10) 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,

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**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND  
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS (Cont'd.)**

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, 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.*

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.*

- 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.

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND  
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS (Cont'd.)**

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  
#7242 -- Military Recruiters' Access to Secondary School Students  
and Information on Students  
#7511 -- Immunization of Students  
#7512 -- Student Physicals  
#7513 -- Administration of Medication

Adopted: 6/29/09

**SUBJECT: TESTING: STATE ASSESSMENTS GRADES 3 THROUGH 8**

The Board of Education is committed to providing a quality educational program for the students of the District.

**Purposes of Assessment**

The Board of Education believes that the primary purpose of evaluating student and school performance should be to provide information which helps to improve student learning. Assessment helps the school to improve learning by prompting changes in, for example, curriculum or teaching methods. It also allows families, teachers and schools to understand, and therefore to address, students' academic strengths and weaknesses.

While the Board is opposed to the over-testing of students, particularly using proprietary instruments that serve limited educational purpose and are intended primarily for evaluation of teachers and principals, the Board recognizes its responsibility to comply with the laws and regulations governing public school districts. Therefore, it is the policy of the District that students must complete the requirements of the public school program, which includes taking quizzes, tests, as well as other state and local assessments, to help accomplish the following objectives:

- To provide one means of evaluating student growth through individual, inter-district, and intra-district comparison;
- To provide teachers with diagnostic information which will enable them to better address the instructional needs of their students and to differentiate instruction, and
- To evaluate strengths and weaknesses of the curriculum, as well as methods of instruction.

The Board recognizes that tests provide only a limited source of information regarding a student, and should be used in conjunction with all other information known about a student and to assist the student in improving their learning.

**State Assessments in Grades 3 through 8**

All public schools are required by Commissioner's Regulations to participate in state assessments that reflect the knowledge, skills and understandings expected of all students and indicating they are able to perform at certain grade levels. If a student is in attendance at school on mandated test days, tests will be administered to them. If a student is absent on these days in accordance with the District's Comprehensive Student Attendance Policy (Board Policy 7110), they will be marked "absent" and the test will be administered on the make-up day. All students will be accounted for and reported to the State Education Department (SED) in accordance with SED's Validity Rules.

Neither the Education Law nor the Commissioner's Regulations provide a mechanism for parents to opt their child out of required state assessments in grades 3 through 8; similarly, neither the Education Law nor the Commissioner's Regulations expressly prohibit parents and students from refusing these assessments.

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**SUBJECT: TESTING: STATE ASSESSMENTS GRADES 3 THROUGH 8**

Should any student refuse to take the state assessment in Grades 3 through 8, they will be provided with a designated location and be allowed to read silently or engage in another activity in compliance with current State regulations.

REF: No Child Left Behind Act

8 NYCRR SS100.3, 100.4, 100.5

SED Memo to Superintendents of Public Schools, "Information on Student Participation in State Assessments" dated January 2013

Adopted 4-7-15

## 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. The Board shall further provide for the enforcement of such Code of Conduct. The District Code of Conduct 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 Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/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)

**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

## 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, 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.

(Continued)

**SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES  
(Cont'd.)**

Any individual of any age may be held responsible for any violation of the District's Code of Conduct and/or applicable laws.

General Obligations Law Section 3-112  
Penal Law Section 60.27

## 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 applied consistently 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 their dress and appearance meet the above requirements.

School-directed changes to a student's attire or grooming should be the least restrictive and disruptive to the student's school day. Any school dress code enforcement actions should minimize the potential loss of educational time. Administration and enforcement of the dress code will be gender neutral and consistent.

The Board looks to the Student Council through its officers and committees to adopt guidelines in this area that will be conducive to having a positive effect on student attitude toward appropriate dress and physical appearance.

Adopted 12/19/17

**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

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**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.

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, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a 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.

(Continued)



**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

**Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

For suspensions or removals up to 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 constitutes a pattern, 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

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- c) By the Board, District Superintendent, Superintendent or Building Principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's 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 their 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.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

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 their disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/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. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur:

- a) For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel, in consultation with at least one (1) of the student's teachers, will determine the extent to which services are needed;
- b) For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement the IAES and services will be determined by the CSE.

**Interim Alternative Educational Setting (IAES)**

Students with disabilities who have been suspended or removed from their current placement for more than ten (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.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to 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 (1) 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 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

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

**Suspension From BOCES**

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

**In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with their 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 their designee.

**Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

**Procedure After Suspension**

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

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.

Individuals with Disabilities Education Improvement Act of 2004 [Public Law 108-446 Section 615(k)(1)]

18 United States Code (USC) Section 921

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.

20 United States Code (USC) Section 7151, as reauthorized by the No Child Left Behind Act of 2001

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 2801(1), 3214 and 4402

Penal Law Section 265.01

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(l)(2), 200.4(d)(3)(i), 200.22 and Part 201

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

**SUBJECT: STUDENT ACCEPTABLE USE OF DISTRICT TECHNOLOGY**

Students of the **Onteora Central School District** have access to vast amounts of information through the District's computer system (DCS). Text, photographs, and sound from local agencies, governments, universities, individuals and businesses in every corner of the globe are available for educational purposes through the Internet. All use of the DCS, including independent use off school premises, shall be subject to this policy. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

One (1) purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the DCS will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the DCS or any other electronic media or communications. The District respects the right of each family to decide whether or not to apply for independent computer access.

Any student who is determined to have used District owned electronic devices (e.g., computers, laptops, iPads, Chromebooks, tablets, etc.), networked information resources and/or the Internet in violation of this Policy may have their user account suspended and/or revoked. Also, a breach of the terms of the Policy may result in disciplinary action consistent with District policy, the Student Code of Conduct and applicable laws and regulations. A breach of the terms of this Policy shall result in a referral to appropriate law enforcement officials where the breach involves suspected illegal or criminal activities. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Technology use in the school setting must be related to educational purposes consistent with course and District curricula and goals. Prior to establishing a user account, each student must directly

(Continued)

**SUBJECT: STUDENT ACCEPTABLE USE OF DISTRICT TECHNOLOGY (cont'd)**

take responsibility of adhering to this policy by the student and their parent or legal guardian signing an agreement.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Superintendent and/or their designee may access all such files and communications to insure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should NOT expect that information stored on the DCS will be private.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS, nor is it the intention of this policy to define all inappropriate usage, however, following is a non-exhaustive list of expected behavior and use of the DCS:

1. Only authorized users may use District owned electronic devices and the Network. Students shall only access the school/District network with their own user identification and password. You and your parent/guardian must sign and you must return to the school an agreement to adhere to this policy before receiving a username and password. This form is available in your school's office.
2. Students are expected to adhere to school standards of appropriate behavior when using the Network and the Internet in accordance with the Student Code of Conduct and all applicable District policies.
3. Students shall not seek information on, obtain copies of, or modify the files, other data, or passwords belonging to others.
4. Students shall not disrupt the use of the Network by others nor damage or tamper with electronic devices, computer systems, networks, or other users' folders, work, or files. Students shall not hack into, vandalize, read, modify, edit, delete or otherwise engage in unauthorized use of any computer files, including other users' that are accessible over the District's computer network.
5. Due to the wide availability of services and information on the Internet, some of which may be potentially offensive to certain groups of users, the individual user must be responsible for their actions in navigating the network.
6. Students shall not save any type of inappropriate file on the network, electronic device/computer, or other district owned storage sites or devices.
  - . Students shall not destroy, modify, copy, damage, or abuse hardware or software in any way. Students shall also not post, send, transmit, publish, download, upload, copy, print or otherwise disseminate information containing any advertising or solicitation of other students to use goods and services that are not for school-related purposes.
8. Students shall not use the Network or Internet to develop programs that harass others or infiltrate a computer, computer system, or network or knowingly introduce a virus, worm or any other harmful program into a computer system, device, or network.
9. Students using the Internet may not reveal any personal information over the Internet relating to them or other individuals.

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**SUBJECT: STUDENT ACCEPTABLE USE OF DISTRICT TECHNOLOGY (cont'd)**

10. Students shall not use school equipment, the Network or Internet for commercial or for non-school related purposes such as for-profit purposes, product advertisement, political lobbying, personal business, illegal activity or for any personal, charitable, religious, or not-for-profit purpose.
11. Students are expected to abide by the generally accepted rules of network etiquette and shall not use school equipment, the Network or the Internet for antisocial activities. Such activities include but are not limited to: hate mail, bullying/harassment, profanity, obscenity, misrepresentation, impersonation.
12. Students shall not use school equipment, the Network or Internet for illegal activities or to access or transmit pornographic or educationally inappropriate materials, or files, which are harmful to both students and the integrity of the Network.
13. Students shall use only school approved software or view material on the Internet that is related to the District's curricula or teacher approved project.
14. Students are not permitted to make copies of software found on school computers.
15. Students shall not incur any financial obligations on behalf of the District through the use of the Internet or District resources.
16. Web based email shall be only accessed for educational purposes (i.e. transfer of homework, reports etc.) from school to home or from home to school. No personal messages, instant messaging or text messaging are allowed.
17. No remote access to the internal network will be granted. The use of proxy servers is prohibited.
18. Students shall not utilize District equipment to upload any photographs of themselves or others to the Internet without permission from the course instructor/administration.
19. Students acknowledge that in the course of using the Internet, there may occur interruptions in service beyond the control of the District which may result in the loss of data, information or files. The District disclaims any and all responsibility for loss of data, information or files, caused by such service interruptions.
20. Students who have identified a security problem on the Internet must notify their building principal or network administrator.
21. Students acknowledge that a network administrator may periodically need to review on-line activities in the course of performing routine maintenance of the system.
22. Students who are suspected of having violated this policy or any other District policy, rule and/or regulation, or any law, in any manner may have their files accessed and on-line activities reviewed by a network administrator and/or appropriate school official. The District, and/or any of its agents and employees who review on-line activities of account holders suspected of having violated this policy, shall not be subject to any claims arising out of such review of on-line activities.
23. Students must respect all copyright issues regarding software and attributions of authoring. The unauthorized copying or transfer of copyrighted materials may result in the suspension or revocation of a user's account.

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**SUBJECT: STUDENT ACCEPTABLE USE OF DISTRICT TECHNOLOGY (cont'd)**

24. It should be recognized that not all materials found on the Internet are appropriate for students. Although the District utilizes an Internet content filter, it is possible that some inappropriate content may not be properly filtered. If a user encounters material that is not acceptable, they should report it immediately to the teacher in charge or to the building administrator.
25. Any student who is suspected of using the Internet in a manner that would violate this policy or any other District policy, rule and/or regulation, or would violate any State or Federal law or regulation, will be notified of the alleged violation and provided with an opportunity to respond to and discuss the allegations.

**Best Practices For Wi-Fi:**

- Turn off the device when not in use and at the end of each day.
- If device is to stay on, turn Wi-Fi off when not in use (switch on side, or airplane mode on iPad).
- Always place the device on a solid surface
- Viewing distance should be a minimum of 12 inches from the screen.

Adopted 8/16/16

**SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM****Disruptive Students**

In accordance with Education Law, Commissioner's Regulations and the District's Code of Conduct, teachers shall have the power and authority to remove disruptive students from their classrooms consistent with discipline measures contained in the Code of Conduct. The term "disruptive student," as defined pursuant to law, shall refer to an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Further, teachers shall abide by the provisions of the District's Code of Conduct with regard to the utilization of alternative classroom management techniques and student intervention services, as may be applicable and appropriate to the specific circumstances, prior to removal of the student from the classroom. Additionally, teachers shall have the authority to remove disruptive students from the classroom for each incident for a period of time no greater than as enumerated in the Code of Conduct.

Teachers must inform the student and the school Principal/designee of the reasons for the removal.

- a) In most instances, the teacher shall, prior to removing the disruptive student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events.
- b) If the teacher finds that the disruptive student's continued presence in the classroom poses a continuing danger to persons or property or presents an ongoing threat of disruption to the academic process, the teacher shall provide the student with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four (24) hours of the student's removal, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

No disruptive student shall return to the classroom until the Principal/designee makes a final determination regarding the discipline imposed by the teacher as outlined in administrative regulations and pursuant to the provisions enumerated in Education Law Section 3214(3-a) or the period of removal expires, whichever is less. The District will ensure the provision of continued educational programming and activities for students removed from the classroom by a teacher.

The Principal/designee shall inform the parents/person in parental relation to such student of the removal and shall, upon request, provide the student and the parent/person in parental relation an opportunity for an informal conference to discuss the reasons for the removal in accordance with the

(Continued)

**SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM (Cont'd.)**

procedures enumerated in law. As applicable, the Principal/designee shall render a determination regarding the discipline imposed by the teacher in accordance with the requirements mandated pursuant to law and/or regulation.

This policy, in accordance with statutory mandates, does not authorize removal of a student in violation of any state or federal law or regulation (e.g., IDEA, Section 504 of the Rehabilitation Act of 1973). It shall be the responsibility of the Building Principal/designee to ensure that teacher removal of students from the classroom complies with applicable laws and regulations.

**Exhaustion of Administrative Remedies**

It is District policy that, prior to commencing an appeal to the Commissioner of Education regarding teacher removal of a disruptive student from the classroom, the parent/person in parental relation must first appeal to the Board of Education.

**"Sunset" Provision for twenty-four (24) hour and forty-eight (48) hour Notification Period.**

The provisions in law which specify that twenty-four (24) and forty-eight (48) hour notification periods correlate with school days shall terminate on July 1, 2003 in accordance with legislation; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

**Violent Students**

Teachers are required to immediately report and refer a violent student, as defined pursuant to Education Law, to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period as determined by such Code, unless otherwise reduced by the suspending authority on a case-by-case basis to be consistent with any other state and federal law.

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(l)(2) and Part 201  
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.

Adopted: 6/29/09

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS)****Philosophy**

The Onteora Board of Education recognizes that illicit drug and alcohol use exists in our community. We acknowledge our responsibility to the education of all students and must stand accountable for that education. A formal policy for handling and addressing student drug and alcohol use and all its associated problems is needed for the protection of the total school community. The District will continue to assume a significant role in initiating and maintaining effective alcohol and other drug prevention, intervention and treatment programs. This goal can be accomplished only through coordinated collaborative efforts utilizing the resources of the school and the community. With this philosophy in mind, this policy will describe the program elements the District will use to promote healthy lifestyles for students and to inhibit the use of alcohol and other drugs.

**Policy**

The formal policy for handling illicit drug and alcohol use has been developed for the protection of the total school community. This policy shall not limit the School District from other additional or legal action which may be deemed necessary and appropriate to protect the integrity of the School System.

The Onteora Central School District:

- a) Strongly disapproves of any illicit drug and alcohol use;
- b) Maintains safe and reasonable facilities for learning and teaching free from substance use. Provides staff development on alcohol, tobacco, synthetic cannabinoids and illicit drug use and related issues to support the application of prevention concepts in the home, school and community;
- c) Provides sound, vigorous and current educational programs to eliminate existing use of alcohol, synthetic cannabinoids, and illicit drugs to all students at all grade levels, and to identify and provide supportive services to students grades K through 12 at high risk for such use;
- d) Provides for alternatives to alcohol, tobacco and illicit drug use. These activities are planned collaboratively by students, school staff, parents, community members and agencies;
- e) Recognizes chemical dependency as a disease and has developed a referral process between District schools and community providers;
- f) Maintains facilities to provide the students and parents with assistance from our guidance department, counseling staff, student assistance program and medical department for the

(Continued)

**SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (STUDENTS) (Cont'd.)**

purpose of identifying and referring students to appropriate agencies when their use of alcohol and/or illicit substances requires counseling and/or treatment;

g) Prohibits the unlawful use, possession, sale, manufacturing or distribution of alcohol and other illicit drugs , including synthetic cannabinoids, by students in school, on school property, at any school-sanctioned event, **or in a School District owned or contracted vehicle**;

h) Requires the designated administrator/supervisor call the police and institute disciplinary action, up to and including suspension, pursuant to any applicable state or federal laws or regulations, or any student in possession of, using, selling, manufacturing, or distributing a drug or alcohol, synthetic cannabinoids, or drug paraphernalia in school, on school property, at any school sanctioned event, or in a School District owned or contracted vehicle;

i) Provides services to students in or returning from treatment to ensure that the school environment supports the process of recovery initiated in the treatment program;

j) Provides individual, group, family counseling and student assistance programs to students at high risk for alcohol and/or other illicit substance use;

k) Ensures confidentiality as required by federal and state law;

l) Notifies parents/guardians and students of this policy via the District Calendar or other District mailing;

m) Evaluates effectiveness of the established policy and procedures, and will review it as necessary.

Drug-Free Schools and Communities Act

Amendment of 1989 (Public Law 101-226)

20 United States Code (USC) Section 3171 et seq.

Cross Ref: Policy 6150 Alcohol, Drugs and Other Substance (School Personnel)

Policy 6151 Drug-Free Workplace

Adopted: 11/1/12

**SUBJECT: STUDENT SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Board authorizes the Superintendent of Schools, Administration, the school nurse and district security officials including the School Resource Officer, to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, so long as the school official has a legitimate and reasonable suspicion for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that they possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

**A. Student Lockers, Desks, School Supplied Electronic Devices and other School Storage Places**

The rules in this policy regarding searches of students and their belongings do not apply to student lockers, desks, school supplied electronic devices and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, school supplied electronic devices and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

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**SUBJECT: STUDENT SEARCHES AND INTERROGATIONS (cont'd)****B. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the name, age, grade of student searched, reasons for the search and any other pertinent information.

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student, with the exception of approved personal medical devices, including, but not limited to, epinephrine auto-injectors, rescue inhalers, insulin, glucagon, and associated diabetes testing supplies, which are to remain with the student. The Principal or their designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or their designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

**C. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. While police officials do not have a general power to interview children in schools, or to use school facilities in connection with police departments work, the police may enter the schools of the District if a crime has been committed on school property, if they have a warrant for arrest or search, or if they have been invited by school officials.

Police 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.

District officials have the responsibility and the authority to determine when the assistance of law enforcement officers are necessary within their respective jurisdictions. The District officials shall at all times act in a manner which protects and guarantees the rights of students and parents/guardians.

Before police officials are permitted to question or search any student, the Principal or designee shall first try to notify the student's parent/guardian to give the parent the opportunity to be present during the police questioning or search. If the student's parent/guardian cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.
4. They must be protected from coercion and illegal restraint.

(Continued)



**SUBJECT: STUDENT SEARCHES AND INTERROGATIONS****D. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or their designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not they were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

Ref: Social Services Law §425  
18 NYCRR §432.3

*Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)

*Vassallo v. Lando*, 591 F.Supp.2d 172 (E.D.N.Y. (2008))

*Phaneuf v. Fraikin* 448 F.3<sup>rd</sup> 591 (2006)

*New Jersey v. TLO*, 469 U.S. 325 (1985)

*In re Gregory*, 82 N.Y.2d 588 (1993)

*People v. Scott D.*, 34 N.Y.2d 483 (1974)

*People v. Singletary*, 37 N.Y.2d 310 (1975))

*People v. Overton*, 20 N.Y.2d 360 (1969)

*M.M. v. Anker*, 607 F.2d 588 (2d Cir. 1979)

*Opinion of Counsel*, 1 EDR 800 (1959)

Adoption date: 3/21/17

## Students

**SUBJECT: BUS RULES AND REGULATIONS**

The Onteora Central 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.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport their passengers safely.

The Board of Education, the Superintendent and/or their designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses in accordance with the District's Code of Conduct. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus.

The Board directs the administration to establish rules and regulations for student conduct on buses, 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 nonpublic schools to which students are transported.

8 New York Code of Rules and Regulations  
(NYCRR) Section 156  
20 United States Code (USC)  
Sections 1400-1485, Individuals With  
Disabilities Education Act (IDEA)

Adopted: 6/29/09

## Students

**SUBJECT: CORPORAL PUNISHMENT**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Ontario Central 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.

Rules of the Board of Regents Section 19.5  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(l)(3)

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT****Weapons in School**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school-sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or their designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

**Specific Penalties Imposed by the Gun-Free Schools Act**

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Education Law Section 3214(3)(d), any student who brings or possesses a dangerous weapon or firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Family Court Act Article 3 when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law. For purposes of this policy, the term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches (2 1/2") in length.

(Continued)

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Education Law Section 3214, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-District school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-District school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Regulations of the Commissioner of Education Section 100.2 and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

Pursuant to Commissioner Regulations, a student with a disability who is determined to have brought a weapon (including a firearm) to school or possessed a weapon (including a firearm) at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement. For more information regarding Interim Alternative Educational Settings (IAES), refer to Policy #7313 -- Suspension of Students.

However, a student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the Individuals with Disabilities Education Act (IDEA), determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise their authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

(Continued)

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of Five (5) days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, 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.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001

18 United States Code (USC) Sections 921(a) and 930

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC)

Sections 1400-1485 and 7151

Criminal Procedure Law Section 1.20(42)

Education Law Sections 310, 809-a, 3214 and Article 89

Family Court Act Article 3

8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds

Adopted: 6/29/09

## Students

**SUBJECT: USE OF ELECTRONIC DEVICES BY STUDENTS**

The use of personal electronic devices during the academic school day should not interfere with instruction.

The use and/or possession of electronic devices with photographic, audio, video, internet and/or text messaging capabilities including but not limited to, mobiletelephones, beepers/pagers, “walkietalkies,” radios, electronic games, cameras, personal data assistants, iPods, and other devices, creates the potential for violations of privacy as well as threats to testing/examination security. It is recommended that all personal electronic devices not be brought to school as a regular practice.

Thus, the use of these items on school grounds and/or on school property and/or during school hours and/or during any school related activity shall be strictly prohibited unless expressly approved by the Building Principal.

This policy shall not be interpreted in a manner inconsistent with the rights of disabled students under their IEPs or Section 504 accommodation plans.

Student Handbook  
District Code of Conduct 3410, 7310

Adopted: 8/3/10

## **DIGNITY FOR ALL STUDENTS ACT (DASA)**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act the District will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

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).

### **Cyberbullying Behavior**

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived characteristic. This includes, but is not limited to race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

### **Dignity Act Coordinator**

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s).

(continued)



**DIGNITY FOR ALL STUDENTS ACT (DASA) (cont'd)**

The Dignity Act Coordinators will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint Dignity Act Coordinators who are employed by the District and are licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/supervisor or Superintendent of Schools. The District will share the name(s) and contact information of the Dignity Act Coordinators with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

- a) Listing such information in the Code of Conduct and updates posted on the Internet website, if available;
- b) Posting such information in highly visible areas of school buildings;
- c) Making such information available at the district and school-level administrative offices; and
- d) Either: including such information in the plain language summary of the Code of Conduct in the student handbook provided to all persons in parental relation to students before the beginning of each school year; or
- e) Providing such information to parents and persons of parental relation in at least one district or school mailing or other method of distribution including, but not limited to, sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter.

If a Dignity Act Coordinator vacates their position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position. The District must provide the change in information to parents or persons in parental relation as soon as practicable. The change in name and/or contact information of the Dignity Act Coordinator will not constitute a revision to the *Code of Conduct* so as to require a public hearing.

**Training and Awareness**

The District shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

(continued)

**DIGNITY FOR ALL STUDENTS ACT (DASA) (cont'd)**

Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment. Training shall:

- a) Raise awareness and sensitivity;
- b) Address social patterns and the effects on students;
- c) Inform employees on the identification and mitigation of such acts;
- d) Provide strategies for effectively addressing problems of exclusion, bias and aggression;
- e) Include safe and supportive school climate concepts in curriculum and classroom management; and
- f) Ensure the effective implementation of school policy on conduct and discipline.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes. Such component must also include instruction on the safe and responsible use of the Internet and electronic communications.

Rules against bullying, discrimination and/or harassment will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents. Any amendments to the Code will be disseminated as soon as practicable following their adoption. New teachers shall be provided a complete copy of the current Code upon their employment. An age appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

**Reports and Investigations of Bullying, Discrimination and/or Harassment**

The District will investigate all complaints of bullying, discrimination and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. School employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the Superintendent, Principal, or their designee *no later than one (1) school day* after witnessing or receiving a report of such incident. The employee must then file a written report *within two (2) school days* after making the oral report. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the *Code of Conduct*, and all appropriate federal or state laws. The Superintendent, Principal or their designee shall notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitute criminal conduct.

(continued)

**DIGNITY FOR ALL STUDENTS ACT (DASA) (cont'd)**

The District will annually report material incidents of bullying, discrimination and/or harassment which occurred during the school year to the State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner. SED has developed a form for gathering data titled, "Reports of Incidents Concerning School Safety and the Educational Climate" which can be found on the NYSED website.

The Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by, as applicable, the district, BOCES or charter school. There is no need for schools or districts to submit this report to the State Education Department.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)** Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination and/or harassment.

Education Law Sections 10-18, 801-a, 2801 and 3214  
8 NYCRR Section 100.2

Adoption Date: 4/5/22

## **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 are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.
- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one-half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.
- c) Students that live in the district, but attend a private school or are home schooled may participate in extra-curricular activities, except school athletic teams, which are prohibited by Education Law (8 NYCRR § 135.4 (c)(7)(ii)(b)(2)).

8 New York Code of Rules and Regulations

(NYCRR) Sections 172.1 and 172.2

Education Law Sections 1709, 1709-a, 2503-a, and 2554-a, Appeal of Ponte. 41 Ed Dept. Rep 186)

Equal Access Act, 20 United States Code (USC)

Sections 4071-4074

Adopted: 6/21/11

## Students

**SUBJECT: SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

Student publications shall reflect the tenets of good journalism and shall not violate the law. 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. Articles are not to be printed which:

- a) May cause substantial disruption and a material interference with school activities.
- b) Are defamatory, malicious or invade the privacy of others.
- c) Are obscene in nature.

It is the responsibility of the journalism advisor and the Building Principal to instruct and advise student journalists in regard to what may and may not be printed.

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Students

**SUBJECT: SECRET SOCIETIES**

The existence of secret societies is detrimental to the best interests of students in the school program. The Board of Education will not permit the organization or operation of such groups.

Adopted: 6/29/09

**SUBJECT: DISTRIBUTION OF MATERIALS AND INFORMATION TO/BY  
STUDENTS AND RECRUITMENT OF STUDENTS**

**Introduction**

The Board encourages non-school organizations whose goals advance the mission of the District, to support all District students in achieving their very highest educational and personal potential. However, to minimize any disruption to school programs, this policy defines the circumstances under which materials and/or information concerning such organizations may be distributed to or by District students on school grounds or at District sponsored events.

**Definitions**

For the purposes of this policy, the following terms are defined as:

- a) Community Information Display Area means a designated area in the school where there is a table and/or bulletin board on which community organization materials may be placed.
- b) Non-Profit Organization means a not-for-profit, civic or government entity that provides educational, athletic or training services or opportunities for students. Examples include: Town Recreation Programs, Little League, Pop Warner Football, and individual school foundations.
- c) Organizations that Exist Solely to Support the District (i.e., the sole purpose and mission of the organizations are to support District program) and are directly tied to the District's pursuit of its educational mission, such as parent teacher organizations and booster clubs, are not subject to the terms of this policy. However, if material or information from these organizations contains an advertisement from a non-school group, then that material or information is subject to this policy.
- d) Non-School Groups are organizations which are not directly affiliated with the District, including but not limited to: Non-Profit Organizations, Military, Post-Secondary Educational Institutions, Job Recruiters or Anti-Military Groups in accordance with this policy.
- e) School Hours include the entire school day, including non-instructional time and the time waiting on school grounds for transportation before and after school.
- f) Student means any student grades Pre-K through 12 enrolled in the Onteora Central School District.

(Continued)

**SUBJECT: DISTRIBUTION OF MATERIALS AND INFORMATION TO/BY  
STUDENTS AND RECRUITMENT OF STUDENTS (Cont'd.)**

**Distribution of Materials or Information by Non-school Groups**

- a) Information from non-school groups may be distributed to students during the school day only in the manner described below:

<b>Distribution Method or Activity</b>	<b>Organization(s)</b>
Materials or information placed in Guidance Office or the designated Community Information Display Area in a school facility.	Non-profit organizations, Post-Secondary Educational Institutions, Job Recruiters, Military, or Anti-Military Groups in accordance with this policy.
Materials or information handed out to students by school staff for students to take home.	Non-profit organizations.
Presentations, material or information distribution after school-hours at school-sponsored activities designed primarily for adults to attend, i.e., open house, back to school night, and kindergarten round up.	If the Principal determines that any non-school organization shall be permitted at such events, then non-profit organizations may distribute materials, but no recruiting activities designed specifically to engage the students that may attend such events shall be permitted.
Direct access to students for the purpose of recruiting and/or distributing materials or information during school hours shall be limited to school-sponsored events for the purpose of post-secondary, career, or employment fairs or by appointment only when such appointment has been initiated by the student.	Post-Secondary Educational Institutions, Job Recruiters, Military, or Anti-Military Groups in accordance with this policy.

- b) Limitations to distribution:

1. Except as described above, the District shall not permit non-school groups to hold information sessions or distribute materials or information to students on school grounds or at a District sponsored event.

(Continued)



**SUBJECT: DISTRIBUTION OF MATERIALS AND INFORMATION TO/BY  
STUDENTS AND RECRUITMENT OF STUDENTS (Cont'd.)**

2. The materials or information distributed by non-school organizations under this policy must pertain to the opportunities available for students and cannot solely be general information about the organization.
3. No organization shall be permitted to distribute commercial or fundraising materials.
4. Organizations whose primary purpose is to provide basic and/or comprehensive education to K through 12 students during the school day shall not be permitted to distribute recruiting information under this policy.
5. There shall be no distribution of material or information that:
  - (a) Is libelous;
  - (b) Is vulgar, lewd, obscene or plainly offensive;
  - (c) Advocates or promotes illegal actions;
  - (d) Is likely to cause material and substantial interference with discipline or program in the school in which the material is posted or distributed;
  - (e) Promotes, favors or opposes a candidate for elected office or a ballot measure.
6. Students shall not be required to take home or read any non-school related literature.
7. Service learning opportunities or curriculum-related opportunities, as recognized by the Principal or designee, may, in some instances, be provided by non-school groups. Examples include, but are not limited to community service presentations, internship offerings, and job shadowing opportunities. This policy does not apply to distribution of materials regarding such curriculum related opportunities.

**Distribution of Materials or Information by Students**

Student distribution of materials shall have the following restrictions:

- a) Students wishing to distribute materials or information must notify the Principal and submit the material or information in advance for review to determine compliance with this policy;

(Continued)

Students

**SUBJECT: DISTRIBUTION OF MATERIALS AND INFORMATION TO/BY  
STUDENTS AND RECRUITMENT OF STUDENTS (Cont'd.)**

- b) Materials or information may not be distributed in hallways or other thoroughfares or on school busses;
- c) Materials may be distributed before or after the regular school hours as defined by this policy;
- d) Materials may be placed on Designated Community Information Display Areas within the school building;
- e) Students must clean up materials left on school grounds; and
- f) Materials distributed by students must bear a prominent disclaimer of non-school endorsement or sponsorship, acknowledging that the material is not endorsed or sponsored by Onteora Central School District and that Onteora Central School District has a strong policy of non-discrimination.

**Notice/Disclaimer/Distribution Powers**

- a) Disclaimer: All Community Information Display Areas shall have a statement in full view acknowledging that the material is not endorsed or sponsored by Onteora Central School District and that Onteora Central School District has a strong policy of non-discrimination. All materials for distribution must bear a prominent disclaimer of non-school endorsement or sponsorship.
- b) Notice to Families: Upon adoption and at the beginning of each school year, the District shall send home a notice to families informing them that they may receive information during the school year from community organizations and explaining the District's policy regarding non-discrimination.

**Electronic Distribution**

Non-school groups are prohibited from using any District electronic medium to disseminate information.

Adopted: 10/7/14

**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 interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent;
- b) Pass satisfactorily the medical examination administered by the school physician or the student's personal physician. The school physician 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.

**Selection/Classification Process**

The Board approves the use of the selection/classification process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

**Student Athletic Injuries**

No student should be allowed to practice or play in an athletic contest if they are 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 they are in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

(Continued)

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)****Athletic Program – Safety**

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified games;
- c) Ensuring that equipment is both safe and operative within approved guidelines.

8 New York Code of Rules and Regulations  
(NYCRR) Section 135

**SUBJECT: SPORTSMANSHIP POLICY**

The Onteora Central School District Board of Education recognizes the valuable role athletics play in the development of our student population and public recognition of the school district. In doing so, the promotion of good sportsmanship as it pertains to student-athletes, parents, coaches, officials, and spectators will be emphasized for the betterment of the program.

The conduct of all those who participate will be aligned with the expectations established by league, section, and state governing bodies. The following expectations shall be followed at all competitions home and away:

1. Role models play a vital role to the development of the student population and therefore should demonstrate good sportsmanship. Those role models include but are not limited to Principal/Administrative staff, Athletic Director, Coaches, Players, Faculty Members, Booster club members, and Parents
2. Coaches, players, and spectators generally set the tone for the contest and create the public image for the school.
  - a. Therefore they will respect the integrity and judgment of sports officials.
  - b. They shall refrain from all conduct, which is meant to degrade, bait, intimidate, or discredit their opponent, officials or other athletes.
  - c. Coaches are expected to demonstrate an understanding of the educational values of interscholastic athletics by showing restraint and composure in the emotional climate of an athletic contest. The coaches are expected to educate and encourage such restraint with their players.
  - d. Spectators are expected to cheer in a positive tone for their team and avoid negative cheers/comments to the officials, other teams coach, players, and spectators.
  - e. Players, coaches, and spectators are expected to follow the expectations for behavior as established in the Athletic Codes, and Coach's Handbook.
3. In order that all persons may experience maximum enjoyment at an Onteora athletic event and to enhance and encourage good public order, spectators shall be encouraged to sit in designated areas that are closest to their team. Spectators, players, and coaches may not encroach on the playing area so as to disrupt the action of the game.
4. When applicable, announcements will be made prior to the start of the contest to reinforce the expectations of sportsmanship.

Consequences for poor sportsmanship are at the discretion of the administrator on site or the coach and may involve any one of the following actions:

1. Verbal Warning
2. Moved seating
3. Removal from the remainder of the contest
4. Banned from future contests
5. Removal from team

## **CONCUSSION MANAGEMENT POLICY**

The Onteora Board of Education and the Onteora Central School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activities and can have serious consequences if not managed carefully.

Concussion is a mild traumatic brain injury. Concussion occurs when normal brain functioning is disrupted by a blow or jolt to the head. Recovery from a concussion will vary. Avoiding re-injury until fully recovered is the cornerstone of proper concussion management.

While district staff will exercise reasonable care to protect students, head injuries may still occur. Physical education teachers, coaches, nurses, and other appropriate staff will receive training to recognize the signs, symptoms and behaviors consistent with a concussion. Any student exhibiting those signs, symptoms, or behaviors while participating in a school sponsored class, recess, extracurricular activity, or intramural/interscholastic athletic activity shall be immediately removed from the game or activity and be evaluated as soon as possible by an appropriate health care professional. The athletic trainer, coach, school nurse, or other District employee in charge of or supervising the activity will notify the student's parents or guardians.

If a student sustains a concussion at a time other than when engaged in a school-sponsored activity, the district requires the parent/legal guardian to report the condition to the appropriate school nurse so that the district can support the proper management of the condition.

In the event of any concussion, regardless of where it was sustained, the student shall not return to physical activities of any kind including but not limited to physical education class, recess, and athletics until they are symptom free for at least 24 hours and has been evaluated by and provides written authorization from an appropriate health care professional. The school's Medical Director or their designee will have the final decision on beginning the Return to Play process. Any student who continues to exhibit signs or symptoms upon return to physical activity must be removed from play and reevaluated by their health care provider.

The district will establish a concussion management team which may consist of, but not be limited to the Athletic Director, Medical Director, School Nurse, and representatives from the administration, faculty and coaching staff. Any changes or modifications to the policy and procedures will be reviewed with the athletic department staff and appropriate school personnel verbally and in writing.

Those who come in contact with our students including but not limited to school nurses, physical education teachers, coaches, and athletic trainers will be required to complete biennially a course related to recognizing the symptoms of a mild traumatic brain injury, and monitoring and seeking proper medical treatment for pupils who suffer one. The school district will provide education to the public on mild traumatic brain injury in student handbooks, athletic codes of conduct and on the website.

The Superintendent, in consultation with appropriate district staff, including the school Medical Director, will develop regulations and protocols to guide the Return to Play Process.

Adopted: 10/8/19

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7422 R

Date: 8/1/14

## Concussion Management: MILD TRAUMATIC BRAIN INJURY (MTBI) PROCEDURES

### I.) Information and Training:

- A. All coaches and PE teachers will be given a copy of the CDC “Heads Up” fact sheet for coaches
- B. (See attached). All coaches and PE teachers will complete the CDC “Heads Up” online training course biennially. A certificate of completion will be kept on file with their coaching certification information in the Athletic Director’s office.
- C. All Nurses and Athletic Trainers will complete the CDC online course titled “Heads Up to
- D. Clinicians” biennially. A certificate of completion will be kept on file in the Athletic Director’s office. Each nurse’s office will be provided informational posters with regards to the signs and symptoms of Concussions.
- E. All athletes will receive a printed copy of the CDC “Heads Up” fact sheet for athletes (See attached). In addition, all athletes will be encouraged to visit the district website and the links posted pertaining to concussion information. Additional information will be posted in the student handbook and the athletic code of conduct.
- F. d) All parents of athletes will be encouraged to visit the district website and the links posted pertaining to concussion information. Parents will be provided a copy of the CDC “Heads Up” fact sheet for parents (See attached) as an attachment to the Onteora Athletic Code, as well as, the MS/HS Parent/Student Handbook.
- G. Parents and athletes will sign that they have reviewed the Onteora Athletic Code prior to the beginning of each new athletic season. Parental consent will be required for any athlete who wishes to participate on an Onteora athletic team. The athletic code will be revised annually to include updated concussion management information.
- H. Teachers will be provided opportunities for ongoing staff development with regards to recognizing signs and symptoms of concussions, as well as, an understanding of those symptoms that effect cognitive and emotional functioning.

### II.) Management of Traumatic Brain Injury:

- A. When a student shows any signs/symptoms of a traumatic brain injury, the first priority is to remove the student from the practice, game, recess, or physical education class (physical activity), and be evaluated immediately using the attached checklist.
- B. The student suspected of having a TBI will not be allowed to return to physical activity, even if symptoms appear to have resolved or the student denies injury or symptoms until a medical evaluation is performed by a physician.
- C. Parents must be notified by the supervising adult or school nurse when a student is suspected of having a TBI. That contact will be documented with date, time, and who they spoke with.
- D. The student will not be left alone at any time.
- E. The student will be evaluated at intervals by the coach(es), athletic trainer, school nurse, and/or school physician.
- F. If there are **any signs of deterioration in the student’s physical or mental condition, 911 must be called immediately**, and parents notified.
- G. The student suspected of having symptoms of a TBI, but is stable, must be evaluated by the Emergency Department or their PCP as soon as possible. Parents must be advised to seek immediate medical care if a TBI is suspected.

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7422 R

Date: 8/1/14

- H. **A student with a witnessed loss of consciousness (LOC) of any duration should not be moved, and 911 called immediately.** Emergency medical personnel will transport them immediately to the nearest Emergency Department for evaluation/treatment.
- I. **ALWAYS GIVE PARENTS THE OPTION OF EMERGENCY TRANSPORT EVEN IF IT IS NOT FELT TO BE NECESSARY.**
- J. A school injury/incident report must be completed within 24 hours following an injury and
  - a. submitted to the school nurse.

### III.) Return to Play Procedures:

- A. The concussed student will not be allowed to participate in physical activity until they are asymptomatic for 24 hours and cleared by their family physician after a second visit. They must also be medically cleared by the District's Chief Medical Officer or their designee in writing to the school nurses office.

### IV.) Return to Academics Procedures

- A. The School nurse will notify a building administrator of a student diagnosed with a concussion.
- B. The building administrator or their designee will notify the student's teachers in writing of their
- C. condition and attach a signs and symptoms sheet (See attached)
- D. Any accommodations provided by the student's private care physician must be followed.
- E. Academic accommodations may be made for the concussed student by the building principal if necessary, to ensure that the concussed student will have a safe and successful return to school. Accommodations may include, but are not limited to:
  - 1. Rest breaks, if needed, during the school day in a quiet location.
  - 2. Reduced course and work load, if necessary.
  - 3. Avoid over-stimulation, (such as cafeteria or noisy hallways).
  - 4. Avoid re-injury, especially in PE class and crowded hallways/stairs.
  - 5. Extra time and quiet location for testing, if needed.
  - 6. Provide student with class notes or allow student to audiotape classes.
  - 7. Allow student to wear sunglasses to help with light sensitivity, if needed.
  - 8. **The school guidance counselor and nurse will communicate on a regular basis with all staff involved in the Student's academic program, as needed.**
- F. For students that are experiencing severe or prolonged symptoms a 504 plan may be put in place.

### V.) Review and Update of Policy and Procedure

- A. Concussion management Policy and Procedures will be reviewed annually by administration and the Chief Medical Officer.



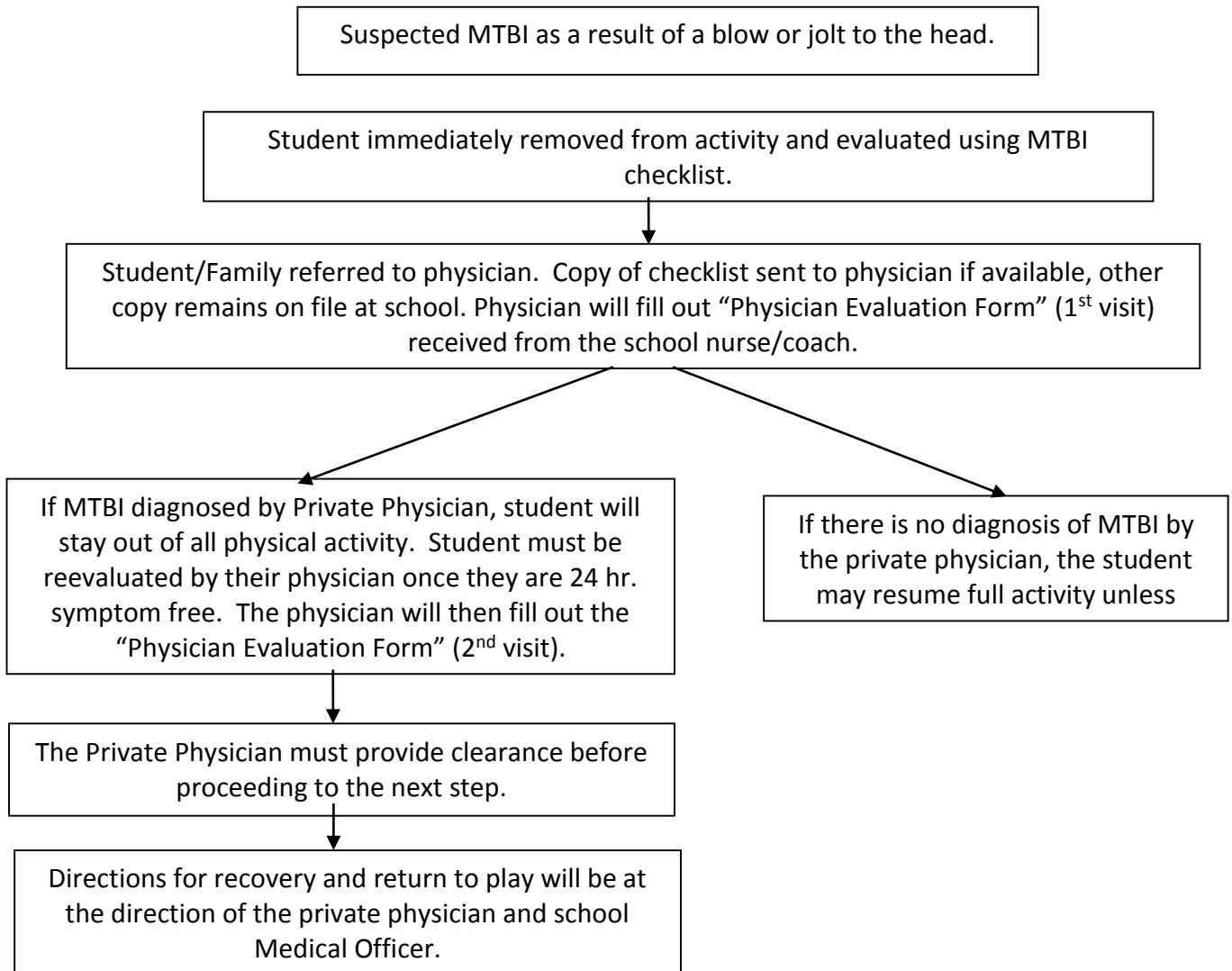
# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7422 R

Date: 8/1/14

## Mild Traumatic Brain Injury (MTBI) Flow Chart (K-12)



## 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 Onteora Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration. The School District will deposit the scholarship monies in interest bearing account(s) and distribute the earned interest to the various scholarships in a manner consistent with the principle deposit annually

Awards and/or scholarships that are to be continued annually and are awards or scholarships of fifty dollars (\$50) or more, may, at the request of the donating person or organization, be deposited in the School's Non-Expendable Trust Fund (TE). Prior to the establishment of such an account, it will be necessary for the donating person or organization to define the criteria for the selection of the recipient.

Education Law Section 1709(12-a)

Adopted: 3/2/10

Students

**SUBJECT: MUSICAL INSTRUMENTS**

- a) All instrumental music students shall be expected to own or rent their instrument.
  - a. The District maintains an inventory of instruments that may be assigned to students on an annual basis based on availability.
- b) School-owned instruments 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 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.

New York State Department of Transportation Regulations Section 720.22

Adopted: 2/4/14

**SUBJECT: FUNDRAISING BY STUDENTS**

Fundraising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any 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. Fundraising activities away from school property shall be held to a minimum. All participation shall be voluntary.

External fundraising shall be conducted in accordance with the following guidelines:

- a) External fundraising drives are defined as any activity requiring students to leave the school grounds to solicit funds.
- b) There shall be no direct solicitation for money, including can shaking, without an attached activity or item in exchange for the donation.
- c) Fundraising shall be for the general benefit of the students involved and not for equipment materials, or other items included in the school budget.
- d) Students shall not be discriminated against if they or their families exercise their option not to participate.
- e) The faculty advisor/coach involved shall accept responsibility for the handling and accounting of all money raised. Advisors will deposit all money through the Central Extra Curricular Activities Treasurer. Coaches will deposit money through the Booster Club. Under no circumstances should funds be deposited in any other account but the ECA or Booster Club, nor shall checks be written to a specific staff member.
- f) At no time should student's participation in an educational activity be contingent upon their involvement in a fundraising activity.

8 New York Code of Rules and Regulations  
(NYCRR) Section 19.6  
New York State Constitution, Article VIII, Section 1  
Education Law Section 414

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Adopted: 6/19/18

**SUBJECT: ELIGIBILITY CODE**

The Board of Education recognizes the relationship of academic growth and student participation in extracurricular and interscholastic sports activities; therefore, it is essential that students choosing to participate in such activities maintain academic standards established by the school administration.

## Student Activities

**SUBJECT: ASSOCIATION OF STUDENT GOVERNMENT**

The Board of Education recognizes that all Onteora students have a voice and a contribution to make to their school. It is important that students be empowered to provide input on issues of concern to them and to take an active role in promoting the aims and objectives of the school.

Onteora's Association of Student Government foster active civic engagement, discourse, debate and personal empowerment. The essential principle of democratic student government is the eligibility of every student to vote and hold office. It is important for students to recognize that with the right to vote comes the responsibility to exercise that right.

**Definitions:**

1. Student Council – grade level governance body elected by each cohort
2. Association of Student Government – collective group of grades 6 – 12 Student Government
3. Council Officers – Association of Student Government leadership, chosen by the elected Association members

**Structure:**

Each grade (6 – 12) will elect class officers (President, Vice President, Secretary and Treasurer). The chief responsibility of elected Student Council officers is to represent and advocate for their class as part of the Association of Student Government.

The Student Government are guided by advisors and will be independent of both building leaders and district administration. The design and operation of the Student Government will be constructed as per by-laws created by the students which adhere to the following best practices;

1. Student Government are the voice of the entire student body.
2. They propose and carry out activities for the improvement of the schools. Such improvements may be suggested by students, staff, administration or the community.
3. Following a campaign, elections should be held so that Student Government may begin their work at the start of the school year.
4. Each Student Council should meet monthly at a minimum. Meetings shall include representatives from clubs and shall be open to all students and staff members.
5. Elected student officers may be charged with raising funds for Belleayre Bash and/or other activities, but fundraising will not be the Student Government's primary responsibility. In no way shall fundraising responsibilities supersede the Government's governance responsibilities.
6. The Association of Student Government and members of Administration should meet quarterly. Meetings shall include representatives from clubs and shall be open to all students and staff members.
7. Elected members of the Association of Student Government shall choose Council Officers.
  - a. Officers must be High School students.
  - b. The President must be a senior
  - c. The Vice President may be in any High School grade
  - d. The Secretary may be in any High School grade
  - e. The Treasurer may be in any High School grade

Adopted: 6/19/18

## **VOTER REGISTRATION FOR STUDENTS**

The Board of Education believes that getting young people involved in the election process helps to secure the future of democracy by preparing young people to be educated, engaged voters who have formed the habit of voting and contributing to civic life early.

In an effort to promote student voter registration, the Board of Education directs the Superintendent, or their designee, to ensure that all students who are at least 16 years old (but will not be 18 years old by the next election) are offered the opportunity to register. These students must be otherwise qualified to register to vote. These pre-registrations will be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address.

The district will do so by maintaining registration material in the guidance and counseling office, promoting voter registration through social studies classes, collaborating with student organizations and with the Ulster County Board of Elections.

Students who do not wish to pre-register to vote do not have to do so. There will be no penalty (including participation grades or credits) for choosing not to do so.

Ref: Election Law § 5-507

Adoption date: 1/21/20

## **STUDENT HEALTH SERVICES**

The Board of Education recognizes that good student health is vital to successful learning and acknowledges its responsibility, along with that of parent(s) or guardian(s), to protect and foster a safe and healthful environment for the students.

The school shall work closely with students' families to provide detection and preventive health services. In accordance with law, the school will provide vision, hearing, and scoliosis screening. Problems shall be referred to the parent(s) or guardian(s) who shall be encouraged to have their family physician/dentist provide appropriate care.

In order to enroll in school a student must submit a health certificate within 30 calendar days after entering school, and upon entering kindergarten, first, third, fifth, seventh, ninth and eleventh grades. The examination, which must conform to state requirements, must have been conducted no more than 12 months before the first day of the school year in question. If a student is unable to furnish the health certificate, the school will provide a physical examination by a licensed provider. A request for exemption from the physical examination, or the requirement to provide a health certificate, must be made in writing to the school principal or designee, who may require documents supporting the request. The only basis for exemption is a claim that the physical examination is in conflict with the parent or guardian's genuine and sincere religious belief.

In order to enroll in school, students must also furnish documentation of required immunizations against certain communicable diseases, as set forth in state law and regulations, unless exempted from immunizations for medical reasons as permitted by state law and regulation.

Students experiencing insecure housing shall be admitted to school even if they do not have the required health or immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others (see "Communicable Diseases" below).

The McKinney-Vento liaison shall assist students experiencing insecure housing covered by that law in accessing health services described in this policy and accompanying regulation.

The Board recognizes that the State of New York may authorize and require the collection of data from health certificates in furtherance of tracking and understanding health care issues that affect children. The Board supports these efforts and expects administrators to cooperate and to observe the appropriate laws and regulations in carrying out those responsibilities, including those that relate to student privacy.

In addition, students will be asked to provide a dental health certificate when they enroll in school and in accordance with the same schedule as the health certificate.

A permanent student health record shall be part of a student's cumulative school record and should follow the student from grade to grade and school to school along with their academic record. This record folder shall be maintained by the school nurse.

(Continued)



## **STUDENT HEALTH SERVICES (cont'd)**

### **Student Medical Exams**

In accordance with Sections 903 and 904 of the state Education Law, each student shall have a physical exam given by the Medical Director or licensed health provider (including a physician, physician assistant or nurse practitioner) upon entrance to school and at grades kindergarten, first, third, fifth, seventh, ninth and eleventh. Findings are to be kept on record at the school on a form if needed (health certificate.) Health certificates are required to be submitted within 30 days of the start of the school year. that can be obtained from the school nurse. In addition, the school will request a dental health certificate according to the same schedule

A student may be excluded from the medical examination requirements because the child's parent/guardian holds a genuine and sincere religious belief which is contrary to medical examinations. The request for exemption must be in writing to the principal or their designee.

### **Emergency Care**

Schools shall also provide emergency care for students in accidental or unexpected medical situations. Each school in the district will include in its emergency plan a protocol for responding to health care emergencies, including anaphylaxis, and head injury. Parents/guardians will be notified of any emergency medical situation as soon as is practicable. Parents/guardians will receive notification of non-emergent medical situations that have been reported to the nurse in a timely manner.

The district permits emergency administration of opioid antagonists, such as naloxone, by the school nurse to prevent opioid overdose, as specified in policy 7523, Opioid Overdose Prevention.

### **Medical Emergency Record**

All students shall have on file a medical emergency record which shall state the name and telephone numbers of the following:

1. the student's parent(s) or guardian(s) at home and work;
2. the student's next of kin;
3. additional emergency contacts

Students diagnosed with diabetes shall have a written diabetes management plan maintained as part of the student's cumulative health record. The management plan shall be developed in accordance with state regulation and district procedures. [NOTE: in Life-Threatening Allergies below]

### **Immunization**

Under state Public Health Law 2164, in order to be enrolled in or attend district schools, children must be fully immunized against certain communicable diseases. Those diseases are: mumps, measles, diphtheria, rubella, varicella (chicken pox), , pertussis, tetanus, , meningococcal disease, and hepatitis B.

(Continued)

### **STUDENT HEALTH SERVICES (cont'd)**

“Fully immunized” means that the child has either (1) received the required vaccinations for these diseases as set forth in state regulations; (2) for measles, mumps, rubella, hepatitis B, , or varicella only, shown immunity with a positive blood test for those disease antibodies; or (3) for varicella only, has had the disease, verified by a physician, nurse practitioner, or physician’s assistant.

Children who are not fully immunized may only be admitted to school if they (1) are in the process of receiving immunization or obtaining blood tests; or (2) have been granted a medical exemption.

Medical exemptions may be issued if immunization is detrimental to a child’s health. Medical exemptions must either be (1) the medical exemption form issued by the New York State Department of Health or the New York City Department of Health and Mental Hygiene, or (2) a statement signed by a physician licensed to practice medicine in New York State indicating the specific immunization, the medical contraindication, and the length of time the exemption is for. Medical exemptions must be reissued annually to remain valid. The Building Principal may require supporting documents for medical exemptions.

All students must present appropriate documentation of their immunization status, as set forth in the Regulations of the Commissioner of Health 10 NYCRR Subpart 66-1.

Students experiencing insecure housing shall be admitted to school even if they do not have the required immunization records, but may be temporarily excluded if they show actual symptoms of a communicable disease that poses a significant risk of transmission to others.

The Building Principal may permit students without adequate documentation to attend school up to 14 calendar days while the parent/guardian furnishes the necessary documents. This time period may be extended to 30 days for students transferring from another state or country, as long as they show a good faith effort to obtain the necessary documentation, or the child has received at least the first dose in an immunization series and has provided scheduled appointments to complete the series according to the recommended catch-up schedules.

District schools may access the New York State Immunization Information System (NYSIIS) or the New York City Citywide Immunization Registry (CIR) to verify the immunization history of students entering or registered in that school.

When a child is excluded from school for immunization reasons, the Building Principal shall notify the parent/guardian of their responsibility to have the child immunized, and the public resources available for doing so. The Principal shall also notify the local health authority of the child’s name and address and the immunization(s) the child lacks, and shall cooperate with that authority to provide a time and place for the required immunization(s) to be administered.

(Continued)

### **STUDENT HEALTH SERVICES (cont'd)**

The district will maintain a list of all students who have been exempted from immunization for medical reasons, or who are in the process of receiving immunization, and shall exclude such students from school when so ordered by the Commissioner of Health, in the event of an outbreak in school of the vaccine-preventable diseases listed in Public Health Law 2164 and the first paragraph of this section.

When a student transfers out of the district, the parent/guardian will be provided with an immunization transfer record showing the student's current immunization status which will be signed by the school nursing personnel or the Medical Director. A transcript or photocopy of the immunization portion of the cumulative health record will be provided to the new educational institution upon request.

#### Communicable Diseases

It is the responsibility of the Board to provide all students with a safe and healthy school environment. To meet this responsibility, it is sometimes necessary to exclude students with contagious and infectious diseases, as defined in the Public Health Law, from attendance in school. Students will be excluded during periods of contagion for time periods indicated on a chart developed by the school nurse.

During an outbreak of these communicable diseases, if the Commissioner of Health or their designee so orders, the district will exclude students from school who have an exemption from immunization or who are in the process of obtaining immunization.

It is the responsibility of the Superintendent of Schools, working through district health personnel, to enforce this policy and to contact the county or local health department when a reportable case of a communicable disease is identified in the student or staff population.

#### Administering Medication to Students

Neither the Board nor district staff members shall be responsible for the diagnosis or treatment of student illness. The administration of prescribed medication to a student during school hours shall be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to them during school hours, or where it is done pursuant to law requiring accommodation to a student's special medical needs (e.g., Section 504 of the Rehabilitation Act of 1973). All medications must be prescribed by a licensed medical provider. This is necessary for both prescription and non-prescription medication with the exception of sunscreen (§907 of Education Law.)

Before any medication may be administered to or by any student during school hours, the Board requires:

1. the written request of the parent(s) or guardian(s), which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication;

(Continued)

### **STUDENT HEALTH SERVICES (cont'd)**

2. the written order of the prescribing authorized medical provider, which will include the purpose of the medication, the dosage, the time at which or the special circumstances under which medication shall be administered, the period for which medication is prescribed, and the possible side effects of the medication; and
3. Students are permitted to self-administer medication under certain circumstances, in accordance with state law and regulation. In order for a student to be authorized to carry and use the following medications included but not limited to: rescue inhaler, epinephrine auto-injector, insulin, glucagon (and associated diabetes testing supplies), if the following conditions are met:
  - a. An authorized medical provider must provide written prescription and include an attestation form that the student's diagnosis requires the medication; the student has demonstrated that they can self-administer the prescribed medication effectively; the name of the medication, the dose, the times when it is to be taken, the circumstances which may warrant use and the length of time during which the student may use it.
  - b. Written parental permission.

If a student is authorized to carry and use medication as described above, the parent/guardian is permitted to give extra medication and supplies that the district will maintain in accordance with the written directions submitted by the authorized medical provider. Such extra medication and supplies shall be readily accessible to the student.

All documents, including permission slips and medical orders will be kept on file in the nurse's office.

The school nurse shall develop procedures for the administration of medication, which require that:

1. all medications will be administered by a licensed person (nurse dependent) unless the child is a "supervised student" (able to self-administer with assistance and supervision) or an "independent student" (able to self-administer);
2. In some situations, an independent student will be able to self-carry
3. medications, other than as noted above, shall be securely stored in the office and kept in their original labeled container, which specifies the type of medication, the amount to be given and the times of administration; the school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication, and a notation of each instance of administration; and
4. all medications shall be brought to school by the parent(s) or guardian(s) and shall be picked up by the parent(s) or guardian(s) at the end of the school year or the end of the period of medication, whichever is earlier. If not picked up within five days of the period of medication, the medication shall be discarded.

An adult must bring the medication to school in the original container.

(Continued)

## **STUDENT HEALTH SERVICES (cont'd)**

### **Sunscreen**

Students are permitted to carry and apply parentally provided sunscreen without a medical provider's order under the following conditions:

1. written permission from the parent/guardian
2. the school nurse will keep written permission for students on file and develop procedures pertaining to this policy.
3. the sunscreen is used to avoid overexposure to the sun and not for medical treatment of an injury or illness, if sunscreen is required to treat a medical condition, the procedures for administering medication (above) apply;
4. the sunscreen is FDA approved for over the counter use;

Taking medication on field trips and at after-school activities is permitted if a student is supervised or independent in administering their own medication. On field trips or at other after-school activities, teachers or other school staff may carry the medication so that the supervised student can take it at the proper time.

If a student is going on a field trip but is not supervised or independent (i.e., fully aware and capable of understanding the need and assuming responsibility for taking medicine), then the district may:

1. permit the parent or guardian to attend the activity and administer the medication.
2. permit the parent to personally request another adult who is not employed by the school to voluntarily administer the medication on the field trip or activity and inform the school district in writing of such request.
3. allow the student's health care provider to be consulted and, if they permit, order the medication time to be adjusted or the dose eliminated.

If no other alternative can be found, a school nurse or licensed person must administer the medication.

### **Life-Threatening Allergies and Anaphylaxis Management**

The Board recognizes its role and responsibility in supporting a healthy learning environment for all students, including those who have, or develop, life-threatening allergies. The district will work cooperatively with the student, their parent/guardian and healthcare provider to allow the child to participate as fully and as safely as possible in school activities. When a student has a known life-threatening allergy reported on their health form or if the district has been informed by the parent of the presence of a life-threatening allergy, the district will assemble a team, which will include the parent, the school nurse, in conjunction with the child's teacher, the building principal and other appropriate personnel, which will be charged with developing an individual health care plan and/or an emergency action plan. The plan(s) will be maintained by the school nurse. The plan(s) will guide prevention and response.

(Continued)

### **STUDENT HEALTH SERVICES (cont'd)**

If the student is eligible for accommodations based upon the IDEA, Section 504 or the Americans with Disabilities Act, the appropriate procedures will be followed regarding identification, evaluation and implementation of accommodations.

NOTE: is in paragraph above

The district will work with students in the self-management of their life-threatening allergy, or other chronic health conditions, by:

1. Adequately training staff involved in the care of the child.
2. Assuring the availability of the necessary equipment and/or medications.
3. Providing appropriately licensed and trained persons on school premises, as required by law.
4. Providing ongoing staff and student education.

The administration of epinephrine by epi-pen has become an accepted and extremely beneficial practice in protecting individuals subject to serious allergic reactions (e.g., individual has an anaphylactic reaction to a wasp sting or the ingestion of peanut butter).

The district will stock epinephrine for non-patient specific use. The district shall ensure that each RN is properly trained, as the only authorized users of the stock epinephrine per non-patient specific order from the Medical Director.

Pursuant to Commissioner's regulations, registered professional nurses may carry and administer agents used in non-patient specific emergency treatment of anaphylaxis.

In addition, pursuant to SED guidelines, RN, NP and PAs may provide training to unlicensed school staff in administering epi-pens, epinephrine auto-injectors and glucagon prescribed by a licensed medical provider, to a student with a patient specific order and written parent/guardian consent.

#### Training

Training to support the fulfillment of staff responsibilities in regard to student health services will be provided as part of the district's ongoing professional development plan and in conformity with Commissioner's regulations.

#### Illness or Injury in School

If a student becomes ill or injured in school:

1. The nurse will determine if the student should receive further medical attention, remain in the dispensary or return to class.
2. The nurse will call the parent, guardian or designated emergency contact if they feel the student should go home. In general, a parent or guardian will pick up the student from school.
3. The nurse will contact the Building Principal if they feel the child should be transported by bus to the home.

(Continued)

### STUDENT HEALTH SERVICES (cont'd)

4. If there is to be a change in bus routing in order to carry the student to their home, that decision will be made by the administrator and the transportation supervisor.
5. If the route is to be changed, the transportation supervisor shall inform the bus driver.
6. The nurse will maintain appropriate records of all student visits.

The district permits the administration of opioid antagonists, such as naloxone, to prevent opioid overdose, pursuant to policy 7523 Opioid Overdose Prevention. Nursing staff shall follow all regulations regarding the storage, accessibility, administration, recordkeeping, and reporting of naloxone use.

#### Student Return to School after Illness/Injury

In general, students should be symptom-free before returning to school and resuming normal activities. In some instances, students may be asked to provide a note from their licensed health care provider before they return to school or participate in the full range of school activities. The final decision to permit participation rests with the Medical Director. The Superintendent, in consultation with the Medical Director, nurse and other appropriate staff, will develop protocols to address a student's return to activities when there has been a serious illness or injury.

Cross-ref: 7611, Children with Disabilities; 7620, 7621 Students with Disabilities and Section 504; 7420, Interscholastic Athletics; 7250, Student Privacy; 7523 Opioid Overdose Prevention; 5681, School Safety Plans and Teams; 4410, Staff Professional Development

Ref: Education Law §§310 (provisions for appeal of child denied school entrance for failure to comply with immunization requirements); 901 et seq. (medical, dental and health services, BMI reporting); 916 (student self- administration of rescue inhalers); 916-a (student self-administration of epinephrine; 916-b (students with diabetes); 919 (provide and maintain nebulizers); 921 (epinephrine auto-injectors; training of unlicensed personnel); 922 (naloxone); 6527 (emergency treatment: anaphylaxis; naloxone); 6909 (emergency treatment: anaphylaxis; naloxone) Public Health Law §§613 (annual survey); 2164 (immunization requirements); 3000-c (collaborative agreements with emergency health care providers); 3309 (naloxone)  
8 NYCRR §§ 64.7 (anaphylaxis; naloxone); 135.4 (Physical Education); Part 136 (school health services program; concussion, anaphylaxis, medication, naloxone); 10 NYCRR Part 66-1 (immunization requirements); § 80.138 (naloxone); *Guidelines for Medication Management in Schools*, State Education Department, September 2015, [www.p12.nysed.gov/sss/documents/MedicationManagement-final2015.pdf](http://www.p12.nysed.gov/sss/documents/MedicationManagement-final2015.pdf)  
*Immunization Guidelines: Vaccine Preventable Communicable Disease Control*, State Education Department, revised August 2000; *Making the Difference: Caring for Students with Life-Threatening Allergies*, New York State Department of Health, New York State Education Department, New York Statewide School Health Service Center, June 2008; *Concussion Management Guidelines and Procedures*, [www.nysphsaa.org](http://www.nysphsaa.org) *New Policy for Stocking Albuterol Metered Dose Inhalers (MDIs)*, State Education Department, August 2011, [www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Albuterol2011memo.pdf](http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Albuterol2011memo.pdf).

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 Boiceville, NY 12412

## Regulation 7510R

The Onteora Central School District head lice policy/procedure is in line with evidence based practice and is based on recommendations from the Center for Disease Control, American Academy of Pediatrics, National Association of School Nurses, and Richard Pollack, Ph.D., entomology expert at Harvard University.

Students with nits should not be excluded from school (American School Health Association, 2005, Frankowski & Bocchini, 2010, Pollack, Kiszewski & Spielman, 2000), although further monitoring for signs of re-infestation is appropriate. The School Nurse will determine if a student needs to be sent home if head lice are found. The parent will be notified and treatment options will be discussed. Once treated the School Nurse will re-check the student for head lice. It may be appropriate to screen other children who have had close head-to-head contact with a student with an active infestation, such as household family members, but classroom-wide or schoolwide screening is not merited (Andresen & McCarthy, 2009). In cases that involve head lice, as in all school health issues, it is vital that the school nurse prevent stigmatizing and maintain the student's privacy as well as the family's right to confidentiality (Gordon, 2007).

### **Rationale: Head Lice Information for Schools**

**Center for Disease Control:** <http://www.cdc.gov/parasites/lice/head/schools.html>

Students diagnosed with live head lice do not need to be sent home early from school; they can go home at the end of the day, be treated, and return to class after appropriate treatment has begun. Nits may persist after treatment, but successful treatment should kill crawling lice.

Head lice can be a nuisance but they have not been shown to spread disease. Personal hygiene or cleanliness in the home or school has nothing to do with getting head lice.

Both the American Association of Pediatrics and the National Association of School Nurses advocate that "no-nit" policies should be discontinued. "No-nit" policies that require a child to be free of nits before they can return to schools should be discontinued for the following reasons:

- Many nits are more than ¼ inch from the scalp. Such nits are usually not viable and very unlikely to hatch to become crawling lice, or may in fact be empty shells, also known as casings.
- Nits are cemented to hair shafts and are very unlikely to be transferred successfully to other people.
- The burden of unnecessary absenteeism to the students, families and communities far outweighs the risks associated with head lice.
- Misdiagnosis of nits is very common during nit checks conducted by nonmedical personnel."

**National Association of School Nurses:** <http://www.nasn.org/Default.aspx?tabid=237>

It is the position of the National Association of School Nurses that the management of pediculosis (infestation by head lice) should not disrupt the educational process. No disease is associated with head lice, and in-school transmission is considered to be rare.



**SUBJECT: OPIOID OVERDOSE PREVENTION**

The Board of Education recognizes that many factors, including the use and misuse of prescription painkillers, can lead to the dependence on and addiction to opiates, and that such dependence and addiction can lead to overdose and death among the general public, including district students and staff. The Board wishes to minimize these deaths by the use of opioid overdose prevention measures. The signs and symptoms of opioid overdose (e.g., shallow breathing, unconsciousness, unresponsive to stimulation, pinpoint pupils, blue skin on lips and under nails) shall be displayed in school buildings with instructions to contact emergency responders. The district will provide training to all staff and students where developmentally appropriate, on the signs and symptoms of an opioid overdose.

The Board directs the school physician/medical director to issue a non-patient specific order to school nurses to administer intranasal naloxone (also known as Narcan, among other names). The non-patient specific order shall include a written protocol containing the elements required by the regulations of the Commissioner of Education. The Board permits school nurses to administer naloxone to any person at school or a school event displaying symptoms of an opioid overdose. The district shall purchase and provide the naloxone kits to be stored in the nurse's office. Naloxone shall be accessible during school hours and during on-site school-sponsored activities when school nurses are present.

**Storage and Inventory**

The school physician/medical director is responsible for having approved protocols in place for re-ordering Naloxone in the event it is administered and to ensure that an adequate supply is continuously available in the buildings for use. Similarly, the administration of Naloxone to any student will be documented in their cumulative health record and for staff members, in their personnel file.

The District will store its supply of Naloxone in a secure, but accessible, and temperate location consistent with its emergency response plan, in the school nurse's office. The school nurse will inventory the supply of Naloxone on a weekly basis and record this information on a log which will be developed and/or maintained by the school nurse or other designated personnel/administrator. This record of information will include the date, time, and signature of the designated personnel performing the inventory.

**Ref:** Education Law §§922 (volunteer naloxone responder); 6527 (emergency treatment of anaphylaxis and opioid overdose); 3023 (liability coverage); 6909 (administration of naloxone by nurses); Public Health Law §3309 (volunteer naloxone responder)  
 8 NYCRR §§ 64.7 (administration of naloxone); Part 136 (school health services program, including naloxone); 10 NYCRR §80.138 (volunteer naloxone responder)  
*Guidance for Implementing Opioid Overdose Prevention Measures in Schools*, New York State Education Department, 8/11/15, *Opioid Overdose Prevention: Guidelines for Policies and Procedures*, New York State Department of Health, March 2014,  
[www.schoolhealthservicesny.com/files/filesystem/guidance\\_on\\_opioid\\_overdose\\_prevention\\_in\\_the\\_schools\\_final.pdf](http://www.schoolhealthservicesny.com/files/filesystem/guidance_on_opioid_overdose_prevention_in_the_schools_final.pdf)  
[, www.health.ny.gov/diseases/aids/general/opioid\\_overdose\\_prevention/docs/policies\\_and\\_procedures.pdf](http://www.health.ny.gov/diseases/aids/general/opioid_overdose_prevention/docs/policies_and_procedures.pdf)

Adoption date: 3/15/16

## **CHILD ABUSE IN AN EDUCATIONAL SETTING**

Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and therefore is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers shall be reported in accordance with the requirements of Article 23-B of the Education Law.

### **Required Reporters**

Any person holding any of the following positions shall be required to promptly report written and oral allegations of child abuse by an employee or volunteer in an educational setting:

- school administrator
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- other school personnel required to hold a teaching or administrative license or certificate
- licensed and registered physical therapist,
- licensed and registered occupational therapist,
- licensed and registered,
- speech-language pathologist,
- teacher aide,
- school resource officer,
- school board member, and
- any staff whose duties involve direct student contact and who is paid either by a school district or contracted to provide transportation services to children; or
- who is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law.

For purposes of this policy, persons holding these positions shall be referred to as “required reporters.”

### **Definitions**

"Administrator" or "school administrator" shall mean a principal of, or the equivalent title, in a public school, charter school or board of cooperative educational services, or other chief school officer.

“Child” means a person under the age of 21 enrolled in a school.

(Continued)

**CHILD ABUSE IN AN EDUCATIONAL SETTING (cont'd)**

“Child abuse” means any one of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- intentionally or recklessly engaging in conduct that creates a substantial risk of physical injury, serious physical injury or death; or
- any child sexual abuse as prohibited by sections 130 or 235 of the Penal Law; or
- the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

“Educational setting” means the buildings and grounds of the school, the vehicles provided by directly or by contract the school for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee and volunteer and a child has allegedly occurred.

"Employee" means any person who is receiving compensation from a school district. Additionally, for the purpose of this policy, one whose duties involve direct student contact and is receiving compensation from any person or entity that contracts with a school to provide transportation services to children or is an employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, whereby such services performed by such person involve direct student contact.

“Law enforcement authorities” means any officer or office of municipal, sheriffs, or division of the state police department.

“Parent” means either both of a child’s parents or other persons legally responsible for the child.

“School” generally means any school district, public school, charter school, non-public school board of cooperative educational series or special act school district and additional entities as defined by section 1125(10) of Education Law.

"Volunteer" means any person, other than an employee, who has direct student contact and provides services to a school or school district which involve direct student contact and who provides services to any person or entity which contracts with a school to provide transportation services to children

**Reporting Requirements**

In any case where a written or oral allegation of child abuse by an employee or volunteer in an educational setting is made to a required reporter, the required reporter shall:

(Continued)

**CHILD ABUSE IN AN EDUCATIONAL SETTING (cont'd)**

1. promptly complete the required State Education Department report form; and
2. personally deliver it to the Principal of the school in which the child abuse allegedly occurred.

If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the required reporter must promptly forward the report form to the Superintendent of the district of attendance and the Superintendent of the school district where the abuse allegedly occurred (if different).

If an allegation is made to a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such driver shall promptly report to his or her supervisor.

If an allegation is made to a supervisor of a school bus driver employed by a person or entity that contracts with a school to provide transportation services to children, that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such supervisor shall promptly complete a written report on the attached form (9620-E.1) and shall personally deliver it to the school district superintendent employed by the school district where the child abuse occurred.

If an allegation is made which involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate superintendent of schools, shall be notified if the allegation.

Upon receiving a written report, the Principal shall determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, he or she will be responsible for making the reasonable suspicion determination.

In any case where the allegation is being made against is the superintendent or the administrator, the report of such allegations shall be made to an alternate administrator.

If the Principal/Superintendent determines there is reasonable suspicion to believe that an act of child abuse has occurred, he or she shall promptly notify the parent of the alleged child victim (assuming that the parent is not the person who originally reported the alleged abuse) that an allegation of child abuse in an educational setting has been made and promptly provide the parent with the written statement setting forth parental rights, responsibilities and procedures prepared in accordance with the Regulations of the Commissioner of Education.

(Continued)

### **CHILD ABUSE IN AN EDUCATIONAL SETTING (cont'd)**

If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal/Superintendent shall contact the person making the report to learn the source and basis for the allegation.

The Principal shall also promptly provide a copy of the written report to the Superintendent and send a copy to the appropriate law enforcement authorities. In no event shall the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

The Superintendent shall send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the department.

#### **Rights of Employees and Volunteers**

Any employee or volunteer against whom an allegation of child abuse has been made and against whom the district intends to take adverse action shall be entitled to receive a copy of the report and to respond to the allegations. In addition, such persons are entitled to seek disclosure of reports involving them under the Freedom of Information Law.

#### **Confidentiality**

All reports, photographs, and other written material submitted pursuant to this policy and Article 23-B of the Education Law shall be confidential and may not be redisclosed except to law enforcement authorities involved in investigating the alleged abuse or except as expressly authorized by law or pursuant to a court-ordered subpoena. The Principal and Superintendent shall exercise reasonable care to prevent unauthorized disclosure.

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a class A misdemeanor.

#### **Penalties**

Willful failure of an employee to prepare and submit a written report of alleged child abuse required by Article 23-B of the Education Law shall be a class A misdemeanor.

Willful failure of any Principal or Superintendent to submit a written report of alleged child abuse to an appropriate law enforcement authority, as required by Article 23-B of the Education Law, shall be a class A misdemeanor. In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any administrator who fails to submit a report of child abuse to an appropriate law enforcement authority.

(Continued)

### **CHILD ABUSE IN AN EDUCATIONAL SETTING (cont'd)**

The law further prohibits any Principal or Superintendent from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

#### **Record Retention**

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction shall be expunged from the records kept by the district with respect to the subject of the report after five years from the date the report was made.

#### **Training**

The Superintendent shall be responsible for establishing and implementing on an ongoing basis a training program for all current and new required reporters on the procedures required under Article 23-B. The program shall include at a minimum information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report, and any other elements as specified in Commissioner's regulations.

Further, all persons employed on or after July 1, 2019 as a school bus driver employed by any person or entity that contracts with a school to provide transportation services to children shall be required to complete two hours of coursework or training (from an approved provider) regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment, reporting requirements including but not limited to, when and how a report must be made, what other actions the reporter is can and should take, the legal protections afforded reporters, and the consequences for failing to report. Each employee in such titles shall provide the school administrator of the school with documentation showing that he or she completed the required training. In addition, each school bus driver shall provide such contracting person or entity with documentation showing that he or she completed the required training. The department shall be authorized to request such records on a periodic basis and may publish a list of any persons or schools who are not in compliance with this subdivision on its website.

The coursework or training required by this section shall not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to sections three thousand three and three thousand four of this chapter.

(Continued)

**CHILD ABUSE IN AN EDUCATIONAL SETTING (cont'd)**

Ref: Education Law §§1125-1133  
Penal Law §§130, 235, 263  
8 NYCRR §100.2 (hh) (Reporting of Child Abuse in an Educational Setting)  
*Appeal of S.S.*, 42 EDR 273 (2003)

Adoption date: 11/23/21

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7530R

Date: 11/7/14

## **CHILD ABUSE AND NEGLECT/MALTREATMENT CHILD ABUSE REPORTING IN AN EDUCATIONAL SETTING**

Education Law covers the specific allegation of an incident of child abuse in an educational setting by an employee or volunteer.

### **Duties of Employees and Board Members**

The duties of employees and Board members are as follows:

In any case where an oral or written allegation of child abuse by an employee or volunteer in an educational setting is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, school board member, or other school personnel required to hold a teaching or administrative license or certificate, such person shall:

1. promptly fully complete a written report on a form prepared by the Commissioner of Education;
2. promptly personally deliver a copy of such written report to the principal or other chief school officer of the school in which the child abuse allegedly occurred; or
3. where the allegation involves an allegation of child abuse by an employee or volunteer of a school other than a school within the school district of the child's attendance, promptly forward the report to the Superintendent of Schools of the school district of the child's attendance and to the Superintendent of Schools where the abuse allegedly occurred.

### **Duties of Principals and Superintendents**

The duties of principals and Superintendents of Schools are as follows:

Where there is reasonable suspicion to believe that an act of child abuse has occurred upon receipt of a written report, the principal shall, unless such action is to be undertaken by the Superintendent of Schools:

1. promptly notify the parent of the child that such allegation has been made;
2. promptly provide the parent with a written statement of parental rights.

### **Additional Duties of Superintendents of Schools**

When a Superintendent of Schools forwards to law enforcement a report of child abuse in an educational setting, the Superintendent of Schools shall also refer such report to the Commissioner of Education where the employee or volunteer holds a certificate or license issued by the Department of Education.

The Superintendent of Schools shall expunge from any record kept by a school or school district, after five (5) years from the date of the making of a report or at such earlier time as may be determined, a report made pursuant to this law which, after investigation, does not result in criminal conviction.

The Board directs the Superintendent to establish and implement on an ongoing basis, a training program regarding the procedures set forth in the law for all current and new teachers, school nurses, school counselors, school psychologists, school social workers, school administrators,



# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

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other personnel required to hold a teaching or administrative certificate or license, and school board members. The training program shall include, but is not limited to, training regarding:

1. duties of employees, identified in the law, upon receipt of an allegation of child abuse in an educational setting;
2. confidentiality of records;
3. duties of school administrators upon receipt of a report of an allegation of child abuse in an educational setting;
4. penalties for failure to comply with the law;
5. notification by district attorneys, and actions taken upon conviction of a licensed or certified school employee;
6. prohibition against unreported resignations or voluntary suspension of employees against whom an allegation is made; and
7. immunity provisions.

The Superintendent shall annually provide to each teacher and all other school officials a written explanation, pursuant to Education Law, Section 3028-b, concerning the reporting of child abuse in an educational setting, including the immunity provisions of the law.

## Unreported Resignation Against Public Policy

Neither a school administrator nor a Superintendent of Schools shall make any agreement to withhold from law enforcement authorities, the Superintendent of Schools or the Commissioner of Education, where appropriate, the fact of an allegation of child abuse in an educational setting against an employee or volunteer in return for the resignation or voluntary suspension of the employee.

## Confidentiality of Records

Reports and other written material submitted pursuant to the laws and regulations, and photographs taken concerning a report of alleged child abuse in an educational setting, in the possession of any person 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.

A school administrator or Superintendent of Schools shall exercise reasonable care in preventing such authorized disclosure.

## Penalties

The willful failure of an employee to prepare and submit a written report at an allegation of child abuse in a public setting shall be a Class A misdemeanor.

The willful failure of a school administrator or Superintendent of Schools to submit a written report of child abuse to an appropriate law enforcement authority shall be a Class A misdemeanor; and shall also be punishable by a civil penalty not to exceed \$5,000.00 upon an

# ONTEORA CENTRAL SCHOOL DISTRICT

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administrative determination by the Commissioner of Education. The willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review such record is a Class A misdemeanor.

A violation of the prohibition against unreported resignations is a Class E felony; and shall also be punishable by a civil penalty not to exceed \$20,000.00.

## Immunity Provisions

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting to a person and in a manner described in the law shall have immunity from civil liability which might otherwise result from such actions.

Any school administrator or Superintendent of Schools 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 report to a person or agency and in a manner required by the law, shall have immunity from civil liability which might otherwise result from such actions.

Any Superintendent of Schools who reasonably and in good faith reports to law enforcement officials information regarding a resignation of an employee against whom an allegation has been made shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such action.

## Notification by District Attorney and Actions upon Criminal Conviction of a Licensed or Certified Employee

Where a criminal investigation is undertaken of an allegation of child abuse in an educational setting, and law enforcement authorities have provided such report to the district attorney and requested assistance, as soon as practicable, the district attorney shall notify the Superintendent of Schools of the district where the acts allegedly occurred and of the school district where the child is attending, if different, of an indictment or the filing of an accusatory instrument against the employee or volunteer; and the district attorney shall make such same notification of the disposition of the criminal investigation.

In the event that a licensed or certified school employee is convicted of any crime involving child abuse in an educational setting, the district attorney shall provide notice thereof to the Commissioner of Education, the Superintendent of Schools where the child abuse acts occurred and to the Superintendent of Schools where the child is attending, if different.

## Accused Employee's or Volunteer's Rights

Nothing in the law creates any authority to take adverse action against an employee or volunteer by virtue of a report of alleged child abuse in an educational setting which has not been substantiated.

An employee or volunteer who has adverse action taken against them by virtue of or in connection with a report pursuant to the law shall be entitled to receive a copy of such report and

# ONTEORA CENTRAL SCHOOL DISTRICT

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to respond to the allegations therein. Any employee or volunteer, in addition, shall be entitled to seek disclosure of such report pursuant to Public Officers Law, Article 6.

Ref: N.Y. Educ. Law Article 23-B (Sections 1125-1133)

N.Y. Penal Law 10.00

N.Y. Penal Law Article 130

N.Y. Penal Law Article 235

N.Y. Penal Law Article 263

Miller v. California, 413 U.S. 15 (1973)

Ginsberg v. New York, 390 U.S. 629 (1968)

Roth v. United States, 354 U.S. 476 (1957)

People v. Foley, 94 N.Y. 2d 668, 709 N.Y.S.2d 467 (2000)

Matter of Phillip A., 49 N.Y.2d 198, 200, 424 N.Y.S.2d 418 (1980)

People v. McDowell, 28 N.Y.2d 373, 375 321 N.Y.S.2d 894 (1971)

People v. Bowen, 17 A.D.2d 1054, 794 N.Y.S.2d 203 (4th Dep't 2005)

People v. Rodriguez, 2 A.D.2d 284, 769 N.Y.S.2d 257 (1st Dep't 2003)

People v. Dixon, 298 A.D.2d 400, 751 N.Y.S.2d 232 (2d Dep't 2002)

People v. Martinez, 257 A.D.2d 667, 684 N.Y.S.2d 578 (2d Dep't 1999)

People v. Esquilin, 141 A.D. 2d 838, 530 N.Y.S.2d 177 (2d Dep't 1988)

**CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING**

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist them and their families.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law. No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker
- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

The school official will also report the matter to the Building Principal.

The report must be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report must be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal must make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

(Continued)

**CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING (cont'd)**

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

School employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The district will make every reasonable effort to ensure the integrity of the district's child abuse reporting process and procedure.

**School District Relationship with Local Social Service District**

The school district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent, or designee, will represent the district when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent will share a copy of the district's attendance policy, 5100, with the local social service district.

**Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property must be made directly to Principal or designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

(Continued)

**CHILD ABUSE, MALTREATMENT OR NEGLECT IN A DOMESTIC SETTING (cont'd)**

The Principal or designee will decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

**Training Program and Dissemination of Information**

The school district will maintain an ongoing training program for all current and new school officials which will address the identification (i.e., signs and indicators) and reporting of child abuse, maltreatment, and neglect, including the legal implications of reporting and not reporting. Attendance at sessions of this training program is required of all school officials. Attendance records will be kept, and notations will be made in personnel files as to the dates of attendance.

The Superintendent will develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all school officials who are not covered under existing handbooks. The Superintendent will prepare and implement all regulations as are necessary to accomplish the intent of this policy

As required by state law and regulation, the district will publicize the toll-free number for reporting child abuse and neglect to the Central Register (800-342-3720), and directions for accessing the NYS Office of Children and Family Services website (<http://ocfs.ny.gov/main/cps/>), in both English and Spanish.

**Cross-ref:** 7110, Comprehensive Student Attendance Policy

**Ref:** Child Protective Services Act of 1973, Social Services Law §§411 et seq.  
Social Services Law §34-a; Family Court Act §1012  
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 45 CFR §99.36;  
Education Law §§409-l; 3209-a, 3036  
Penal Law 240.50  
18 NYCRR §432.3; 8 NYCRR §100.2(nn)

Adopted: 11/23/21

## Students

**SUBJECT: SUICIDE PREVENTION**

According to national statistics, suicide is the third leading cause of death among young people. It is the policy of the Board to enact clear guidelines for prevention, intervention and post-intervention of suicide, reflecting the District's concern for this serious mental health issue. The Board believes that our schools have a vital role to play in the safety and well-being of our students who are at risk of suicide.

**Students**

As part of the comprehensive health education curriculum, awareness levels will be raised by addressing the pervasiveness of suicide and depression to include information that deals with general and specific indicators of suicidal thinking, actions that are advisable, actions that are not advisable and resources that are available to students and their families within the school and the community.

**Staff**

As part of our on-going staff development, an annual orientation and awareness training will be held for all teachers, administrators and support staff who come into contact with or are made aware of potentially suicidal and depressed students.

Suicide prevention will be incorporated into the curriculum to educate students. This will be done in a manner so as not to sensationalize the matter, but to provide students with information and resources on this important mental health issue. The District will also foster interagency cooperation that will enable staff to identify and access appropriate community resources to aid students in times of crisis.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention and post-intervention that have been developed by the District. The District will actively respond to any situation where a student verbally or behaviorally indicates intent to attempt suicide or to do physical harm to themselves. Staff training and professional development on suicide and crisis intervention will be made available.

The Board of Education directs the administration to:

- a) Develop guidelines or procedures to effectively intervene in life-threatening situations;
- b) Enlist the support, awareness and involvement of all District staff in the identification of suicidal signals and utilize existing school staff for program implementation;
- c) Develop and provide a training program to designated personnel on recognizing, reporting and referring suicide ideation, gestures and attempts; and
- d) Maintain a crisis evaluation team at each school for the above purpose.

Adopted: 1/25/11

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7540R

Date: 8/4/14

## SUICIDE PREVENTION

### BEHAVIORAL INDICATORS

- Previous Suicide Attempts
- Verbal or written statements expressing suicidal tendencies.
- Self-destructive behavior, e.g., self-inflicted burns, cuts, reckless or dangerous behavior.
- Use of drugs and/or alcohol
- Isolation/withdrawal
- School failure/truancy
- Deteriorating school functioning
- Neglect of personal welfare or appearance
- Running away from home
- Disciplinary crisis, e.g., suspension, arrest
- Unusual or prolonged crying
- Giving away personal belongings
- Inappropriately saying goodbye
- Changes in normal behavior, e.g., arguments or fights
- Eating disorders/change in eating habits

### EMOTIONAL INDICATORS

- Depression
- Strong and persistent bereavement concerns
- Loss of reality boundaries, hearing voices
- Loss of emotions/apathy/inappropriate affect
- Panic attacks, anxiety disorder
- Low self-esteem, extensive self-criticism
- Feelings of hopelessness
- Exposure to violence or trauma

### PERSONAL CIRCUMSTANCES

- Serious illness - self or family member
- Unwanted pregnancy
- Sexual identity concerns
- Recent humiliating event
- Family problems: child abuse or neglect, sexual abuse, domestic violence, housing insecurity, divorce, separation from family members, substance abuse or mental illness in family, institutionalized parent and family stress

#### Suicide Awareness Training

Staff will be provided annually with suicide awareness training as part of a staff development day during the school year.

#### Composition of Student Crisis Assessment Team

Elementary- The schedule of two-person teams will uniformly include the school nurse as one member.

Middle/Sr. High -Due to the number of students seen at any given time in the Middle/Sr. High Health Office, the school nurse will not be included in the schedule of team member pairs. However, as will be discussed below, the Nurse remains an integral part of the procedure.



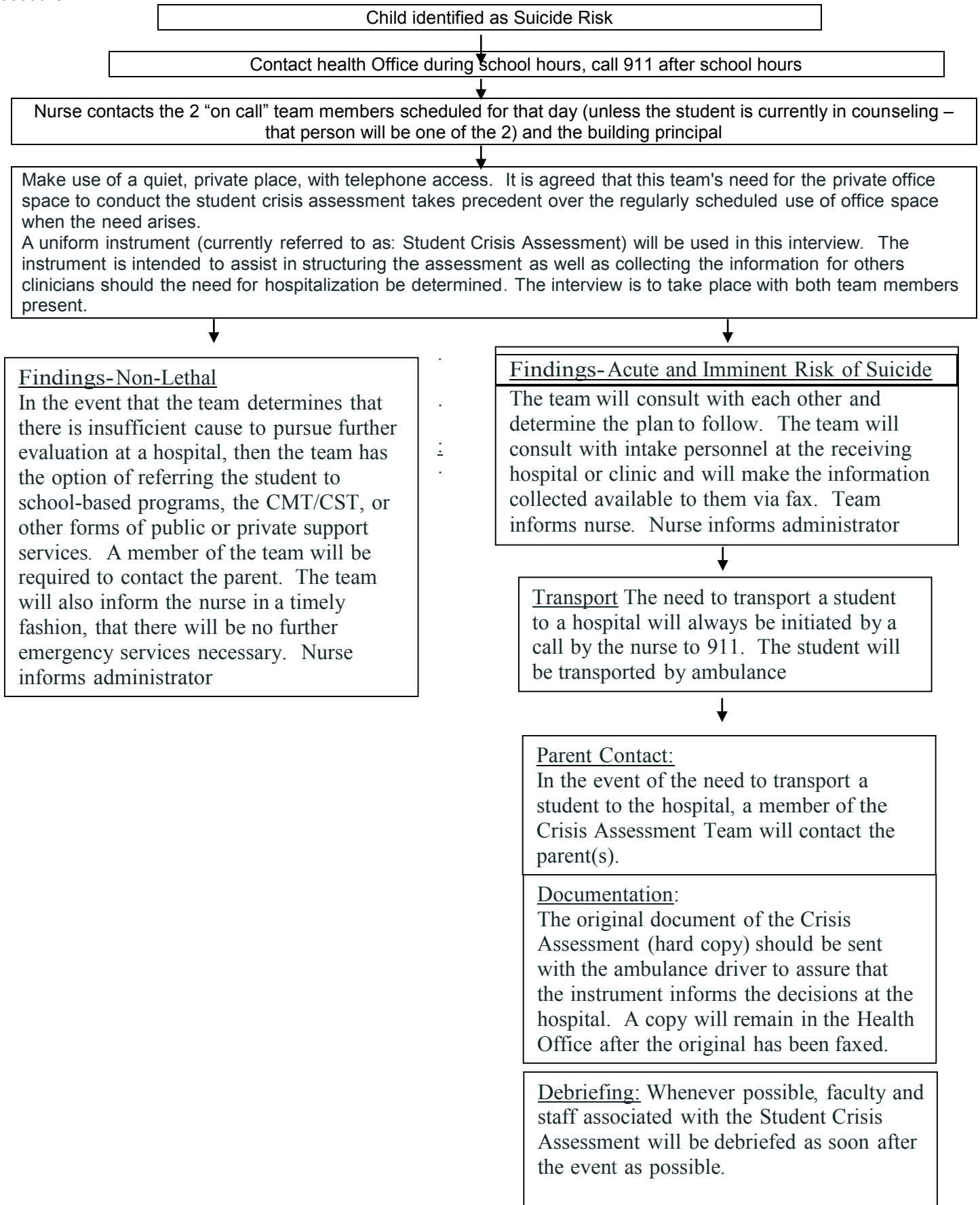
# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7540R

Date: 8/4/14

Procedure:



## **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**

In addition, students and parents/guardians will receive annual notification of the District's established grievance procedures for resolving complaints of discrimination and harassment based on sex or disability. This notice shall include 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 and harassment 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 or other protected classes under federal or state law.

Complaints or grievances regarding discrimination and/or harassment, including sexual harassment, shall be handled in accordance with District Regulation 1400P.

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.

## **COMPLAINTS AND GRIEVANCES BY STUDENTS (cont'd)**

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 and Regulation 3420R – Title IX and Section 504 of the Rehabilitation Act Of 1973 Discrimination Grievance Procedure

Adoption Date: 4/20/22

**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.

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.

Certain circumstances provided by law may permit a registered sex offender to enter school grounds. Decisions will be made on a case-by-case basis by the Superintendent in accordance with all applicable laws and regulations, and permission must be granted in writing.

Correction Law Article 6-C  
Public Officers Law Section 84 et seq.

Adopted: 10/7/14

## 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 without the consent of the Principal.

NOTE: Refer also to Policy #5730 -- Transportation of Students: Transportation to School Sponsored Events

**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Onteora Central School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students (including preschool students) residing in the District, including but not limited to descriptions of the District's co-teaching 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(c)

Adopted: 8/19/14

**SUBJECT: CHILDREN WITH DISABILITIES**

A child with a disability means a student under the age of twenty-one (21) who is entitled to attend public schools and who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. A child is not considered as having a disability if their 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. Utilize established procedures for publication of all potential job openings;
  - 2. Check credentials and requirements listed on applications;
  - 3. Provide training sessions for interview committee;
  - 4. Special Education teachers are required to have subject matter knowledge appropriate to the level of instruction being provided; when teaching two (2) or more core academic subjects exclusively to children with disabilities, the teacher will meet the

(Continued)

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

requirements of "highly qualified" per the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or demonstrate competence in all the core academic subjects taught per state regulations.

- e) Establishing the following guidelines for the provision of appropriate accommodations necessary to measure the academic achievement and functional performance of the student in the administration of District-wide assessments:
  - 1. Ensure that necessary accommodations are specified on individualized education program (IEP) and implemented in accordance with the IEP;
  - 2. Review the need for accommodations at Committee on Special Education (CSE) evaluations/re-evaluations;
  - 3. etc.
- f) To the extent feasible, using universal design principles (defined as a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of functional capabilities, which include products and services that are directly usable without requiring assistive technologies and products and services that are made usable with assistive technologies) in developing and administering District-wide assessment programs by:
  - 1. Addressing appropriate universal design principles in IEP;
  - 2. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities ;
  - 3. Ensuring that instructional materials and activities allow learning goals to be achievable by individuals with wide differences in abilities;
  - 4. Ensuring that flexible curricular materials and activities are built into the instructional design and operating systems;
  - 5. Ensuring that instruction is diversified to deliver the general education curriculum to every student and diversify ways students may respond to that curriculum.
- g) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.

(Continued)



**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

- h) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- i) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- j) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

**Provision of Special Education Services to Nonpublic School Students with Disabilities who are Parentally Placed**

The **district of location** is responsible for child find, including individual evaluations, 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 (2) 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.

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.

(Continued)

**SUBJECT: CHILDREN WITH DISABILITIES (Cont'd.)**

The school district of location must consult with nonpublic school representatives and representatives of parents of parentally placed nonpublic school students with disabilities enrolled in nonpublic elementary and secondary schools located within the boundaries of the School District. The School District must engage in consultation regarding the child find process and services generally; consultation is not specific to individual students. Individual services are determined by the CSE.

The consultation process must be timely and meaningful and include discussion of:

- a) Child Find;
- b) Provision of Special Education Services; and
- c) Use of Federal Funds.

The school district of location must provide, as appropriate, special education services to an eligible student who legally resides in another state and who is parentally placed in a nonpublic school located in New York State. The services to be provided to out-of state students must be documented on a services plan that is developed by the CSE of the district of location. The services plan is the written plan that describes the specific special education and related service that the district of location will provide to the student consistent with the services that the school district of location has determined through the consultation process and in relation to the proportionate shares of federal IDEA Part B dollars, to be provided to the student.

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

Adopted: 6/29/09

## Students

**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 Committee shall determine written goals and corresponding short-term instructional objectives 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 or educational achievement 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.

## Students

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one (1) Committee on Special Education (CSE) and one (1) 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) school 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 (1) 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 time lines 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

(Continued)

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

and a request that a timely meeting be held to review consider objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians 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 sixty (60) ~~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:

(Continued)

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- 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 following the timelines required for the CSE 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

Adopted: 3/4/14

## Students

**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 for the provision of special education services and programs for each preschool child with a disability residing in the District.
- 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 of a preschool aged child.

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 to be kept in the student's record until the exit assessment information is due as a way to summarize complex assessment information in a format so that the data can be aggregated and reported to the State Education Department (SED).

Individuals with Disabilities Act (IDEA), 20 United States Code (USC) Section 1400 et seq.  
Education Law Section 4410

8 New York Code of Rules and Regulations (NYCRR) Sections 200.2(b)(2), 200.2(b)(5) and 200.5

NOTE: Refer also to Policy #7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members.

Adopted: 6/29/09

**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 they 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 they need; 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 for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

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Students

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT (Cont'd.)**

20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300  
State Law - Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations (NYCRR) Sections 100.5, 100.9, 200.1(cc),  
200.2(b), 200.4, and 200.6

Adopted: 6/29/09

**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 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/or Response To Intervention (RTI) plans/Discretionary Service (DS) 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). The RTI Teams 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 a RTI Team.

(Continued)

**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 RTI/Discretionary Services 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/RTI/DS, 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.

**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.

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.

(Continued)

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION (PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd)**

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/ RTI/Discretionary Services.

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.I(g), 100.I(p), 100.1(r), 100.1(s), 100.I(t),  
100.2(v), 100.2(dd)(4), 100.2(ee), 200.2(b)(7), 200.4(a)(2), 200.4(a)(9); 200.4(c) and Part 154

NOTE: Refer also to Policy #7618 -- Response to Intervention (RTI)

Adopted 3/4/14

## 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. 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 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 they receive an Individualized Education Program (IEP) diploma. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's Individualized Education Program (IEP).

Prior to the reevaluation, the School District shall obtain informed parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

**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

(Continued)

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

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 their 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.

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 they receive 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

(Continued)

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

**Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in their 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

Adopted: 6/29/09

## Students

**SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS**

The reauthorized Individuals with Disabilities Education Act (IDEA 2004) was advanced in an attempt to optimize educational outcomes for children with learning problems. A growing body of research, supports the use of Response to Intervention (RTI) as a highly effective means of:

- a) Increasing proficiency rates for early basic reading, writing, and math calculation skills;
- b) Expanding the capacity of teachers to meet the needs of a developmentally broad range of learners within the context of the general curriculum; and
- c) Reducing the number of children misidentified as disabled.

In accordance with NYS Commissioner's Regulations, the Onteora School District has established administrative practices and procedures for implementing District-wide initiatives that address a Response to Intervention (RTI) process applicable to all students. For students suspected of having a potential learning disability, the District will provide appropriate RTI services pursuant to the Commissioner's Regulations prior to a referral to the Committee on Special Education (CSE) for evaluation.

The District's RTI process shall include the following minimum requirements:

- a) Scientific, research-based instruction in reading, writing and mathematics provided to all students in the general education class by qualified personnel. Instruction in reading, per the NYS Education Commissioner's Regulations, shall mean scientific, research-based reading programs that include explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- b) Screenings shall be provided to all students in the class to identify those students who are not making academic progress at expected rates;
- c) Scientific, research-based instruction matched to student need with increasingly intensive levels of targeted interventions for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards;
- d) Repeated assessments of student achievement which should include curriculum based measures to determine if interventions are resulting in student progress toward age or grade level standards;
- e) The application of information about the student's response to intervention to make educational decisions about changes in instruction and/or services and the decision to make a referral for special education programs and/or services; and

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Students

**SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (cont'd)**

- f) Written notification to the parents when the student requires an intervention beyond that provided to all students in the general education classroom that provides information about:
  - 1. Strategies for increasing the student's rate of learning; and student performance data, and the general education services that will be provided; and
  - 2. The parents' right to request an evaluation for special education programs and/or services.

**Structure of Response to Intervention Program**

The District's RTI program will consist of multiple tiers of instruction/assessments to address increasingly intensive levels of targeted intervention to promote early identification of student performance needs and/or rate of learning, and to help raise achievement levels for all students.

Response to Intervention Team, whose members may include, but are not limited to, regular education teachers, special education personnel, the school psychologist, , designated administrators, and other individuals deemed appropriate by the District, will be available for each building to address the implementation of the District's RTI process.

The RTI Team's responsibilities shall include, but are not limited to, the following:

- a) Determining the level of interventions/student performance criteria appropriate for each tier of the RTI model;
- b) Analyzing information/assessments concerning a student's response to intervention and making educational decisions about changes in goals, instruction and/or services;
- c) Determining whether to make a referral for special education programs and/or services.

**Types of Interventions**

The District will provide multiple tiers of increasingly intensive levels of targeted intervention and instruction for those students who do not make satisfactory progress in their levels of performance and/or in their rate of learning to meet age or grade level standards.

It is expected that use of the Tier Level of instruction will be specific to each student's needs and will be an ongoing process, with students entering and exiting tiers of intervention according to the analysis of student performance data and progress monitoring.

(Continued)

Students

**SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (cont'd)**

Tier One Instruction

Tier One instruction is provided to all students in the general education setting. The use of scientific, research-based instruction in the area of ELA and math will be provided by the general education teacher and/or other qualified personnel as appropriate, and will emphasize proactive, preventative core instructional strategies in the classroom setting. Group and/or individualized instruction, assessment and reinforcement activities will be provided as deemed appropriate by the classroom teacher in collaboration with peers. Properly trained teaching assistants, under direct supervision of the presiding classroom teacher, can facilitate reinforcement techniques and conduct benchmark assessments. The use of teaching assistants in early grades are an integral part of early intervention. The analysis of Tier One student performance data will be used to identify those students who need additional intervention at the Tier Two Level of instruction.

Tier Two Instruction

In general, Tier Two instruction will consist of small group, targeted interventions for those students identified as being "at risk" who fail to make adequate progress in the general education classroom. Tier Two instruction will include programs and intervention strategies designed to supplement Tier One interventions provided to all students in the general education setting.

Tier Two instruction may be provided by support personnel such as teaching assistants, specialized staff such reading and math teachers, Occupational Therapists, Physical Therapists, Academic Intervention Service providers, speech therapists, school psychologists and/or school social workers as determined by the RTI Team, in collaboration with classroom teachers.

At the conclusion of Tier Two instruction, the RTI will review the student's progress and make a determination as to which tier of intervention would be appropriate.

Tier Three Instruction

Tier Three instruction is the provision of more intensive instructional interventions, tailored to the needs of the individual student; and is provided to those students who do not achieve adequate progress after receiving interventions at the Tier Two level. Tier Three instruction may include longer periods of intervention program and/or more frequent services than those provided in the first two (2) Tiers based upon the significant needs of the student.

Tier Three instruction will be provided by those specialists, in collaboration with classroom teachers, as determined by the RTI Team, best qualified to address the individual student's targeted area(s) of need. If deemed appropriate by the Team, and in accordance with applicable law and regulation, a referral of the student may be made to the Committee on Special Education (CSE).

Progress monitoring is an integral part of Tier Three; and the student's response to the intervention process will determine the need/level of further intervention services and/or educational placement.

(Continued)

Students

**SUBJECT: RESPONSE TO INTERVENTION (RTI) PROCESS (cont'd)**

**Amount and Nature of Student Data to be Collected**

The RTI Team will determine the amount and nature of student performance data that will be collected to assess, on an ongoing basis, student performance results and address ongoing academic needs as warranted. Such data collection will reflect the Tier Level of intervention provided to the student. Student performance data will also be used to review the District's RTI program and make modifications to the program as deemed necessary.

**Manner and Frequency for Progress Monitoring**

The RTI Team shall monitor the progress of those students receiving intervention services beyond that provided to all students in the general education classroom. The Team shall meet with the student's teacher(s) and will determine if further adjustments need to be made to the student's current instructional program and/or a change made to the Tier Level of intervention provided. Monitoring of student progress shall be an ongoing part of the RTI program from the initial screening to completion of the RTI process as applicable.

**Staff Development**

All staff members involved in the development, provision and/or assessment of the District's RTI program, including both general education and special education instructional personnel, shall receive appropriate training necessary to implement the District's RTI program. Staff development will include the criteria for determining the levels of intervention provided to students, the types of interventions, collection of student performance data, and the manner and frequency for monitoring progress.

34 Code of Federal Regulations (CFR) Sections 300.309 and 300.311

Education Law Sections 3208, 4002, 4401, 4401-a, 4402, and 4410

8 New York Code of Rules and Regulations (NYCRR) Sections 100.2(ii), 200.2(b)(7), 200.4(a), 200.4(j)(3)(i), and 200.4(j)(5)(i)(g)

Adopted: 6/17/14

Students

SUBJECT: USE OF TIME OUT ROOMS

The Board of Education recognizes that a time out room may be an effective method of behavior intervention for some students. A time out room is an area for a student to safely deescalate, regain control and prepare to meet expectations to return to their educational program.

The Board recognizes the use of time out rooms only in conjunction with a Behavior Intervention Plan (BIP). However, students without a BIP may be permitted to use time out rooms in unanticipated situations that pose an immediate concern for the physical safety of the student or others. A student whose behavior plan permits the use of such a room may be assigned time out by appropriate school staff, including but not limited to the school administration, ~~or~~ faculty and/or related service providers, as documented on the BIP and Individualized Education Program ("IEP").

Staff who may be called upon to implement the use of the time out room will be trained annually on the use of the time out room and related behavior intervention practices.

Use of the time out room will be specified as an intervention on the student's BIP and IEP, with specific number of minutes permitted. The student, parents/guardians, and staff will meet to develop the BIP together, and will agree on use of the time out room as an intervention.

Parents or guardians will be informed by the Building Principal prior to the initiation of a behavior intervention program. All parents/guardians will be provided with a copy of the District's policy on time out rooms. Upon request, parents/guardians will be shown the physical space that is used for time out.

Except as provided pursuant to 8 New York Code of Rules and Regulations (NYCRR) Section 200.22(c) as referenced below, the School District shall not employ the use of time out rooms as a means of regulating student behavior.

Pursuant to Commissioner's Regulations, a time out room is defined "as an area for a student to safely deescalate, regain control and prepare to meet expectations to return to their education program." If a time out room is to be used, it must be used in conjunction with a behavioral intervention plan (that is designed to teach and reinforce alternative appropriate behaviors) in which a student is removed to a supervised area in order to facilitate self-control or when it is necessary to remove a student from a potentially dangerous situation and for unanticipated situations that pose an immediate concern for the physical safety of a student or others.

The District has adopted and implemented the following policy and procedures governing school use of time out rooms as part of 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.

Continued

Students

SUBJECT: USE OF TIME OUT ROOMS (cont'd)

At a minimum, the use of time out rooms shall be governed by the following rules and standards:

- a) The District prohibits placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised. The time out room shall be unlocked and the door must be able to be opened from the inside. The use of locked rooms or spaces for purposes of time out or emergency interventions is prohibited.

Staff shall continuously monitor the student in a time out room. The staff must be able to see and hear the student at all times.

- b) Factors which may precipitate the use of the time out room:

Imminent or significant behavior that is unsafe for that student or others.

- c) Time limitations for the use of the time out room:

- 1. Time limitations will be documented on the student's BIP and IEP. Once a student is calm and in control, the student is given an opportunity to leave time out.

Further, a student's IEP shall specify when a behavioral intervention plan includes the use of a time out room for a student with a disability, including the maximum amount of time a student will need to be in a time out room as a behavioral intervention as determined on an individual basis in consideration of the student's age and individual needs.

School administration or other personnel shall be notified in the event a student is placed in a time out room for excessive amounts of time; and such information shall be considered when determining the effectiveness of the student's behavioral intervention plan and the use of the time out room for the student. Whether the student requires a debriefing following the use of a time out room shall be left to the staff knowledgeable about the individual student and consistent with the student's BIP and IEP.

- d) Staff training on the policies and procedures related to the use of time out rooms shall include, but not be limited to, the following measures:

- 1. The Director of Pupil Personnel Services in conjunction with the Building Principals shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Commissioner's Regulations relating to the use of time out rooms, including members of the Committee on Special Education (CSE) and Committee on Preschool Special Education (CPSE).

Continued

Students

SUBJECT: USE OF TIME OUT ROOMS (cont'd)

2. The Therapeutic Crisis Intervention (TCI) training is provided for each staff member and updated once every school year, including procedures related to the use of time out rooms. Training on the Time Out Policy is included in the TCI training. Debriefing is provided to staff and student after every use of the time out room.
- e) Data collection to monitor the effectiveness of the use of time out rooms:
1. District schools shall establish and implement procedures to document the use of time out rooms, including information to monitor the effectiveness of the use of the time out room to decrease specified behaviors. Such data would be subject to review by the State Education Department (SED) upon request.
  2. Such data collection should appropriately include, but is not limited to, the following information:
    - (a) The student's name and date of birth;
    - (b) A record for each student showing the date and time of each use of the time out room;
    - (c) A detailed account of the antecedent conditions/specific behavior that led to the use of the time out room;
    - (d) The amount of time that the student was in the time out room; and
    - (e) Information to monitor the effectiveness of the use of the time out room to decrease specified behaviors which resulted in the student being placed in the room.
    - (f) Information to be provided to parents.

The School District shall inform the student's parents prior to the initiation of a behavioral intervention plan that will incorporate the use of a time out room for a student, and shall give the parent the opportunity to see the physical space that will be used as a time out room and provide the parent with a copy of the school's policy on the use of time out rooms.

Additionally, parents should be notified if their child was placed in a time out room. Minimally, whenever a time out room is used as an emergency intervention pursuant to Commissioner's Regulations Section 200.22(d), the parent shall be notified of the emergency intervention. Such notification will be provided the same day whenever possible.

The parent is a member of the CSE and the use of a time out room must be included on the student's IEP. The parent receives prior notice as to the recommendations on a student's IEP and may request due process in the event the parent does not agree with the CSE recommendations.

Parent reports of alleged inappropriate interventions used in a time out room should be directed to school administrators.

Continued

Students

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 shall provide a means for continuous visual and auditory monitoring of the student.
- b) The room shall be of adequate width, length and height to allow the student to move about and recline comfortably.
- c) Wall and floor coverings should be designed to prevent injury to the student, and there shall be adequate lighting and ventilation.
- d) The temperature of the room shall be within the normal comfort range and consistent with the rest of the building.
- e) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and shall meet all local fire and safety codes.

Education Law Sections 207, 210, 305, 4401, 4402, 4403, and 4410  
8 New York Code of Rules and Regulations (NYCRR) Sections 19.5, 200.1, 200.4, 200.7, 200.22, and 201.2

Adopted: 2/10/15

## 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 their rights under Section 504 have been violated by the District or its officials.

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

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 (1) 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 videoconferences or 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;
- 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

(Continued)

## 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 residing in the District or a neighboring school district who is a parent of a student with a disability, a parent of a student who has been declassified and is no longer eligible for an individualized education program (IEP), or a parent of a disabled child who has graduated. This parent member may serve for a period of Five (5) years beyond the student's declassification or graduation, provided that the parent shall not be employed by or under contract with the School District. Such parent is not a required member if the parents of the student request, in writing, that the additional parent member not participate in 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;
- 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)

**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 videoconferences and 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

Adopted: 6/29/09

**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 (1) or both parents are present at each CPSE meeting, the District and the parent(s) may agree to use alternative means of participation such as video conferences or 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) For a child's 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;
- h) An additional parent 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 unless the parents of the child request, in writing, at least seventy-two hours prior to such meeting, that the additional parent member participate in the meeting;

(Continued)

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL  
SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

- 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 g) 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)

**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 Preschool Special Education (CPSE), the parent and the representative of the District appointed to the CPSE may agree to use alternative means of meeting participation, such as videoconferences and 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

Adopted: 3/4/14



## **STUDENT INDIVIDUALIZED EDUCATION PROGRAM**

### **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 January 1, 2009 will be on the form prescribed by the Commissioner.

### **Functional Behavioral Assessments/Behavioral Intervention Plans**

A functional behavioral assessment (FBA) may be an integral part of the evaluation and reevaluation of a student with a disability and 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 (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/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 to a specific timeframe for completion; or
  - 2. Students suspected of having learning disabilities; or

(Continued)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- 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)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (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 (1) 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)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (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 dominate 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 Committee on Special Education shall make digital recordings of meetings regarding individualized education programs for students with disabilities upon the request of their parent or guardian.

**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

(Continued)

## Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

receives or will receive IEP services. Further, the District will designate at least one (1) school official who shall be responsible for maintaining a record of the personnel who have received IEP copies for each student.

*Any copy of a student's IEP shall remain confidential* in compliance with the Individuals with Disabilities Education Act, the Family Educational Rights and Privacy Act, and District policy regarding confidentiality of student records; and shall not be disclosed to any other person other than the parent of such student, except in accordance with federal and state laws and/or regulations. Appropriate training and information will be provided to designated school personnel, as applicable, to ensure the confidentiality of such information. Procedures will be established to ensure that copies of students' IEPs are stored in secure locations and retrieved or destroyed when such professionals are no longer responsible for implementing a student's IEP.

The Chairperson of the CSE, CSE subcommittee, or CPSE *shall designate* for each student one (1) or, as appropriate, more than one (1) 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.

(Continued)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

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)



**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), 200.4(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)

**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)

## 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) Section 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

Adopted: 6/29/09

**SUBJECT: RESPONDING STRATEGIES: EMERGENCY INTERVENTIONS**

**Philosophy Statement**

The Onteora Central School District supports a structured learning environment that promotes learning for all members of the school community, including students whose management needs severely impact their ability to learn. This environment is to promote the safety of all members of the school community: these students, their classmates, their teachers and their support personnel. Therefore, staff members share responsibility for the health and safety of all children in the school.

**Responsible Personnel**

The primary responsibility for providing emergency intervention is the child's teacher, supported by Teaching Assistants, Behavioral Intervention Assistant, Principal, psychologist, social worker and others who would naturally assist in school emergencies as part of the Behavior Intervention Plan. Only those individuals who are trained in the proper methods of emergency intervention shall actually implement the emergency intervention. This training shall be provided annually by the District.

Students are not permitted to assist in emergency interventions.

**Legal Foundation**

Since many of our classes enroll students whose behavior requires intense monitoring and control, the issue of safety is an important one. As stated in the Commissioner's Regulations (8 NYCRR Section 19.5[a][3]), "reasonable physical force may be used in self-defense, to prevent physical injury to others, to prevent damage to property, or to restrain or remove a student whose behavior is disruptive to the orderly performance of the functions of the School District" For this reason, emergency intervention is considered appropriate within these guidelines.

The Committee on Special Education shall consider the development of a Behavior Intervention Plan for certain students with a disability in accordance with the Commissioner's Regulations. Emergency interventions may be considered as an appropriate intervention in a student's Behavior Intervention Plan, and must be documented on the student's IEP.

Following any incident involving an emergency intervention, the District shall ensure that post-incident evaluation, debriefing and support are available to the student, staff members and others who may have been involved in the incident. Appropriate written documentation shall be maintained.

Continued

**SUBJECT: RESPONDING STRATEGIES: EMERGENCY INTERVENTIONS  
(cont'd)**

Emergency Interventions

Emergency interventions shall only be used in situations in which alternative methods and procedures not involving the use of physical force cannot be reasonably employed. Emergency interventions shall never be used as a punishment, consequence or for classroom maintenance. Emergency interventions should always be the very last resort; it is not a requirement, but merely an option to be considered in extreme circumstances. For example, clearing the room of all other students may be an effective technique to protect other students. A behavioral approach, that has been well thought out in advance, is always the first option as is a thorough knowledge of how your individual students will react (behavior plan). Clear classroom rules and preventative classroom structure and procedures should be utilized. Ongoing emergency interventions shall be reviewed by the building RTI committee and/or by the CSE.

The District shall maintain the proper documentation of any emergency interventions in accordance with the Commissioner's Regulations, including:

- a. Name and date of birth of student;
- b. Setting and location of incident;
- c. Names of all staff or other persons involved;
- d. Description of the incident and emergency intervention used, including duration;
- e. A statement as to the status of a current behavior 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 the building Principal, District administration and, if necessary, by the school nurse or other medical personnel.

The Principal or their designee must notify the parent immediately of the use of the emergency intervention.

Adopted: 1/28/15

**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, children experiencing insecure housing, 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)

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Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES  
(CHILD FIND) (Cont'd.)**

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) and 200.4

NOTE: Refer also to Policy #7160 -- School Census

Adopted: 6/29/09



**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 Commissioner's Regulations Section 200.5(n). 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 (1) 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 youth experiencing insecure housing ; 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)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES**

The person selected as a surrogate shall have no interest that conflicts with the interest of the child they represent, and shall have knowledge and skills that ensure adequate representation of the child.

**Prior Written Notice (Notice of Recommendation)**

Prior written notice (notice of recommendation) 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 January 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 (1) 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(1)] 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 Youth Experiencing Insecure Housing

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 youth experiencing insecure housing.

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.

(Continued)

**SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES (Cont'd.)****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 using the due process procedures and the District is not required to consider the student as eligible for special education services.

**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 due process 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

## Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS**

The parent/person in parental relation of a student with a disability may file a written request with the Board for an impartial due process hearing with respect to any matter relating to the identification, evaluation, educational placement, provision of a free appropriate public education (FAPE), manifestation determination or other matter relating to discipline. The Board may also initiate such hearing.

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. Mediation will be available to resolve disputes involving any matter, including matters arising prior to the filing of a request for an impartial due process hearing. In addition, the District may establish procedures providing the opportunity to meet with a disinterested party from a community dispute resolution center for an explanation of the benefits of the mediation process.

For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The Impartial Hearing Officer (IHO) renders a written decision after the parties present and refute evidence before them. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Impartial Due Process Hearing Process**

The request for an impartial due process hearing 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. However, the two (2) year timeline does not apply if the parent was prevented from requesting the hearing due to specific misrepresentations by the District that it had resolved the problem or the District's withholding of information from the parent that is required by Commissioner's Regulations.

The following is an overview of the impartial due process hearing process/prehearing conference:

**a) Due Process Complaint Notification**

1. The parent or the School District may request an impartial due process hearing by first submitting a due process complaint notice.

A hearing may not be held until a due process complaint notice is filed. Either the parent, the District, or the attorney representing either party may present a complaint with respect to any matter relating to 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.

This written due process complaint notice must include:

- (a) The name of the student;
- (b) The address of the student's residence or, in the case of a student experiencing insecure housing, available contact information;
- (c) The name of the school the child is attending;
- (d) A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and

(Continued)

Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (cont'd)**

- (e) A proposed resolution of the problem to the extent known and available to the party at the time.
  - 2. The due process complaint notice will be deemed sufficient unless the party receiving the notice notifies the other party and the IHO in writing within fifteen (15) days of receiving the notice that they believe the notice requirements have not been met.
  - 3. Within five (5) days of the receipt of the notice of insufficiency, the IHO shall make a determination on the face of the notice of whether the notification meets the notice requirements and shall immediately notify the parties in writing of the determination.
  - 4. If the District has not sent a prior written notice (notice of recommendation) to the parent regarding the subject matter of the complaint notice, the District will send a response to the parent within ten (10) days of receiving the complaint which includes:
    - (a) An explanation of why the District proposed or refused to take the action raised in the complaint;
    - (b) A description of other options the Committee on Special Education (CSE)/Committee on Preschool Special Education (CPSE) considered and why those options were rejected;
    - (c) A description of each evaluation procedure, assessment, record, or report the District used as a basis for the proposed or refused action; and
    - (d) A description of the factors relevant to the District's proposal or refusal.
  - 5. Upon receipt or filing of the due process complaint notice, the District will provide the 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.
  - 6. Within ten (10) days of receiving the complaint notice, the non-complaining party must send a response specifically addressing the issues raised in the notice.
  - 7. A party may amend its due process complaint notice only if:
    - (a) The other party consents in writing and is given the opportunity to resolve the complaint through a resolution process;
    - (b) The IHO grants permission, but not later than five (5) days before the impartial due process hearing commences.
- Applicable timelines for the impartial due process hearing will recommence at the time of the filing of the amended notice.
8. No issues may be raised at the impartial due process hearing that were not raised in the due process complaint notice.

(Continued)

## Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (cont'd)****b) Resolution Process**

1. Within fifteen (15) days of receiving the due process complaint notice from the parent and prior to the due process hearing itself, the District shall convene a meeting with the parents and relevant members of the CSE/CPSE, as determined by the District and the parent, who have specific knowledge of the facts identified in the complaint. A representative of the District who has decision-making authority must attend. The attorney for the District may not attend unless the parent is accompanied by an attorney. At this resolution meeting, the District has the opportunity to resolve the complaint after the parents discuss their complaint and the facts forming its basis.
2. The District will take steps to ensure that one (1) or both of the parents of the student with a disability are present at the resolution meeting, including notifying parents of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the resolution meeting at a mutually agreed on time and place and in a location that is physically accessible to the parents.
3. When conducting meetings and carrying out administrative matters (such as scheduling), the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.
4. The parent and District may agree in writing to waive the resolution process or agree to use the mediation process to resolve the dispute.
5. If a settlement is reached, the parties shall execute a legally binding agreement signed by the parent and the representative of the District who has authority to bind the District. This agreement is enforceable in court. However, either party may void the agreement within three (3) business days of the agreement's execution.
6. If the District has not resolved the due process complaint to the satisfaction of the parents within thirty (30) days of receipt of the complaint notice, the impartial hearing process may begin.
7. Except where the parties have jointly agreed to waive the resolution process or use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the time line for the resolution process and due process hearing until the meeting is held:
  - (a) If the District is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the District may, at the conclusion of the thirty-day period, request that an IHO dismiss the parents' due process complaint.
  - (b) If the District fails to hold the resolution meeting within fifteen (15) days of receipt of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of the IHO to begin the due process hearing timeline.

(Continued)



## Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (cont'd)**

## c) Pre-Hearing Conference

1. A pre-hearing conference (which may take place via telephone) may be scheduled by the IHO to simplify or clarify issues; establish dates for the completion of the hearing; identify evidence to be entered into the record; identify witnesses expected to provide testimony; and/or address other administrative issues. A transcript or written summary shall be entered into record by the IHO.

## ci) Impartial Due Process Hearing

In the event the complaint is not resolved in a resolution process, the Board will arrange for an impartial due process hearing to be conducted. When carrying out administrative matters relating to an impartial due process hearing, such as scheduling, exchange of witness lists and status conferences, the parent and District may agree to use alternative means of meeting participation such as video conferences or conference calls.

1. The District must 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 IHO. The District selects the IHO through a rotational selection process in accordance with regulatory time lines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
2. Pursuant to the Regulations of the Commissioner of Education, if an impartial hearing is currently pending for the same student when a new hearing request is received, the district will appoint the same IHO, if available, who will determine whether or not to consolidate the hearings. Additionally, if the new hearing request concerns an issue which had been previously withdrawn in the 12 months prior, the district shall appoint the same IHO, if available.
3. The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint them. To expedite this process, the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.
4. The IHO may not accept appointment unless they are available to make a determination of sufficiency of a due process complaint notice within five (5) days of receiving such a request and (unless an extension is granted) to initiate the hearing in a timely fashion.
  - a) When the District files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after the date the IHO is appointed;
  - b) When a parent files the due process complaint notice, the hearing or pre-hearing conference must commence within the first fourteen (14) days after whichever of the following occurs first:

(Continued)

## Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (cont'd)**

- 1) The date the IHO receives the parties' written waiver of the resolution meeting; or
  - 2) The IHO receives the parties' written confirmation that a mediation or resolution meeting was held but no agreement could be reached; or
  - 3) The expiration of the thirty-day resolution period unless the parties agree in writing to continue mediation at the end of the thirty-day resolution period. In such case, the hearing or pre-hearing conference will commence within the first fourteen (14) days after the IHO is notified in writing that either party withdrew from mediation.
5. The hearing, or a prehearing conference, shall commence within the timeframe specified in c) above, unless an extension is granted pursuant to Commissioner's Regulations.
  6. Each party must disclose to all parties all evaluations completed by that date and recommendations based on the offering party's evaluation that they intend to use at the hearing not less than five (5) days prior to the hearing. The IHO may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
  7. The hearing will be conducted at a time and location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
  8. The role and responsibilities of the IHO will be as enumerated in Commissioner's Regulations.
  89. The student shall remain in their current placement during the pendency of the impartial due process hearing unless both parties agree or except as otherwise provided for expedited impartial due process hearings for certain disciplinary suspensions or removals of a student. For a preschool child not currently receiving special education services and programs, they may, during any impartial due process hearings or appeals, receive special education services and programs if the parent/person in parental relation and the District agree. However, during the pendency of an appeal for a preschool child who is transitioning from an Early Intervention (EI) program and is no longer eligible for the EI program due to age, the District is not required to provide the services the child had been receiving under EI. If found eligible for special education as a preschool student with a disability, and if the parent consents to the initial provision of services, the District will provide those programs and services that are not in dispute.
  10. The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory time lines but not later than forty-five (45) days from the date required for commencement of the impartial due process hearing specified in c) above. For expedited hearings the deadline is within ten (10) school days after the hearing; for preschool hearings the timeframe is thirty (30) days after the receipt by the Board of a request for a hearing or after the initiation of such hearing by the Board.
  11. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

(Continued)

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (cont'd)****Burden of Proof**

In accordance with New York State law, the burden of proof and persuasion in an impartial due process hearing dispute relative to a student's special education placement rests upon the School District. However, a parent/person in parental relation seeking tuition reimbursement for a unilateral parental placement shall have the burden of persuasion as to the appropriateness of the placement.

**Recordkeeping and Reporting**

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 who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by the Department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

**Compensation of Impartial Hearing Officers**

The District shall compensate an impartial hearing officer for their services at the maximum rate established for such purpose by the Director of the Division of the Budget. The District will be responsible for compensating the IHO for prehearing, hearing and post-hearing activities:

1. The District will not pay the IHO the rate prescribed by the Division of the Budget for time traveled;
2. The District will reimburse the IHO for reasonable, actual and necessary expenses for travel, and if by automobile, at the prevailing IRS reimbursement rate;
3. The District will not reimburse the IHO for administrative assistance, secretarial or other overhead expenses;
4. The District will not pay any cancellation fee;
5. The District will not accept charges for lodging or meals, except in extraordinary circumstances and upon prior application, in writing, by the IHO, describing the extraordinary circumstance and receiving prior approval from the District.

At the completion of the impartial due process hearing, the IHO shall submit an itemized bill of hourly charges and expenses, which will be promptly paid by the District.

**Mediation**

The District will inform the parent in writing of the availability of mediation and any free or low-cost legal and other relevant services available in the area at the request of the parent or when an impartial due process hearing is requested.

Mediation is voluntary and does not deny or delay a parent's right to an impartial due process hearing. If mediation is initiated after a request for an impartial due process hearing has been received, the impartial due process hearing must continue unless the request for the impartial due process hearing is withdrawn. However, a party may request an extension to an impartial due process hearing in order to pursue mediation.

(Continued)

## Students

**SUBJECT: IMPARTIAL DUE PROCESS HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS (cont'd)****Guardians ad Litem at Impartial Due Process Hearings**

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when they determine that the interests of the parent(s) are opposed to or are inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

**Confidentiality**

All issues relating to a request for and conduct of an impartial due process hearing must be kept confidential by all District staff.

**Administrative Procedures**

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Section 1400 et seq.

34 Code of Federal Regulations (CFR) Part 300

Education Law Sections 4005, 4202, 4404(1) and 4410(7)

8 New York Code of Rules and Regulations (NYCRR) Sections 200.1, 200.2, 200.5, 200.16, 200.21 and 201.11

NOTE: Refer also to Policy #7690 -- Special Education Mediation

Adopted: 5/6/14

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(a)(1)(vi). 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 (1) 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.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(z) and 200.5(g)  
34 Code of Federal Regulations (CFR)  
Sections 300.12 and 300.503

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 7680P

Date: 11/7/14

## **INDEPENDENT EDUCATIONAL EVALUATIONS**

### **INTRODUCTION**

The Onteora Central School District has established the following procedure for obtaining independent educational evaluations (IEEs) for children with educational disabilities or children who are referred to the Committee on Special Education because they are suspected of having an educational disability and may, therefore, be in need of special education services.

Parents of disabled children have a right under Federal and State regulations to obtain an IEE at public expense when they disagree with an evaluation already conducted by the District. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations 34CFR 300.502 specify requirements for IEEs. These documents, in addition to A Parent's Guide to Special Education in New York State, detail IEE requirements. These documents are available from the Special Education Office for parent(s) who desire additional information.

The Onteora Central School District has established reasonable reimbursement rates for independent educational evaluators based on the prevailing rates in the surrounding geographic area for independent educational evaluators with required credentials to complete assessments. Absent exceptional circumstances the District will not pay more than the following rates:

#### **EVALUATION TYPE**

#### **REIMBURSED UP TO**

Psychological evaluation	\$2000.00
Educational evaluation	\$1000.00
Combined Psychological/Educational Evaluation	\$2500.00
Speech and Language Evaluation	\$750.00
Occupational Therapy/Physical Therapy Evaluation	\$750.00
Audiological Evaluation	\$1000.00
Neurological Evaluation	\$2000.00
Psychiatric Evaluation	\$1500.00
Neuropsychological Evaluation	\$3000.00

### **PROCEDURES TO REQUEST AN INDEPENDENT EDUCATIONAL EVALUATION**

The first step to obtaining an IEE is for the parent(s) to communicate in writing their request for an IEE. If the area of question or concern is one that has not thoroughly been investigated by the evaluation already completed, the District may conduct additional testing before agreeing to an IEE. However, the District shall not unreasonably delay additional testing so as to postpone a decision on a parents(s)' request for an IEE. Should disagreement with evaluation results persist the parent(s) may be granted an IEE unless the District disagrees with the parents' request. In the event the District does disagree with the parents(s)' request, the District has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the District's evaluation was appropriate, a parent or guardian shall still have the right to an IEE but the parent(s) shall not be entitled to reimbursement for the IEE at public expense. Upon receipt of a request for an IEE, the PPS Director will forward an acknowledgement letter/email of the request to the parent(s) within ten (10) calendar days.

When an IEE has been approved, the parent(s) may select any professional to complete the evaluation provided that they have the appropriate license or certification credentials and that these are on file with the District. If the parent chooses an evaluator not already approved by the Board of Education, the parent must provide all necessary documentation regarding their evaluator's license or certification credentials to the PPS Director. If the documentation indicates the parent's proposed evaluator possesses the necessary license or certification credentials, the PPS Director will forward the request to the Board of Education to review unless the District disagrees with the

# ONTEORA CENTRAL SCHOOL DISTRICT

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parents request and commences an Impartial Hearing to defend its position. The PPS Director will also provide a list of qualified professionals for IEEs to the parent(s) if available. All approved independent evaluators, must possess a current license or certification from the New York State Education Department. Non-licensed or non-certified evaluators, or those whose credentials do not cover evaluation areas under consideration, cannot be reimbursed for an IEE.

Once approval for an IEE has been obtained and an appropriate evaluator has been selected, the parent(s) may contact the evaluator to begin the assessment process. Parents may provide the PPS Director's contact information to the evaluator in order to arrange for observations in the classroom, staff interviews or other interaction with school staff as part of the evaluation procedure.

Should the costs of an evaluation provided exceed the allotments above, the responsibility for payment beyond the amounts listed belong solely the parent(s). A copy of the evaluation report must be received by the District prior to making payment to the evaluator. The bill for reimbursement should indicate a breakdown of costs (e.g., record review, client interview, test administration, scoring and interpretation and report writing). No payment can be issued without these items.

## **LISTING OF QUALIFIED PROFESSIONALS**

The Onteora Central School District will permit the parent(s) to select any independent educational evaluator as long as the qualified professional selected by the parent is a certified and/or licensed evaluator in the area of inquiry. The district has a list of qualified professionals who are in private practice or are employees of other public agencies with which parents may secure an IEE. Evaluators on the qualified professional list already have their credentials on file with the District.

## **FURTHER INFORMATION**

The Onteora Central School District has developed these procedures in order to avoid any misunderstandings and ensure that the district is providing IEEs in accordance with State and Federal regulations. Parents can obtain further information about IEEs by contacting the Director of Pupil Personnel Services. Additional information may also be obtained directly from the New York State Education Department regarding IEEs.

## 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



Adopted: 6/29/09

**SUBJECT: REIMBURSEMENT OF PARENTAL EXPENSES INCURRED DURING  
IN-STATE/OUT-OF-STATE VISITS IN RESIDENTIAL PLACEMENT  
PROGRAMS AS REQUIRED BY THE IEP**

The Onteora Central School District promulgates the following policy with regard to reimbursement of expenses incurred by a Custodial parent (siblings traveling with parents will not be reimbursed) during trips to their child's in-state or out-of-state residential placement program as may be required or approved under the student's IEP and/or pursuant to Section 200.12 of the Commissioner's Regulations:

- a) All trip requests must be submitted in writing one (1) week in advance to the Director of Pupil Personnel Services along with a written itinerary to include number of miles to be covered, number of meals to be consumed, and number of nights to be spent in a hotel.
- b) The District will, upon review and approval of properly submitted receipts, reimburse a parent who needs to travel with their child to the school for automobile travel at the IRS approved rate and for tolls reasonably and necessarily incurred. Total miles submitted will be subject to verification through MapQuest or a similar Internet map source. The District will, when appropriate, review requests for alternate transportation.
- c) The District shall pay reasonable and necessary costs of rooms and meals. The total rate for a hotel room will not exceed the contract rate as per the Onteora Teacher's Association contract. Every reasonable effort must be made to obtain a hotel room in the immediate vicinity of the child's school.
- d) Two (2) meals per person per day will be allowed, not to exceed the contract rate as per the Onteora Teacher's Association contract, which cannot include alcoholic beverages; an itemized receipt must be included for all meals. A credit card receipt not itemized will not be acceptable/reimbursed.
- e) No reimbursement will be issued for activities which are not listed in the itinerary pre-approved by the District.

The maximum number of trips will normally be no more than three (3) per year for a ten-month student or four (4) per year for a twelve-month student.

## 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.

The administrative staff shall make periodic recommendations for action by the Board. The Board of Education from time to time may invite teachers or others to discuss the curriculum.

Education Law Sections 1709 and 3204

## Instruction

**SUBJECT: REQUEST FOR PART 100 VARIANCE OR PART 200 INNOVATIVE  
PROGRAM WAIVER FROM COMMISSIONER'S REGULATIONS**

Consistent with the purposes of *A New Compact for Learning*, the Board of Education encourages collaboration by teachers, administrators, parents and students of the District in developing innovative educational programs and practices that will lead to greater achievement for all students.

Requests for a variance or waiver from the requirements in Part 100 and Sections 200.1/200.6, respectively, of the Commissioner's Regulations must be approved by the local Board of Education and signed by the Superintendent of Schools. An application may also be submitted by several districts, or a combination of districts, BOCES and/or private schools, applying as a consortium. Consortium applications must be approved by each participating local Board of Education and Superintendent of Schools.

Subsequent to Board of Education approval, all applications must be forwarded to the District Superintendent of Schools of which the local district is a part for review, consultation, and recommendation prior to submission to the State Education Department. The District Superintendent may provide technical assistance to the applicant and make recommendations to the State Education Department. Interested applicants may also request technical assistance through their Regional Education Coordinator.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(n) and 200.6(k)

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES**

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of actual or perceived race, color, weight, creed, religion, religious practice, national origin, ethnic group, political affiliation, sex, sexual orientation, gender (including gender identity or expression, age, marital status or disability).

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, age, marital status, military status, disability, or use of a recognized guide dog, hearing dog or service dog.

**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.

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.

Adopted: 7/3/12

## 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 their 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.

**Eye Safety/Student Use of Hand-Held Laser Pointers**

Eye safety devices are to be provided by the School District for the protection of employees, students and visitors, and worn in the technology education classes and labs when activities present a potential eye hazard. The Superintendent or their designee will ensure that these devices are properly repaired, cleaned and stored to prevent the spread of germs or diseases after individuals use them.

Each classroom teacher is responsible for the safe and proper use of all instructional materials and equipment by students in their classroom. Laser pointers are to be used by students only when such use is approved and supervised by the classroom instructor.

Students will be advised not to stare directly into the beam from a laser pointer or direct the beam at the eyes of another individual. Students are not to aim the pointer into the audience. Students are to be made aware of the hazards associated with the particular type of laser pointer used.

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

## Instruction

**SUBJECT: PREVENTION INSTRUCTION****AIDS Instruction in Health Education**

The Board of Education shall provide a health education program that will include appropriate instruction for all students concerning Acquired Immune Deficiency Syndrome (AIDS). Accurate information concerning the nature of the disease, methods of transmission, and means of prevention shall be provided in an age-appropriate manner and shall be consistent with community values and will stress that abstinence is the most appropriate and effective premarital protection against AIDS.

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 school Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

**Substance Abuse-Prevention Instruction**

The Board of Education recognizes the need to educate students on the hazards of alcohol, tobacco and/or drug abuse. A prevention program will be developed to inform students of:

- a) Causes for substance abuse;
- b) Physical and psychological damage associated with substance abuse;
- c) Avoidance of alcohol, tobacco and drugs;
- d) Dangers of driving while under the influence of alcohol or drugs.

**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 Instruction**

The Board of Education directs the administration to provide instruction in fire and arson prevention for all students in each school for a period of not less than forty-five (45) minutes each month that school is in session.

**Student Safety**

Instruction in courses in technology education, science, home and career skills, art and physical education, health, and safety shall include and emphasize safety and accident prevention.

Safety instruction shall precede the use of materials and equipment by students in applicable units of work in the courses listed above, and instructors shall teach and enforce all safety procedures relating to the particular courses. These shall include the wearing of protective eye devices in appropriate activities.

**Emergency Planning**

The School District shall maintain updated plans and operating procedures to be followed in the event of natural or manmade disasters or enemy attack. Students shall be provided instruction to respond effectively in emergency situations.

**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.

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,

(Continued)



## Instruction

**SUBJECT: PREVENTION INSTRUCTION (Cont'd.)**

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.

AIDS Instruction: 8 New York Code of Rules and Regulations (NYCRR) Section 135.3(b)(2) and (c)(2)  
Substance Abuse: Education Law Section 804  
8 New York Code of Rules and Regulations (NYCRR) Section 135.3(a)  
Student Safety: Education Law Section 808  
8 New York Code of Rules and Regulations (NYCRR) Sections 107 and 155  
Fire and Arson: Education Law Section 808  
Civil Preparedness: New York State  
Office of Disaster Preparedness  
Prevention of Child Abduction:  
Education Law Section 803-a

## 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 recognized 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 recognized 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 based on sex and/or disability 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.

Adopted: 6/29/09

## 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 6)**

A coordinated guidance program in grades K through 6 shall be developed and implemented to:

- a) Prepare students to participate effectively in their current and future educational programs;
- b) Help those students exhibiting any attendance, academic, behavioral or adjustment problems;
- c) Educate students concerning avoidance of child sexual abuse; and
- d) Encourage parental involvement.

**Guidance Program (7 through 12)**

A coordinated guidance program in grades 7 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.

## Instruction

**SUBJECT: INSTRUCTIONAL PROGRAMS: DRIVER EDUCATION, GIFTED AND  
TALENTED EDUCATION AND PHYSICAL EDUCATION****Driver Education**

A driver education course may be offered under the conditions set forth by the New York State Education Department.

Education Law Section 806-a

**Gifted and Talented Students**

The Board of Education will provide appropriate educational programs for students identified as being gifted and talented.

Education Law Article 90 and Section 3204(2)(b)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 142

**Physical Education Class**

All students, except those with medical excuses, shall participate in physical education in accordance with the Commissioner's Regulations. Any student whose condition precludes participation in a regular program shall be provided with adaptive physical education approved by the Commissioner of Education.

Education Law Sections 803 and 3204  
8 New York Code of Rules and Regulations  
(NYCRR) Section 135.4

## 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, the Holocaust, and the mass starvation in Ireland from 1845 to 1850 (the "Irish Potato Famine").

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 received Federal Funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 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)

Adopted: 6/29/09

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION**

**Civility, Citizenship and Character Education**

The Board of Education recognizes that teaching students respect, civility and understanding toward others, as well as the practice and reinforcement of appropriate behavior and values of our society, is an important function of the School System.

The School District wishes to foster an environment where students exhibit behavior that promotes positive educational practices, allows students to grow socially and academically, and encourages healthy dialogue in respectful ways. By presenting teachers and staff as positive role models, the District stresses positive communication and discourages disrespectful treatment. This policy is not intended to deprive and/or restrict any student of their right to freedom of expression but, rather, seeks to maintain, to the extent possible and reasonable, a safe, harassment free and educationally conducive environment for our students and staff.

Furthermore, the District shall ensure that the course of instruction in grades K through 12 includes a component on civility, citizenship and character education in accordance with Education Law. Character education is the deliberate effort to help students understand, care about, and act upon core ethical values.

Character education shall instruct students on the principles of:

- a) Honesty,
- b) Tolerance,
- c) Personal responsibility,
- d) Respect for others,
- e) Observance of laws and rules,
- f) Courtesy,
- g) Dignity, and other traits which will enhance the quality of students' experiences in, and contributions to, the community.

As determined by the Board of Regents, and as further enumerated in Commissioner's Regulations, the components of character education shall be incorporated in existing School District curricula as applicable.

(Continued)

## Instruction

**SUBJECT: CIVILITY, CITIZENSHIP AND CHARACTER EDUCATION/  
INTERPERSONAL VIOLENCE PREVENTION EDUCATION (Cont'd.)**

The District encourages the involvement of staff, students, parents and community members in the implementation and reinforcement of character education in the schools.

Education Law Sections 801 and 801-a

**Interpersonal Violence Prevention Education**

The Commissioner of Education, pursuant to law, shall make available to the District an interpersonal violence prevention education package for students in grades K through 12; and the use of such material will be incorporated as part of the health or other related curricula or programs.

As modified by the Board of Regents, the health curriculum requirements shall provide greater focus on the development of skills, by no later than middle school, that are needed to recognize, cope with and address potentially violent incidents, including an understanding of the student's roles in emergency situations, what to do when confronted with another student who is experiencing a mental health problem, and other related skills designed to reduce the threat of violence in the schools.

Education Law Section 804(4)

## Instruction

**SUBJECT: EVALUATION OF THE INSTRUCTIONAL PROGRAM**

Evaluation may be concerned with the extent to which:

- a) Each student achieves in accordance with their 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 that it considers 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 INVOLVEMENT POLICY**

The Board of Education recognizes the rights of parents/persons in parental relation to be fully informed of all information relevant to their children, including children who participate in programs and projects funded by Title I. Therefore, the Board of Education encourages the participation of parents of students eligible for Title I services in all aspects of their child's education, including the development and implementation of District programs, as well as activities and procedures that are designed to carry out No Child Left Behind (NCLB) parent involvement goals.

**District-Wide Parent Involvement Policy**

In order to facilitate parental participation, in accordance with NCLB requirements, as outlined in the Elementary and Secondary Education Act Section 6318(B), the District will:

- a) Involve parents in the joint development of the Title I Plan. If the plan is not satisfactory to the parents of children participating in Title I programs, the District will submit any parent comments to the State Education Department along with the District's plan;
- b) Provide the coordination, technical assistance, and support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
- c) Build the schools' and parents' capacity for strong parental involvement through implementing and encouraging participation in appropriate parental involvement activities; with activities to include but not limited to:., Parent/School Compact, PTA Meetings, RTI Meetings Parent/Teacher Conferences, Evening activities (plays, dances, concerts);
- d) Coordinate and integrate parental involvement strategies under Title I with those of other programs including, but not limited to, Parent Peer Trainer, Parent Resource Centers and other programs; such as Parent notifications of AIS services, Parent/Teacher Conferences, Parent night, Title I - , Parents as Reading Partners (PARP), Newsletter;
- e) Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the Title I schools. The evaluation shall include identifying barriers to greater participation by parents in activities under the policy and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise, if necessary, the parental involvement policies at the District and school levels; these meetings are included in CDEP, Title I review meeting;
- f) Involve parents in the activities of the Title I schools;

(Continued)

**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**

- g) Involve parents of children in Title I programs in decisions regarding how funds reserved for parental involvement activities are spent.

**School-Level Parent Involvement Policy**

In accordance with Section 6318( c), the Board of Education directs each school receiving Title I funds to ensure that a building level parental involvement plan is developed with the participation of that school's parents. In addition to the goals stated above, each school building level plan will describe the details to:

- a) Convene an annual meeting, at a convenient time, to inform parents of their school's participation in Title I programs and to explain Title I requirements and the right of the parents to be involved. All parents of children participating in Title I programs will be invited and encouraged to attend the meeting;
- b) Offer a flexible number of meetings, such as meetings in the morning or evening; and may provide (with funds provided under this provision of law) transportation, child care, or home visits, as such services relate to parental involvement; meeting transcripts will be provided in a language the parents understand;
- c) Involve parents in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school parental involvement policy;
- d) Provide parents of participating children with timely information about programs, a description and explanation of the curriculum in use in Title I programs, the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children and respond to any such suggestions as soon as practicably possible; and
- e) Develop a school-parent compact jointly with parents that outlines how the parents, school staff and students will share the responsibility for improved student academic achievement and detail the means by which the school and parents will build and develop a partnership to help all children achieve the state's standards.

(Continued)

**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**

- f) The compact must include:
1. A description of the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served in Title I schools to meet the State's student academic achievement standards;
  2. A description of the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and
  3. Address the importance of communication between teachers and parents on an ongoing basis including, but not limited to:
    - (a) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
    - (b) Frequent reports to parents on their children's progress; and
    - (c) Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities which include American Education Week, Parent/Teacher Conferences, Quarterly progress reports.
    - (d) Observation of classroom activities which include American Education Week, Parent/Teacher Conferences, Quarterly progress reports.

To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community in order to improve student academic achievement, the District and each school shall:

- a) Provide assistance to parents of children served by the District or school, in understanding such topics as the State's Common Core State 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 their children at Open House with curriculum overview, PTA Meetings, Board of Education Meetings, Parent/Teacher Conferences, NYS State testing results.

(Continued)

**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**

- b) Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement. Parents have access to school library, Open House with curriculum overview, District Newsletter, BOCES classes, School's Website and individual class websites.
- c) Educate teachers, pupil services personnel, Principals, and other staff, with the assistance of parents, in the value and utility of contribution of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school; at PTA Meetings, Homework Program, Parenting Classes with School Social Worker, and through the Parent Peer Trainer and
- e) Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.

In addition to the above activities which are required for the District and each school, the District and each school:

- a) May involve parents in the development of training for teachers, Principals, and other educators to improve the effectiveness of such training;
- b) May provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;
- c) May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- d) May train parents to enhance the involvement of other parents;

(Continued)

**SUBJECT: TITLE I PARENT INVOLVEMENT POLICY (Cont'd.)**

- e) May 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 who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
- f) May adopt and implement model approaches to improving parental involvement;
- g) May establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;
- h) May develop appropriate roles for community-based organizations and businesses in parent involvement activities; and
- i) Shall provide such other reasonable support for parental involvement activities under this section as parents may request.

In carrying out the parental involvement requirements, the District and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under Section 6311 of the Elementary and Secondary Education Act in a format and, to the extent practicable, in a language such parents understand.

**Procedures for Filing Complaints/Appeals**

The District will disseminate free of charge to parents 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 issues of violation(s) of a Federal statute or regulation that applies to Title I, Part A programs.

**Comparability of Services**

The School District shall ensure equivalence among the schools in the District of the same grade span and levels of instruction with regard to teachers, administrators and auxiliary personnel as well as equivalence in the provision of curriculum materials and instructional supplies in Title I programs.

Title I of the Elementary and Secondary Education Act of 1965  
(ESEA), as amended by the No Child Left Behind Act of 2001  
20 United States Code (USC) Sections 6318 and 6321  
34 Code of Federal Regulations (CPR) Parts 74-86 and 97-99, and 200

Adopted: 8/19/14

## 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

(Continued)

## Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY POLICY (Cont'd.)**

- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

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.

**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.

(Continued)

## Instruction

**SUBJECT: CHILDREN'S INTERNET PROTECTION ACT: INTERNET CONTENT  
FILTERING/SAFETY POLICY (Cont'd.)**

Student use of the District's computer system (DCS) is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

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.

47 United States Code (USC) Sections 254(h) and (l)  
47 Code of Federal Regulations (CFR) Part 54  
Education Law Section 814

Adopted: 6/29/09



**SUBJECT PROGRAMS FOR ENGLISH LANGUAGE LEARNERS**

The Board of Education believes that students who, by reason of foreign birth or ancestry, have limited English proficiency (referred to here as “English Language Learners” or ELLs), will be more effective learners of both the language and the curriculum if they receive instruction in both their native language and English. The district will therefore take steps to identify ELL students and provide ELL students with an appropriate program of either Bilingual Education or English as a New Language.

Pursuant to this policy and the regulations of the Commissioner of Education, the Superintendent of Schools is directed to develop appropriate administrative regulations to ensure that students are:

1. screened to determine if the student is an ELL, in accordance with Parts 117 and 154 of the Commissioner's Regulations, a process that will include interviews and assessments and will assign each ELL student to the appropriate subpopulation (newcomer, developing, long term, former or inconsistent/interrupted formal education);
2. identified, as appropriate, as an ELL student with a disability and if so identified shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student and shall also be eligible for services available to an ELL/LEP student. Such a student will be counted as an ELL student as well as a student with a disability for purposes of calculating State aid.
3. annually evaluated to determine continued ELL eligibility. Included in the evaluation shall be each student's performance in English language proficiency and academic progress in content areas;
4. assured of access to appropriate instructional and support services, including guidance programs within the timeframes provided by Commissioner's Regulations; and
5. assured of having equal opportunities to participate in all school programs and extracurricular activities as non-ELL students.

The Superintendent shall be responsible for ensuring that the Commissioner of Education is provided with a comprehensive plan that describes the district's ELL program and includes all information specified in the

Commissioner's Regulations, before the start of each school year. The district will also provide assurances that the district is providing appropriate school-related information to the parents (or persons in parental relation) of ELL students in English and the language they best understand.

(Continued)

**SUBJECT PROGRAMS FOR ENGLISH LANGUAGE LEARNERS (cont'd)**

The district will provide an orientation program annually for parents of newly enrolled ELL students. In addition, the district will meet individually with ELL parents at least once a year to discuss the goals of the ELL program, and their child's language development (in both their native language and English), in addition to regular parent/teacher meetings.

In addition, the Superintendent shall ensure that all teachers employed in any Bilingual and/or English as a New Language program are properly certified in accordance with the Commissioner's Regulations, and that all staff receive appropriate professional development on ELL students.

Cross-ref: 4321, Programs for Students with Disabilities  
9700, Professional Development

Ref: Education Law §3204  
English Acquisition, Language Enhancement, and Academic Achievement Act, 20 USC §§6801 et seq  
Equal Educational Opportunities Act of 1974, §§201 et seq.,  
20 U.S.C. §§1701 et seq.  
8 NYCRR §§80-2.9; 80-2.10; 117; Part 154  
*Lau v. Nichols*, 414 U.S. 563 (1974)  
*Rios v. Read*, 480 F. Supp. 14 (1978)  
*Cintron v. Brentwood UFSD*, 455 F. Supp 57 (1978)  
*Aspira of New York v. Board of Educ. (City of New York)*, 394 F. Supp. 1161 (1975)

Adoption date: 2/18/16

2002

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Students

**SUBJECT: ADULT EDUCATION**

The Board believes that it has an educational responsibility to the entire community. It is the intention of the Board to facilitate the development of adult education programs. It may also participate in such programs sponsored by adjoining districts or other educational agencies.

Any programs organized by the District will be administered within the District. Funding for such programs may be supported by a combination of District funds, state and federal aid, and tuition fees.

Within budgetary constraints, school facilities may be made available for programs sponsored by other educational agencies or community organizations. The use of school facilities will be in concert with other policies regarding their use.

Adopted: 6/29/09

## Instruction

**SUBJECT: PURPOSES OF INSTRUCTIONAL MATERIALS**

The purpose of instructional materials shall be to implement, enrich, and support the educational program of the school.

Instructional materials should contribute to the development of positive social and intellectual values of the students.

The Board of Education shall provide the faculty and students in the District with such instructional materials as are educationally needed and financially feasible to make the instructional program meaningful to students of all levels of ability.

Education Law Section 701

## Instruction

**SUBJECT: SELECTION OF LIBRARY AND AUDIOVISUAL MATERIALS**

The Board of Education agrees that the responsibility of the school library 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 librarian and the audiovisual 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 librarians and audiovisual 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.

Rules of the Board of Regents Section 21.4

Adopted: 6/29/09

## 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.

**Curriculum Areas In Conflict With Religious Beliefs**

A student may be excused from the study of specific materials if these materials are in conflict with the religion of their parents or guardian. Alternatives may be provided that are of instructional value.

Education Law Section 3204(5)

## 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/CALCULATORS****Textbooks**

The term "textbook" shall refer to a book supplied to a student for a fixed period of time for their 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.

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.

**Calculators**

The District can require students to provide their own "supplies" (defined as something which is consumed in use, loses its appearance and shape in use, expendable, and inexpensive). Examples include pencils, pens, paper, etc. Calculators do not fall into this category and must be considered like classroom teaching materials for which the District is authorized to levy a tax. In addition, the District may purchase, and must still provide, calculators even if operating under a contingent budget if the calculators are required for participation in an educational program.

As the New York State Education Department requires the use of calculators for intermediate and high school level mathematics and science assessments. To the extent that calculators are a necessary part of the educational program, the District must provide them. Under no circumstances should students be charged for a calculator or otherwise required to purchase one in order to participate in an educational program of the District.

(see website: [http://www.emsc.nysed.gov/mgtserv/charging\\_for\\_calculators.shtml](http://www.emsc.nysed.gov/mgtserv/charging_for_calculators.shtml))



Adopted: 6/29/09

## Instruction

**SUBJECT: USE OF COPYRIGHTED MATERIALS**

It is the intent of the Board of Education to abide by the provisions of the United States Copyright Law (Title 17 United States Code 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.

Any employee who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Title 17 United States Code (USC)  
Section 101 et seq.

## Instruction

**SUBJECT: RELIGIOUS EXPRESSION IN THE PUBLIC SCHOOLS**

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 (3) 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 PUBLIC SCHOOLS (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.

**District Calendar**

The days on which members of a religious group may be absent to observe a religious holiday (legal absence) will be noted on the school planning calendar and the District calendar distributed to parents/guardians. Out of respect for a student's observance of these holidays, teachers will be sensitive to the needs of the student by allowing them to make up all class work, homework, and tests without penalty. Parents/guardians are encouraged to notify the school prior to the absence in order to assist the staff in instructional planning and in meeting the needs of the student.

**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  
New York State Constitution, Article XI, Section 4  
Equal Access Act, 20 United States Code (USC)  
Sections 4071- 4074  
Education Law Sections 1709(1) and (3), 3204(5) and 3210  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 16.2 and 109.2

Adopted: 6/29/09

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES)**

**Animals and Pets on School Property**

It is the policy of the Board of Education for health and safety reasons, to prohibit animals and pets of any kind in school buildings and on school district property (including playing fields, school buses) except:

- For purposes of the instructional program with the prior approver of the building administrator
- Animals under the control of public safety officers with the prior approval of the Superintendent of Schools or designee; and
- Animals trained to assist individuals with disabilities (e.g. service dogs) in compliance with federal and state law.
- With prior approval of the Building Principal and Superintendent, therapy dogs are permitted in school.

**Study and Care of Live Animals**

Observation and experimentation with living organisms and animals gives students unique perspectives of life processes. Animals and animal materials should be used respectively and for the purpose of meeting course objectives.

Any school which cares for or uses animals for study shall ensure that each animal in the school be afforded the following:

- a) Appropriate quarters;
- b) Sufficient space for the normal behavior and postural requirements of the species;
- c) Proper ventilation, lighting, and temperature control;
- d) Adequate food and clean drinking water; and
- e) Quarters, which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

Only the teacher or those students designated by the teacher are to handle the animals.

It shall be the responsibility of the Principal or their 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. If the Building Principal or designee determines that this policy has been violated, they are authorized to contact the Superintendent of Schools, the County Health Department, Animal Control and/or the Police Department to request assistance to enforce this policy.

**Dissection of Animals**

The Board of Education recognizes that animal dissection is an integral part of the study of living things and instruction in the life sciences. The Board also recognizes that some students have a moral or religious objection to dissection or otherwise harming or destroying animals. In accordance with Section 809 of the Education Law, any student who objects to dissecting animals may opt-out of dissection activities, provided that the student performs an alternative project through which they can learn and be assessed on material required by the course. An alternative project may include, but is not limited to: computer programs, internet simulations, plastic models, and movies, and is subject to approval by the student's teacher. The student's objection must be substantiated in writing by the student's parent/guardian.

(Continued)

**SUBJECT: ANIMALS IN THE SCHOOL (INSTRUCTIONAL PURPOSES) (Cont'd.)**

Effective July 1, 2011, the District will give reasonable notice to all students enrolled in a course that includes the dissection of an animal and students' parent(s)/legal guardian(s) about their rights to seek an alternate project to dissection. Such notice shall be made available upon request at the school and distributed to parents and students enrolled in a course that includes dissection at least once at the beginning of the school year.

No Student shall be discriminated against based upon their decision to exercise the right to opt-out of animal dissection.

**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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Instruction

**SUBJECT: SCHOOL CALENDAR AND SCHOOL DAY**

**School Calendar**

The Superintendent shall be responsible for the preparation of a school calendar to be presented to the Board for adoption.

**School Day**

The school day shall be set by the Superintendent with approval of the Board.

Education Law Sections 3204(4) and 3604(7)(8)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 175.5

Adopted: 6/29/09

## Instruction

**SUBJECT: OPENING EXERCISES**

The Board of Education believes that all children in the elementary and secondary school of the District should recite daily the Pledge of Allegiance to the flag of the United States of America. This patriotic exercise shall occur at the start of each school day over the public address system.

Students have the right to abstain and will do so in a quiet and respectful manner.

Education Law Section 802  
8 New York Code of Rules and Regulations  
(NYCRR) Section 108.5



## Instruction

**SUBJECT: INDEPENDENT STUDY**

Independent study, for credit, will be available to meet the individual needs of students in grades 9 through 12. The Principal, after consultation with relevant faculty, shall award credit to the student based on successful completion of the independent study and demonstrated mastery of the learning outcomes of the subject.

Students enrolled in the District, may earn a maximum of three (3) units of elective credit towards a Regents diploma through independent study. The student's participation in independent study shall be approved by a school-based panel consisting of, at a minimum, the Principal, a teacher in the subject area for which independent credit is sought, and a guidance director or administrator.

Credit for independent study may be awarded for elective courses only and shall not be awarded for courses required for the Regents diploma as specified in Commissioner's Regulations.

All independent study must have principal's approval as per State Regulations.

If funding is involved, it must be approved by the Board of Education.

8 New York Code of Rules and Regulations (NYCRR) Section 100.5(9)

Adopted:2/8/11

**SUBJECT: HOMEWORK**

The Board of Education recognizes that a reasonable amount of independent study and preparation is an important component of the educational process, and holds the potential to support classroom instruction and further the primary goal of the educational program- the academic growth and achievement of every student.

**MEANING**

Homework consists of learning activities and tasks assigned by the teacher to be performed by the student primarily outside of the class by a defined date, without the direct supervision of the teacher. Homework assignments are used for a variety of purposes, such as to:

- Foster a love of reading and writing;
- Provide reinforcement, practice, application and enrichment of what is taught in class;
- Foster explicitly taught independent study skills
- Check for understanding of previously taught skills and concepts
- Foster the development of individual curiosity, inquiry, and imagination

**TIME EXPECTATIONS**

Time expectations and guidelines for how homework assignments will be weighted in grading shall be determined at the school building and will take into account the age-group and individual student level:

- developmental considerations (social/cognitive);
- time demands from other aspects of students' lives (i.e. music, sports, clubs, etc.);
- assignments from other courses of study.
- 

Completion of thoughtful homework assignments may provide one indicator of student growth. The impact of homework on student grades is dependent on each course and its scope and content and should be communicated to both students and parents. Large amounts of repetitive homework should not be given.

Homework should not be used expressly as an indicator or measure of student behavior, or exclusively as a mechanism to teach responsibility and discipline.

**COMMUNICATION OF POLICY****PRINCIPALS**

These guidelines shall be communicated to parents/guardians and students in the student/parent handbook, and other appropriate forms of communication. The Building Principals will be responsible for ensuring that this policy is communicated with all faculty, that guidelines are developed at the school site, and that issues that present themselves are addressed in accordance with this policy.

Continued

**SUBJECT: HOMEWORK (cont')**

**CLASSROOM TEACHERS**

Teachers shall differentiate homework assignments to meet the individual needs of students when appropriate, and should be careful to assign homework that matches students' current skills and knowledge. Teachers should take into consideration students' access to educational and technological resources when developing and assigning homework, and assignments should be assessed by the teacher upon completion. Assignments should not be predicated on the assumption that parents/guardians will provide materials, resources, assistance, or direct instruction to their child.

Homework is an important vehicle for home-school communication. Schools should communicate to parents/guardians how to best provide a supportive environment for study and to assist their child to be successful, such as accessing school and community resources that can be helpful to the student when completing homework.

**STUDENTS**

Students are expected to give their best effort to complete the assigned homework fully and accurately within the grade-level timeframe outlined. If they cannot successfully complete the assignments students and/or parents are expected and encouraged to seek assistance from their teachers, and to inform teachers if they believe assignments or time demands from other teachers merit consideration.

Adopted 2/19/13

**SUBJECT: HOMEBOUND INSTRUCTION**

Homebound instruction is a service provided to students who are unable to attend school due to medical, emotional or disciplinary problems. Secondary students receive instruction for two hours per day and elementary students receive one hour per day. Students receive credit for successfully completed work assigned by the District while on homebound instruction.

The district makes provisions for homebound instruction upon referral from the Medical Director or the Director of Pupil Personnel Services following the guidelines established by the Superintendent of Schools for placing a student on homebound instruction.

Homebound instruction will strive to keep the student on pace to rejoin their class and maintain academic progress. The Board recognizes that students who are out of school for extended periods of time are at risk of falling behind academically and/or losing connection to the school community. The Board directs the administration to evaluate periodically whether homebound instruction is effective in keeping students on track to graduate, and if not, to take steps to improve instruction and implement approaches and/or offer services that support the transition back to school.

Resident children attending public or nonpublic schools who qualify for homebound instruction due to medical, emotional or disciplinary action shall be provided with such instruction in accordance with New York State Education Law and Commissioner's Regulations.

Procedures for students requiring home tutoring shall be developed under the direction of the Superintendent or their designee.

Ref: Education Law §§1709(24); 4401 et seq.  
8 NYCRR §175.211709(24), 3202, and 4401

Adopted: 1/5/16

## 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 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.

## Instruction

**SUBJECT: STUDENT OVERNIGHT TRIPS**

Students, under the direction of teachers/advisors and the administration, may be permitted to participate in overnight trips as part of a co-curricular or extracurricular activity.

Funding for overnight trips may be done in one (1) of the following three (3) ways:

- a) Financed by the School District
- b) Partially financed by the School District
- c) Totally financed by the student/organization

The trip must be approved by the Building Principal. Upon approval, the Principal will make a recommendation to the Superintendent of Schools. After the Superintendent's approval, they will make their recommendation to the Board of Education for final approval.

## Instruction

**HOME SCHOOLING**

From time to time, parents will choose to instruct their children at home. The School District will attempt to cooperate with parents who wish to provide home schooling for their children realizing that 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.

Home Schooled students are not awarded a high school diploma. A high school diploma may only be awarded to a student enrolled in a registered secondary school who has completed all program requirements set by the Board of Regents, the school or the District.

The Board of Education shall ensure that children instructed at home are taught by a competent instructor and receive an education substantially equivalent to that offered in the district's schools.

Parents/Guardians who wish to educate their children at home must submit to the district an individual home instruction plan (IHIP), outlining the educational goals to be met and the course materials and syllabi to be used each year for the child's learning process. The district may accept or deny an IHIP. Parents/Guardians must submit quarterly reports which will provide the district with the necessary information to make determinations of substantial equivalency and competency of instruction on an ongoing basis.

Parents/Guardians may appeal to the Board a determination by the Superintendent of Schools or designee that an IHIP is not in compliance with the Regulations of the Commissioner of Education. Parents/Guardians shall have the right to appeal the final determination of the Board to the Commissioner of Education within 30 days of receipt of such determination.

Special Education

A student with an IHIP, who is a resident of the school district and has a disability, or is suspected of having a disability, is eligible to receive services from the school district, in accordance with law, regulation and district policy (4321 et. seq.). A parent/guardian must request special education services in writing to the Board by June 1<sup>st</sup>, unless the child is first identified or moves into the district after June 1<sup>st</sup>. In that case, the parent/guardian must request the services within 30 days of being identified or of moving into the district.

Special education services will be provided on an equitable basis compared to programs and services provided to other students with disabilities attending public or nonpublic schools within the district. The Board will determine the location where services will be available to home schooled students.

Participation in Extracurricular Activities

Students instructed at home by their parents are not entitled to participate in interscholastic or intramural sports. However, the Board shall permit such students to participate in other school-sponsored extracurricular activities as long as they can provide either documentation of immunization to, or a medical exemption for immunization from, the same communicable diseases required for entry into the public schools. Specifically, the Board will permit home-schooled students to:

- participate in non-credit-bearing organized school activities such as clubs that are not open to the general public;
- participate in band and/or receive music lessons only if these activities are considered to be extra-curricular (not credit-bearing or graded or required for class); and
- use school facilities such as the library, career information center and gymnasium if there is mutual agreement on the part of all involved parties.

#### Instructional Materials

The Board authorizes the Superintendent to loan instructional materials, if available, to students receiving home instruction. The Superintendent or his/her designee shall determine the availability of resources and develop appropriate procedures.

Cross-ref: 7620, Programs for Students with Disabilities, *et seq.*  
 7510, Student Health Services

Ref: Education Law §§ 3204(2); 3210(2)(d); 3602-c (2-c)  
Public Health Law § 2164 (as amended by Chapter 35 of the Laws of 2019)  
 8 NYCRR §§ 100.10; 135.1; 135.4  
*Appeal of Ponte*, 41 EDR 174 (2001)  
*Matter of Abookire*, 33 EDR 473 (1994)  
 State Education Department Memorandum, “New Requirements for the Provision of Special Education Services to Home-Instructed (“Home-Schooled”) Students, July 2008  
 State Education Department Memorandum, “Home Instruction Questions and Answers,”  
<http://www.p12.nysed.gov/sss/homeinstruction/homeschoolingqanda.html>, Sept. 2016

Adopted: 9/14/21



## Instruction

**SUBJECT: CLASS SIZE**

The Board of Education will strive to provide appropriate class sizes for each learning situation, but there will be times when enrollment changes, differences in the organization of various schools and the number and size of available classrooms will affect the number of students that must be assigned to a class.

Annually, concurrent with budget planning activities, the Superintendent's recommendations for upper and lower limits on class size will consist of the best professional knowledge as to desirable class size, together with the following consideration:

- a) The type of student load that will assist in helping each teacher to be most effective;
- b) The desires of the total District with respect to class size;
- c) The particular requirements of the subject being taught;
- d) Necessary preparation and correction time for the teacher;
- e) Presence of children with special needs in the class;
- f) The financial state of the School District and fiscal constraints imposed in budget development.

Regulation 8480

Adopted: 6/29/09

# ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 • Boiceville, NY 12412

Regulation Number: 8480R

Date: 8/14/14

## Subject: Class Size K-3 (Section) Size – Operational Range

	Low Range	Desirable Range	High Range
Grades K & 1	13 14 ←————→	15 16 17 18 ←————→	19 20 ←————→
Grade 2	14 15 ←————→	16 17 18 19 ←————→	20 21 ←————→
Grade 3	16 17 ←————→	18 19 20 ←————→	21 22 ←————→

Classes should be planned based on the Desirable Range.

**SUBJECT: ONLINE COURSE CREDIT**

The Board of Education recognizes that new technologies are changing the way instructional material can be delivered to students. These technologies may permit the district to more effectively reach all students and provide expanded and enriched curriculum opportunities. Therefore, the Board encourages teachers and administrators to utilize online instructional opportunities for students. The use of distance learning opportunities, where students attend class in the district with instruction provided remotely by a teacher at another location, may be utilized but is not covered by this policy.

In accordance with Commissioner's regulations, the Board authorizes the use of district-approved online courses which enable students to earn course credit, in accordance with this policy. Such online course instruction may be used to supplement a class offered by the district ("blended course") or it may be the sole mechanism for delivering the subject matter ("online course"). Online courses may be provided with district instructional staff, through a BOCES contract, or through a shared services contract with another school district, or other means.

The Superintendent is directed to develop the following:

1. a mechanism for reviewing and approving online educational programming that can be used to enable students to earn course credit as either part of a blended or online course in accordance with Commissioner's Regulations and policy 4200, Curriculum Management;
2. criteria and procedures for admitting students to online courses; and
3. methods for monitoring the efficacy of online courses.

In developing the procedures above, the Superintendent, with the assistance of appropriate staff, shall consider:

- the equitable access of students to blended and/or online courses;
- the adequacy of instructional support for students utilizing blended and/or online courses;
- the budgetary impact of use of blended and/or online courses; and
- the fit of online education resources to New York State learning standards.

Cross-ref:4200, Curriculum Management

Ref: 8 NYCRR §100.5(d)(10)

Adoption date: 11/27/12